

MOBILITY AND MIGRATION PARTNERSHIP AGREEMENT

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF INDIA

AND

THE GOVERNMENT OF THE KINGDOM OF DENMARK

The Government of the Kingdom of Denmark

and

The Government of the Republic of India

both hereinafter referred to as the "Parties",

Recognising the long-standing and historical bonds of friendship between the two countries and wishing to expand cooperation in the field of labour and employment to give further impetus to the Green Strategic Partnership between the Parties,

Reaffirming the intentions to strengthen cooperation in the fields of migration and mobility established in the 2022 Declaration of Intent on Migration and Mobility, including the resolution to revisit the Memorandum of Understanding on Labour Mobility Partnership from 2009 between the Parties,

Acknowledging the benefits managed migration within the meaning of the 2030 Global Compact for Safe, Orderly and Regular Migration have for both Parties and for their mutual economic, social and cultural relations with a special focus on supporting the Joint Action Plan for the Green Strategic Partnership between the Parties, bearing in mind its aim at delivering on the 2030 Agenda for Sustainable Development and the Paris Agreement,

Acknowledging the growing number of Indian students and professionals in the Kingdom of Denmark, convinced that such human exchanges and migratory movements help to bring people together and that their management in partnership is a factor of economic, social and cultural development for both countries,

Resolved to facilitate temporary migration and committed to strengthening the transfer of skills to the home country of the migrants in the interest of fair globalisation and decent work,

Determined to jointly take appropriate steps to prevent and suppress irregular migration, smuggling of migrants and trafficking in human beings, in accordance with respective national legislation,

Reaffirming the obligation of both Parties to identify and readmit persons who do not, or no longer, fulfil the conditions for entry to, presence in, or residence on the territory of the other Party,

Bearing in mind the EU-India High Level Dialogue on Migration Issues and Visa Policy which led to the Joint Declaration on Common Agenda on Migration and Mobility between India and EU and the Member States, signed on 29 March 2016,

Respecting the rights and guarantees set forth in their respective national legislations and the relevant international treaties and conventions,

Have agreed as follows:

CHAPTER 1

Article 1 Scope of the Agreement

(1) This Agreement aims to establish and develop cooperation between the Parties in the following areas:

1.1 The fair mobility of skilled workers to take up employment in either country for economic and professional reasons, in particular to enhance the Green Strategic Partnership.

1.2 The facilitation of mobility of nationals include, but are not limited to students, academics and researchers, to support cooperation on skill building and knowledge exchange, of either party by sharing information on relevant procedures.

1.3 The prevention of and the fight against irregular migration and the exploitation and trafficking in human beings in accordance with their applicable laws and respective obligations.

(2) This Agreement establishes a partnership on mobility and migration between the Parties within the limits of their respective competences and in accordance with applicable national law, procedures and resources and in full respect of international rules and standards.

(3) All actions undertaken by the Parties pursuant to this Agreement shall be consistent with the Parties' obligations under relevant international law including any obligation on the Parties under the WTO.

(4) The provisions of this Agreement shall not substitute deeper engagement of the Parties in respect of the temporary movement of natural persons for the purpose of providing services as a result of the free trade agreement between the Parties. The Parties shall make every effort, consistent with the principles of the World Trade Organization and international law, to achieve deeper and more meaningful outcomes in the context of trade in services.

CHAPTER II CIRCULATION OF PERSONS

Article 2 Short-stay, multiple-entry visas

(1) In order to facilitate the mobility between the two countries for regular short stays of persons who make an active and lasting contribution to the exchange between the two countries, the Parties shall, in compliance with their respective obligations and within the framework of the applicable rules of the European Union and national law, regarding the other Party's nationals who hold valid regular passports, consider the issuance of short-stay, multiple-entry visa, valid for at least one year, as early as possible, to categories of persons such as business persons, researchers and other bona fide travellers for short term travel purposes that are permissible under national law.

(2) The Danish Party shall, within the framework of the rules defined by the Visa Code of the European Union and applicable national law, consider the facilitated issuance of multiple-entry visas which allow for stays not exceeding 90 days in any 180-day period to Indian citizens who fall within the categories of persons mentioned in paragraph 1 above. These multiple-entry visas are to be issued with a validity between one year and five years.

