

## Translation of Liechtenstein Law

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**Act**  
of 17 September 2008  
**on Foreigners**  
**(Foreigners Act; AuG)**

I hereby grant My consent to the following resolution adopted by Parliament:

**I. General provisions**

Art. 1

*Subject matter*

This Act shall regulate the entry and exit, residence and family reunification of foreigners. In addition, it shall contain provisions on integration and on the principle of placing demands on and giving support to foreigners.

Art. 2

*Scope of application*

- 1) This Act shall apply to foreigners, provided that:
- a) they are neither citizens of a Member State of the European Economic Area (EEA Member State) nor Swiss citizens;
  - b) they are family members of persons who are neither citizens of a Member State of the European Economic Area (EEA Member State) nor Swiss citizens.<sup>1</sup>
- 2) This Act shall not apply to the provision of cross-border services by self-employed persons or companies whose residence or registered office is in the EEA

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<sup>1</sup> Art. 2 paragraph 1 sub-paragraph b amended by LGBl. 2009 no. 349.

or in Switzerland; nor shall it apply to employees of such companies who are neither citizens of a Member State of the European Economic Area (EEA Member State) nor Swiss citizens.

3) The provisions on the visa proceedings and on entry and exit shall apply only insofar as the Schengen Acquis applicable to Liechtenstein does not contain any provisions to the contrary.

#### Art. 3

##### *Designations*

The designations used in this Act for persons and offices shall refer both to men and to women.

#### Art. 4

##### *Relationship between this Act and asylum proceedings*

1) Persons who stay in Liechtenstein due to the Asylum Act or who do not obtain asylum and must therefore leave the country may not apply for any permit under this Act. They may not file any applications for the grant of a permit under this Act until completion of the asylum proceedings and until they have duly left Liechtenstein for a country abroad.<sup>2</sup>

2) Any pending proceedings for the grant of a short stay permit or a residence permit shall become moot once a request for asylum has been filed.

3) Any residence permits which have already been granted shall remain valid and may be extended in accordance with the provisions under the laws applicable to foreigners.

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<sup>2</sup> Art. 4 paragraph 1 amended by LGBL 2012 no. 30.

## II. Principles of admission and integration

### Art. 5

#### *Admission*

1) The admission of gainfully employed foreigners shall be permitted in the interests the national economy; the chances of lasting integration in the employment market and in society shall be decisive.

2) Foreigners may also be admitted provided that the requirements for family reunification as defined by art. 32 to 39 are met.

3) Foreigners shall be admitted only if the Schengen Acquis applicable to Liechtenstein does not provide otherwise.<sup>3</sup>

### Art. 6

#### *Integration*

1) The aim of integration shall be the co-existence of the Liechtenstein and foreign population on the basis of the values laid down in the Constitution, and mutual respect and tolerance.

2) Integration should enable foreigners who lawfully stay in Liechtenstein for a longer period of time to participate in the economic, social and cultural life of society.

3) Integration shall require willingness and efforts on the part of the foreigners to achieve integration in society and openness on the part of the Liechtenstein population.

4) Foreigners shall be under an obligation to familiarize themselves with the social conditions and living conditions in Liechtenstein and in particular they shall be required to learn how to write and speak the German language.

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<sup>3</sup> Art. 5 paragraph 3 inserted by LGBl. 2011 no. 177. Entered into force on 19 December 2011 (LGBl. 2011 no. 565).

### III. Entry and exit

#### Art. 7

##### *Entry requirements*

- 1) Foreigners who wish to enter Liechtenstein:
  - a) shall have a valid passport and a visa, if required;
  - b) shall have sufficient financial means for their stay;
  - c) may not pose a threat to public security and order and to Liechtenstein's international relations;<sup>4</sup>
  - d) may not be subject to a measure banning them from entry; and<sup>5</sup>
  - e) may not be the subject of an international arrest warrant.<sup>6</sup>
- 2) They must provide a guarantee that they will leave Liechtenstein again if only a temporary period of stay is planned.
- 3) Foreigners who wish to establish their place of residence in Liechtenstein and do not require a visa shall require the assurance for entry purposes that a short stay permit or a residence permit will be granted.
- 4) The provisions for the Schengen Acquis applicable to Liechtenstein shall remain reserved.

#### Art. 8

##### *Issue of visas*

- 1) Visas shall be issued by the competent representation abroad or by the Migration and Passport Office.
- 2) The Government shall issue an ordinance to regulate the grant of visas in greater detail in compliance with international law agreements.
- 3) In order to cover the supervision and return costs (if any), a guarantee declaration limited in time, the conclusion of an insurance policy, the deposit of a bond or other securities may be required.

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<sup>4</sup> Art. 7 paragraph 1 sub-paragraph c amended by LGBl. 2011 no. 177.

<sup>5</sup> Art. 7 paragraph 1 sub-paragraph d amended by LGBl. 2011 no. 177.

<sup>6</sup> Art. 7 paragraph 1 sub-paragraph e inserted by LGBl. 2011 no. 177.

## IV. Permit and notification requirement

### A. In general

#### Art. 9

##### *Permit requirement in case of a stay without gainful employment*

- 1) A permit shall be required for any stay without gainful employment if it is intended to last for more than three months within a period of six months.
- 2) Within six months from the date of first entry, the stay requiring no permit may not exceed the period of three months. If the visa contains a shorter period of stay, then such period of stay shall apply.
- 3) Once the period of stay requiring no permit within the meaning of paragraph 2 expires, the person concerned shall be under an obligation to leave the country.