2.1 The Danish Party may, in accordance with applicable national law, issue a prior approval to companies, educational institutions, NGO's or other organisations, if the organisation is registered in Denmark, or registered in India and has a department or branch office or the like in Denmark, and it needs to do business with or host visitors from India on a regular basis as part of its normal operations, and if the organisation appoints an individual Danish authorities can contact in order to confirm details about the visit and request more information about the reasons for the visit.

(3) The Indian Party shall consider, in accordance with the applicable national law, the facilitated issuance of such multiple-entry visas, which allow for stays of up to six months on each visit. These multiple-entry visas are issued with a validity between one year and five years, depending on the documents presented, the length of activities planned in the Republic of India and the length of validity of the passport. Persons travelling on a visa referred to in paragraph 1 above with a validity of up to 180 days are not required to accomplish any registration formality upon their arrival in the Republic of India. If the stay will exceed 180 days, prior registration shall be required.

(4) The Danish Party may, in accordance with applicable national law and the rules and procedures defined in the Visa Code of the European Union, agree to ways to facilitate the visa process for frequent or regular travellers, in particular for business purposes, who prove their integrity and reliability.

CHAPTER III
MOBILITY OF STUDENTS, ACADEMICS AND RESEARCHERS, MIGRATION
FOR PROFESSIONAL and ECONOMIC REASONS

Article 3
Green Strategic Partnership

(1) It is a priority to the Parties to facilitate the mobility of skilled workers, entrepreneurs, students and researchers to support the Green Strategic Partnership. The Danish side states that this may include, but is not limited to, workers with higher education and skilled workers covered by the Positive Lists, including engineers, mechanics, plumbers and electricians, as well as students, entrepreneurs, and researchers involved with the development of green energy solutions.

(2) Both parties agree to enhance cooperation in agriculture, animal husbandry and dairy sector by promoting skilled mobility through internships and employment within the framework of applicable national law.

Article 4
Mobility of students; internship

(1) It is a priority for the Parties to facilitate the arrival of students and interns from the other Party who wish to continue their studies in Denmark or India and are enrolled in a recognised higher education institution.

(2) To this end, the Parties shall keep each other regularly informed, within the Joint Working Group referred to in Article 16, of the conditions for entry and residence concerning students and interns and establish bilateral exchange of information on the possibilities and any improvement of procedures for immigration of students and interns.

(3) The Danish Party may issue, in accordance with applicable national law, a residence permit to Indian students enrolled in recognised higher institutions/universities as a rule valid for the standard duration of their studies undertaken in Denmark and renewable according to the terms outlined in Annex E.

(4) The Indian Party may issue Danish students with a long stay visa bearing the word "Student Visa" of appropriate category valid for the duration of their studies or for a maximum period of 5 years, whichever is earlier.

(5) Indian students wishing to supplement their education with initial professional experience in Denmark after successfully completing a programme leading to a diploma at least equivalent to a Danish professional bachelor degree in a Danish higher education institution authorised at national level, may

in accordance with applicable national law be granted a residence permit for up to three years with the purpose of taking up employment in Denmark.

(6) Indian students who wish to carry out a student internship in an enterprise or public entity or duly recognised association in Denmark may, in accordance with applicable national law, receive from the competent Danish authorities a residence permit as an intern for up to 18 months. In the Green sector, residence permit can be granted for up to 24 months if the Indian student supplements the internship by attending a Danish agricultural school or technical school for 6-8 months. The terms of which are set out in Annex A to this Arrangement.

(7) Danish students who wish to carry out a student internship in an enterprise or public entity or duly recognised association in India may receive from the competent Indian authority a temporary long-stay visa dispensing them from a residence permit bearing the word "S-6 Visa" which may be granted to Danish students for pursuing internship in India for a period of one year or internship programme, whichever is earlier. The duration of this visa shall be as stipulated in the student's education programme.

Article 5

Cooperation in vocational education and training (VET) and health sector

(1) The Parties reiterate the areas of cooperation agreed under the Memorandum of Understanding on Cooperation in the field of skill Development, Vocational Education and Entrepreneurship signed between India and Denmark in May 2022 and are willing to cooperate in the field of vocational education and training and share the view that the Danish-Indian cooperation will foster the Indian Party's efforts to establish an innovative system of skills development and vocational education and training.

(2) Both Parties agree to expeditiously explore potential for recruitment of Indian qualified professionals for employment in the **healthcare and medical services sector** with the aim of assessing whether bilateral cooperation can be expanded in the sector. The work will be anchored in the Joint Working Group on Health and Medicine, under the purview of the Memorandum of Understanding between Ministry of Health and Family Welfare of India and Ministry of the Interior and Health of Denmark on cooperation in the field of health and medicine.

The Joint Working Group established under this Agreement may explore additional specialised sectors for which similar bilateral cooperation can be expanded.

Article 6

Encouraging the mobility of skills and talents

(1) Both Parties undertake to encourage the mobility of skilled workers between the two countries and towards this create optimal conditions for establishing contacts and the exchange of knowledge between employers' and workers' organisations in different sectors of the economy.

(2) The opportunities available for Indian nationals regarding residence and work in Denmark are outlined in Annex B. The Danish Party states that there are many opportunities for both professional and skilled Indian workers to access the Danish labour market under the applicable conditions of its rules on entry, stay and work. These could in accordance with applicable national law include yoga and traditional medicine professionals and chefs as well as other professionals covered by non-sector-specific schemes with no requirement of a labour market test.

(3) In the agricultural sector, Indian nationals may within the framework of applicable national law be granted a residence and work permit in Denmark. The details of this provision are outlined in Annex B.

(4) To this end, the Parties shall keep each other regularly informed, within the Joint Working Group referred to in Article 16 of the conditions for entry, residence and work in their country and of the situation on their respective labour markets and of the possibilities it offers and establish a bilateral exchange on the possibilities and any improvement of procedures for immigration of skilled workers.

(5) The Danish Party may within the framework of applicable national law, upon application under the Fast Track scheme, allow Indian nationals employed by Danish certified companies to start their employment quickly. The details of this provision are outlined in Annex B.

(6) The persons to whom the provisions of this Article apply shall benefit from equal treatment as accorded to host-State nationals in all matters relating to the enforcement of laws, regulations and customs governing working relations and conditions, social protection, health, hygiene and workplace safety. Their salary and terms of employment must correspond to host State standards. As regards the Danish law on social pensions, equal treatment shall be ensured in

accordance with the agreement between the parties of 17 February 2010 on social security.

Article 7

India – Denmark Mobility for professionals, including young professionals (ID – MAPs)

(1) Both Parties agree to facilitate between each other skilled mobility and exchange of Danish or Indian young professionals aged 18 to 35 already in employment or entering working life, who wish to improve their career prospects through the experience of salaried work. The details of this provision are outlined in Annex C.

(2) The Joint Working Group established under Article 16 shall examine and give advice on the facilitation of the mobility of young professionals within the framework of applicable national law. If within one calendar year the number of young professionals coming to Denmark lies significantly below 650, the Joint Working Group shall analyse the situation and endeavour to find possibilities to enhance the exchange of young professionals.

Article 8

India-Denmark Information Exchange

(1) The Danish Party shall endeavour to provide user oriented and coherent information on immigration rules for Indian nationals who wish to enter and reside in Denmark, as well as their family members, employers and educational institutions, on the internet portal "new to Denmark" managed by the Danish Immigration Service and the Danish Agency for International Recruitment and Integration.

(2) The Danish Party shall also endeavour to provide online information and guidance to Indian nationals who wish to seek a job in Denmark, as well as information on job vacancies, on the internet portal "Work in Denmark" managed by the Danish Agency for Labour Market and Recruitment.

(3) The Joint Working Group established under Article 16 shall be mandated to examine and give advice on the functionality of the internet portals as well as the information provided on them, in order to ensure that best possible guidance is available for Indian nationals wishing to seek and take up employment in Denmark.

Article 9

Working Holiday Programme

(1) To enhance cooperation in favour of cultural exchange and enable young people to learn about the other Party's culture and ways of living, the Parties agree to explore the possibility of establishing a Working Holiday agreement between the Parties, which allows for a stay in the country of the other Party with the primary purpose of holiday and secondarily to work for the purpose of supplementing travel funds. The details of the Working Holiday agreement will be the subject of a separate Memorandum of Understanding between the Parties.

Article 10

Employees seconded between enterprises of the same group

(1) The Danish Party undertakes to encourage the international mobility of Indian employees on secondment between enterprises of the same group by facilitating the issuance of residence and work permits in accordance with applicable national law.

(2) To that end, the other Party's national, seconded by an employer of the other Party, where such secondment takes place within the same company or among companies of the same group may, in accordance with applicable national law, receive a renewable visa/residence permit with a validity of up to 4 or 5 years depending on the scheme.

(3) Reciprocally, the Indian Party undertakes to facilitate the issuance to Danish employees seconded to India between enterprises of the same group of an "employment visa" giving rise to the granting of a residence permit valid for two years, renewed in India for a maximum period of 10 years from the date of issue of the initial employment visa, on a year to year basis, on production of the necessary documents in support of continued employment and income tax compliance by the individual concerned.

(4) Indian and Danish nationals, holders of an academic degree and employed by companies of the same group established in the two countries under an employment contract dating back to at least three months earlier who, for the purpose of career development or training in business techniques or methodologies, wish to come to the other country to be trained in the partner company, may receive a visa/residence permit, for up to 12 months with the possibility of extension under conditions set by the relevant national legislation.

Article 11
Start-up schemes

(1) The Danish Party undertakes under its Start-up Denmark scheme to encourage the visit of Indian nationals wishing to place their skills at the service of the bilateral relationship and to contribute via their innovative business ideas to the economic development and influence of Denmark and India. To that end, it may issue a residence permit for a maximum of two years with the possibility of extension for up to three years to Indian entrepreneurs in accordance with applicable national law. Provisions detailing implementation of this paragraph are set forth in Annex D to this Agreement.

(2) Reciprocally, the Indian Party undertakes in accordance with applicable national law to encourage the issuance of an "employment visa" giving rise to the granting of a residence permit valid for three years and renewable to Danish nationals with projects of an economic, scientific, technological, cultural or humanitarian nature likely to make a significant contribution to the development of relations between the two countries.

Article 12
Researchers and academics

(1) Both Parties undertake to encourage the mobility of researchers and doctoral students.

(2) For Danish and Indian nationals wishing to carry out research or university level teaching in a public or private research or higher education institution in the other country, the Parties shall facilitate the issuance of a residence permit valid for the duration of their research or teaching activities in accordance with applicable Danish or Indian laws. The Danish rules regarding residence and work for researchers, guest researchers and PhD students are outlined in details in Annex F.

(2.1) Indian Researchers who have been offered employment at a research institute or company in Denmark may be issued residence and work permit for up to four years with a possibility of extension.

(2.2) A residence permit may be granted to Indian nationals participating in a PhD programme in Denmark.

(2.3) Indian PhD students who will complete a PhD programme in Denmark may be issued a residence permit for up to 3 years allowing the student to seek employment in Denmark after completing the PhD programme.

(2.4) Indian Researchers, Guest researcher and PhD students may take up sideline employment in Denmark.

**Article 13
Family members**

(1) Spouses, cohabiting partners and registered civil partners and their minor children may, subject to the prerequisites defined by the applicable national law, be granted a residence permit, which shall depend on (e.g. in terms of duration) the residence permit of the main applicant referred to in Articles 3, 4 (3)-(5), 6, 7 and 10-12, allowing access to the labour market in accordance with applicable national law.

Chapter-IV

**COOPERATION RELATING TO THE PREVENTION AND COMBATING OF
IRREGULAR MIGRATION OF AND TRAFFICKING IN HUMAN BEINGS**

**Article 14
Return of Persons in an Irregular Situation**

(1) Both Parties agree to the mutual obligation to identify and readmit their nationals who do not fulfil the conditions for entry to, presence in, or residence on the territory of the other Party.

(2) Both Parties will promote voluntary return for nationals of the other Party subject to a return decision.

(3) Where the nationality of a person to be returned needs to be verified, the requested Party shall communicate that the nationality of the person is conclusively established to its satisfaction, if the readmission request meets the requirements normally expected by the two Parties to verify the nationality of a person in a return position.

(4) With regard to a person in an irregular situation whose nationality is validly assumed to be that of the other Party, on the basis of the documents, the requesting country shall request a nationality verification, in view of possible issuance of a consular Laissez-Passer/Emergency Certificate. To this end, at the request of either party, the person shall be interviewed without delay by officials of the diplomatic mission of the requested Party in order to initiate nationality verification process in this Article's subsection (3).

(5) Persons in an irregular situation whose nationality is conclusively established after following due procedures in this Article's subsection (3) and (4), by the requested Party to be that of the said country will be immediately returned on behalf of the requesting Party in accordance with procedures set out by its

national regulation/legislation and a consular laissez-passer shall be issued immediately.

(6) Both Parties agree that the requesting Party shall cover the costs associated with the return.

Article 15

Technical and operational cooperation to combat irregular migration

(1) Both Parties undertake to develop technical and operational co-operation within the framework of respective laws with the aim of combating irregular migration.

(2) The Parties undertake to ensure coordination between relevant personnel responsible for dismantling irregular migration and migrants' exploitation networks.

(3) The fight against organised irregular migration is based on the acquisition, centralisation and analysis of intelligence in order to identify criminal organisations, on the physical and technical surveillance of networks and on the gathering of evidence. Exchanges of relevant personnel and attachment courses in specialist units will be planned as per the respective regulatory framework in order to enable exchanges of professional experience in this area.

(4) The Parties undertake to cooperate by way of exchange of expertise in order to increase the level of security of their nationals' identity and travel documents and to design new documents as per agreed international norms.

(5) Both Parties shall exchange information relating to falsifications and forgeries of travel documents and help to identify suspect documents.

(6) The Danish Party is willing to share its expertise to train specialists in the fight against document fraud and to provide its expertise in the field of detection equipment.

CHAPTER-V FINAL PROVISIONS

Article 16 Joint Working Group

(1) Both Parties decide to assume and strengthen the cooperation of the Joint Working Group established by the Memorandum of Understanding on Labour Mobility between the Parties of 2009, comprising representatives of both Parties' administrations. The Joint Working group shall meet at least once a year in

either country alternately, or as necessary at the request of either Party and shall have the following mandate:

1.1 Evaluate the implementation of the provisions set forth in this Agreement and frame all appropriate proposals to improve it, as necessary.

1.2 Create guidance material on rights and duties concerning legal pathways/legal migration.

1.3 Recommend measures to prevent misuse of visit visas by unscrupulous employers and recruiting agencies.

1.4 Recommend measures to strengthen the cooperation on document and ID related issues between the Parties.

1.5 Recommend initiatives to address any issues that might arise in the context of this agreement.

1.6 Constitute expert sub-groups if required.

(2) Any difficulties relating to the interpretation and implementation or application of this Agreement shall be settled amicably within the Joint Working Group referred to in this Article or otherwise through diplomatic channels.

Article 17

Duration, Renewal, Termination and Amendment of the Agreement

(1) The Agreement shall remain valid for a period of 7 years from the date of coming into force.

(2) Thereafter, this Agreement shall be automatically renewed for similar successive periods at a time unless terminated by either party.

(3) This Agreement may be terminated in writing by either Party subject to three months prior notice served through diplomatic channels.

(4) Such termination of the Agreement shall not affect the Parties' rights and obligations resulting from the implementation of this Agreement, unless otherwise agreed by the Parties.

(5) This Agreement may be amended at any time by the mutual written consent of the Parties.

Article 18
Entry into Force

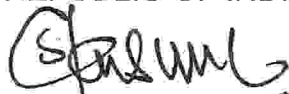
This Agreement shall not apply to the Faroe Islands and Greenland. The provisions of this Agreement may be extended to the Faroe Islands and Greenland with any amendments as may be agreed between the Contracting Parties in an Exchange of Notes.

This Agreement shall enter into force on the first day of the second month following the date of receipt of the last notification, through diplomatic channels, of the completion by each of the Parties of the required constitutional and legal procedures.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto, have signed this Agreement.

Done at New Dehli, on 22 Feb, 2024, in two originals each in the English, Hindi and Danish languages, all texts being equally authentic. In case of any divergence in interpretation, the English text shall prevail.

FOR THE GOVERNMENT OF THE
REPUBLIC OF INDIA



MINISTER FOR EXTERNAL
AFFAIRS

Name:

FOR THE GOVERNMENT OF THE
KINGDOM OF DENMARK



MINISTER FOR FOREIGN
AFFAIRS

Name:

Annex A

Practical Details Regarding Internship

Conditions

A residence permit may be granted for the purpose of an internship if the following conditions are met:

- 1) The intern must be between 18 and 35 years old. Interns within the green sector must, however, be between 18 and 30 years old. There is no upper age limit for medical interns.
- 2) The place of internship must, in an educational sense, be qualified to receive one or more interns.
- 3) The internship must supplement an education that the intern has started or completed in the home country or in another country where the person has resided legally. Residence permit to architectural interns and interns within the green area, however, can only be issued if they have not yet completed their education.
- 4) The internship must have a professional and temporal connection with the education that the intern has started or completed in the home country or in another country where the person has resided legally.
- 5) Salary and terms of employment must be customary according to the collective agreements applicable at any time for interns. If the internship is unpaid, the intern must demonstrate to be able to support himself/herself financially at the time of employment. In the green sector, the employment must be paid.
- 6) For internships within the health sector, an educational plan must have been drawn up for the person concerned. The responsible healthcare professional must additionally declare in writing to the Agency for International Recruitment and Integration that the employment is professionally justified in terms of health. The intern's work must also be carried out under the supervision and responsibility of the responsible healthcare professional.
- 7) For internships within the green sector (the agricultural, veterinary, forestry or horticultural field), certain rules apply if there is a general

significant shortage of places of apprenticeships within the sector. Residence permit for internships within such fields is conditioned on the employer having employed or tried to recruit a student or apprentice.

- 8) For internships within the green sector, interns must have passed a language test in Danish, Swedish, Norwegian, English or German at A2-level or higher according to the Common European Framework of Reference for Languages (CEFR).

Annex B
Schemes and Opportunities available for professionals and skilled workers

General Clause

It applies for the schemes listed below that the salary and employment conditions must correspond to Danish standards.

The Pay Limit Scheme

Indian nationals who are offered a job with a yearly salary of at least DKK 465.000 (2023 level) can be granted a residence and work permit under the Pay Limit Scheme. The amount limit is regulated every year on 1 January. It is not required that the Indian national has a specific educational background or that the job is within a specific professional field.

Indian nationals covered by this scheme are eligible for an initial residence permit for up to four years with a possibility of extension. However, a permit is not granted for a longer period than the period specified in the employment contract.

Permits for employment for a minimum of 30 hours/week are possible.

The supplementary Pay Limit Scheme

Indian nationals who are offered a job with a yearly salary of at least DKK 375.000 (2023 level) can be granted a residence and work permit under the supplementary Pay Limit Scheme that became effective on 1 April 2023 if certain conditions are met:

- 1) The job position offered must have been posted on the Danish and European platforms for job vacancies "Jobnet" and "EURES" for at least 2 weeks prior to the application.
- 2) the seasonally adjusted gross unemployment must not have exceeded 3,75 pct. on average in the 3 months prior to the application.
- 3) In the 2 years prior to the application, the applicant must not have received a fine of DKK 3.000 or more under the Criminal Code, the Act on Euphoriant Substances, the Act on Weapons and Explosives etc. or the Aliens Act. Neither must the applicant receive such a fine after the application or the issuance of a residence permit based on this scheme.
- 4) An accompanying family member must not have had the residence permit revoked more than once due to lack of a required work permit.

Indian nationals covered by this scheme are eligible for an initial residence permit for up to five years with a possibility of extension.

The Positive List for People with a Higher Education

The Positive List for people with a Higher Education is a list of professions experiencing a shortage of qualified professionals in Denmark. An Indian national who has been offered a job included on the Positive List, can apply for a Danish residence and work permit based on the Positive List Scheme.

The Positive List for People with a Higher Education is comprised of professional fields currently experiencing a shortage of highly qualified professionals, e.g., the scientific, medical and technological sectors. The Positive List is revised twice a year in January and July based on surveys showing sectors with a structural shortage of qualified professionals.

In order to obtain a residence and work permit on the Positive List Scheme, the applicant's education must be aligned with the job on the Positive List. All job titles on the list presupposes an educational background at bachelor's degree level or higher. For some job titles, it is an additional requirement that the applicant has a Danish authorisation.

Indian nationals with a job on the Positive List can be granted a residence and work permit for up to four years with a possibility of extension. However, a permit is not granted for a longer period than the period specified in the employment contract.

As of 1 April 2023, the professions on the Positive List stay on the Positive List for at least two years.

The Positive List for Skilled Work

The Positive List for Skilled Work is a list of skilled professions experiencing a shortage of qualified professionals in Denmark, e.g. electricians, bookkeepers and social and health care assistants. Indian nationals who have been offered a job included on the Positive List for Skilled Work can apply for a residence and work permit based on this scheme.

It is a condition for a permit based on the scheme that the employer has fulfilled certain educational obligations on a societal level regarding training of apprentices.

Indian nationals with a job on the Positive List for Skilled Work can be granted a residence and work permit for up to four years with the possibility of extension.

The Fast Track Scheme

The Fast Track Scheme can be used by Indian nationals who have been offered employment in a Danish Fast Track certified company if the employment meets the conditions for one of the Fast track scheme's five tracks:

- 1) The pay limit track.
- 2) The researcher track.
- 3) The educational track.
- 4) The short-term track.
- 5) The supplementary pay limit track.

The Fast Track scheme allows Indian nationals to begin work faster than what follows from the standard case processing time either via the "quick job start" procedure or via a provisional work permit issued by the Danish Agency for International Recruitment and Integration. A provisional work permit can only be issued to Indian nationals who can enter Denmark legally without a new Schengen visa, e.g. if the Indian national already is in possession of a valid Schengen visa.

Herdsman and farm managers

Indian nationals who are offered a job as a herdsman or farm manager in the agricultural sector, can be granted a residence and work permit. It is a condition for a permit based on the scheme that the Indian national has a relevant education or relevant working experience.

Indian Nationals who obtain residence and work permits as a herdsman or farm manager, can be granted a residence and work permit for up to four years with a possibility of extension.

Annex C

India – Denmark Mobility for professionals, including young professionals (ID – MAPs)

- 1) The Parties jointly decide to facilitate the exchange of Danish and Indian nationals who take up employment in the other country, for a limited period of time, in their professional field, in order to improve their professional and language skills (hereinafter “young professionals”).
- 2) Employment may be taken up in all professions of which the exercise by foreign nationals is not subject to legal restrictions in the host country. Where the exercise of a profession is subject to authorisation, the interested person shall additionally be required to obtain such authorisation.
- 3) The spouse or cohabiting partner and minor children of primary visa holder may be granted a dependent visa/residence permit of appropriate sub-category valid for a period that is co-terminus to that of the primary visa/residence permit holder, allowing the spouse or cohabiting partner access to the labour market in accordance with applicable national law.
- 4) There is no quota for young professionals permitted by each of the two countries.
- 5) Persons who wish to take up employment as young professionals in the host country shall be responsible for finding an employment themselves. The Contracting Parties will not engage in the search for employment opportunities.
- 6) Young professionals shall leave the host country at the end of the term of their contract of employment.
- 7) Where relevant, they may be authorised to continue their stay in the other country provided that they obtain an employment contract and a new residence permit or an extension of their existing residence permit.
- 8) Young professionals shall be employed on the basis of contracts of employment concluded between the employer and the employee.
- 9) Young professionals shall have the same rights and obligations as regards living, working and salary conditions as the labour law in force foresees for employees of the host country. Duties, fees and taxes shall be subject to the national legislation of the host country.

10) The employer shall pay them a salary, equivalent to the salary paid to host State nationals working under the same conditions, subject to the applicable law.

11) The Joint Working Group will periodically review the facilitation of the mobility of young professionals. The Joint Working Group shall analyse the situation and endeavour to find possibilities to enhance the exchange of emerging professionals.

Annex D

Schemes and opportunities for entrepreneurs

Startup Denmark (self-employment)

- 1) Start-up Denmark is a scheme for foreign entrepreneurs who wish to establish and run an innovative and scalable business with a clear growth potential in Denmark. The scheme also gives the opportunity to continue running a self-employment business in Denmark which has already been established while the foreign national resided in Denmark on another scheme.
- 2) Indian nationals can also be granted a residence permit based on the scheme for the purpose of conducting business in Denmark via a Danish branch of an already established foreign self-employment business.
- 3) The business idea must be approved by a panel of experts appointed by the Danish Business Authority for an entrepreneur to be eligible to apply for a residence and work permit under the Startup Denmark Scheme.
- 4) The expert panel will assess whether the business is innovative and scalable business with a clear growth potential. Businesses such as restaurants, retail shops and small import/export enterprises will generally be rejected before evaluation and thus not presented to the Startup Denmark expert panel.
- 5) The scheme can be used by both individuals and teams of up to 3 people who - using a shared business plan - want to start or continue to run a business together in Denmark.
- 6) Indian nationals must have sufficient funds to cover the first year in Denmark. The Indian national must also play an active part in running the business and his or her presence must be necessary for the establishment of the business.
- 7) A maximum of 75 residence and work permits will be granted under the Start-up Denmark scheme per year from 1 January to 31 December.
- 8) A residence and work permit under the Start-up Denmark scheme is granted for a maximum of two years with the possibility of extension for three years at a time.

Annex E Students

- 1) Indian nationals can obtain a residence permit for participating in a higher educational programme in Denmark. Danish bachelor, academy profession and professional bachelor programmes placed at levels 5, 6, 7 and 8 in the Danish National Qualifications Framework (NQF) are considered higher education programmes. To obtain a residence permit for participating in such programmes Indian nationals must be admitted to and fulfil the entry requirements of the programme.

If the entry requirements of the programme are fulfilled, Indian nationals have, in accordance with applicable national law, access to take part in required admission tests.

- 2) The educational institution must be publicly accredited.
- 3) The education itself must be approved by a government authority or by the Danish Evaluation Institute.
- 4) The participation in the education must be organized by a ministry, the educational institution in question or must be part of a higher education already started in the home country or another country where the person in question has permanent residence.
- 5) The educational programmes must be a full-time study.
- 6) A student residence permit for higher education is granted for a maximum of the standard duration of the programmes or course undertaken in Denmark. The residence permit can be extended for an additional year if the student is still actively studying and not delayed by more than a year. If the participation in the education is part of a higher education already started by the Indian national in India or another country where the Indian national has permanent residence, the duration of the residence permit cannot exceed two years. The renewal of a residence permit for students who have undertaken an education based on an approval by the Danish Evaluation Institute cannot exceed the validity of the approval by the Danish Evaluation Institute.

7) To obtain a student residence permit, the student must:

- 1) provide proof of admission to the education or course for which a residence permit is applied. As a rule, the Agency for International Recruitment and Integration will, prior to issuing a residence permit, request the educational institution to confirm that the foreign national has been admitted to the education or course;
- 2) pursue his or her studies actively in relation to the course or education which forms the basis for the residence permit;
- 3) provide proof that support is being secured through own funds, scholarship, student loan or the like.

Annex F

Researcher

Indian researchers who have been offered employment at a research institute or company in Denmark can be issued residence and work permit under the Researcher Scheme or under the Researcher Track under the Fast track scheme if the job is closely linked to the foreign national and the main purpose of the stay is research.

Indian nationals with a job as a researcher can be granted residence and work permit for up to four years with a possibility of extension.

Guest Researcher

Indian nationals who are not employed in Denmark, but will conduct their research at a Danish research institution or company putting their research facilities at the guest researcher's disposal can be issued a residence permit as a guest researcher.

The Indian national must have completed an educational programme at the level of a Master's degree and must be invited by the research institution or company.

A guest researcher will not get paid by the research institution or company in Denmark and must therefore be able to support oneself and any accompanying family members during the stay in Denmark. This can be through own funds or through payments from the employer in the home country.

PhD students

A residence permit can be granted to a foreign national participating in a PhD programme in Denmark. This applies to both foreign nationals enrolled at a Danish university who are remunerated by the university or a company associated with the foreign national's PhD education and foreign nationals enrolled at a Danish university who are not remunerated by the university or a company in Denmark.

PhD students who have completed a PhD programme in Denmark will be issued an automatic 3 year job-seeking permit along with the residence permit.

Sideline employment

Researchers, Guest researcher and PhD students are allowed to take up unlimited sideline employment without a separate work permit application. The sideline employment must be naturally related to the job that forms the basis of the residence and work permit.