#### Art. 10

##### *Permit requirement in case of a stay with gainful employment*

- 1) Foreigners who wish to engage in gainful employment in Liechtenstein shall require a permit irrespective of the period of stay. Art. 12 shall remain reserved.
- 2) Gainful employment shall include any salaried or self-employed activity that is normally carried out for payment, irrespective of whether payment is made.

#### Art. 11

##### *Notification requirement*

- 1) Foreigners who require a permit shall be under an obligation to register in person at the Residents' Registration Office at the place of their residence within eight days after entering the country.
- 2) The following documents must be presented to the competent Residents' Registration Office:
  - a) a valid passport; and
  - b) the assurance document evidencing that a short stay permit or residence permit will be granted, or the valid visa.

3) Any change of residence within the residential municipality or any move to another residential municipality shall be notified in person to the competent Resident's Registration Office within eight days.

4) Foreigners who hold a permit must give personal notification of their departure at the Residents' Registration Office of their place of residence no later than eight days prior to them leaving the country and they must hand over the residents identity card if they move to a country abroad.

5) The provisions of this article shall not be applicable to cross-border commuters.

## **B. Cross-border services**

### Art. 12

#### *Principle*

1) Self-employed persons or companies with their place of residence or registered office outside the EEA or Switzerland and their employees may provide a cross-border service during a period of no more than eight days within a period of 90 days. The visa requirement shall remain reserved.

2) The provision of a cross-border service shall be subject to the requirement of notification. The notification shall be made at the Migration and Passport Office no later than two business days prior to the provision of the service.

3) A cross-border service shall include any business activity limited in time in Liechtenstein which, as a general rule, is carried out in return for a valuable consideration.

4) The Government shall provide further details in an ordinance.

## V. Permit requirements

### A. Permit for a stay with gainful employment

#### Art. 13

##### *Permit requirements*

1) Foreigners may be granted a short stay permit or a residence permit for salaried employment purposes only if:

- a) this is in the interests of the national economy;
- b) an application from a domestic employer has been submitted;
- c) in case of an application for a short stay permit, the level of employment is at least 50% and in case of an application for a residence permit, the level of employment is at least 80%;
- d) there are no prior convictions for a crime or a misdemeanour;
- e) the professional qualification, the professional and social adaptability, language skills and age indicate that there is a prospect of lasting integration in the job market and in society;
- f) sufficient financial means are available so that no recourse to social assistance will be necessary;
- g) the requirements set out in art. 14 to 18 are met; and
- h) engaging in an activity as a cross-border commuter is not reasonable.<sup>7</sup>

2) The Government shall provide further details in an ordinance.

#### Art. 14

##### *Personal requirements*

Short stay permits or residence permits for salaried employment purposes may only be granted to managers, specialists and other qualified employees with a completed apprenticeship or long years of professional experience.

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<sup>7</sup> Art. 13 paragraph 1 sub-paragraph h inserted by LGBl. 2009 no. 349.



## Art. 15

*Salary and employment conditions*

Foreigners may be admitted for salaried employment purposes only if the salary and employment conditions customary for the location, profession and sector are respected.

## Art. 16

*Priority for nationals*

1) Foreigners may be admitted for salaried employment purposes in Liechtenstein only if it is proven that no suitable employees can be found on the job market of persons not requiring a permit.

2) The job market of persons not requiring a permit shall be made up of:

- a) Liechtenstein citizens;
- b) persons with a valid residence permit or a valid permanent residence permit; and
- c) cross-border commuters who are citizens of a EEA Member State or of Switzerland.

## Art. 17

*Housing*

Foreigners may be admitted for salaried employment purposes only if they have adequate housing.

## Art. 18

*Quota limits*

1) The Government may limit the number of short stay permits and residence permits for salaried employment purposes.

2) The quota limits shall not be applicable to extension applications.

**B. Permit for a stay without gainful employment**

## Art. 19

*Basic education and continuing education*

- 1) Foreigners may be granted a short stay permit for basic education and continuing education purposes in Liechtenstein only if:
- a) the probable duration of the basic education and continuing education programme is known;
  - b) the management of a recognized educational institution confirms that the basic education or continued education programme can be started or continued;
  - c) they have the language skills necessary for the programme;
  - d) sufficient financial means are available to cover the costs of living and the costs of the study programme, so that no recourse to social assistance will be necessary;
  - e) it is proven that there is a legally required health insurance coverage for any and all risks in Liechtenstein;
  - f) adequate housing or accommodation is available;
  - g) there are no prior convictions for a crime or a misdemeanour; and
  - h) leaving Liechtenstein for another country seems to be guaranteed.
- 2) In case of minors, their supervision must be guaranteed.
- 3) The Government shall provide further details in an ordinance.

## Art. 20

*Persons of particular interest*

- 1) Foreigners who do not engage in gainful employment may be granted a short stay permit or a residence permit only if:
- a) they are of particular interest for the country;
  - b) they have adequate housing;
  - c) it is proven that there is a legally required health insurance coverage for any and all risks in Liechtenstein;
  - d) sufficient financial means are available so that no recourse to social assistance will be necessary (guarantee of a bank based in Liechtenstein); and
  - e) there are no prior convictions for a crime or a misdemeanour.

- 2) The Government shall provide further details in an ordinance.

### **C. Derogations from the permit requirements**

#### Art. 21

##### *Cases of hardship or important public interests*

- 1) Derogations from the permit requirements set out in art. 13 to 20 may be permitted in order to take account of serious cases of personal hardship or of important public interests.
- 2) Paragraph 1 shall apply only to the grant of short stay permits or residence permits.
- 3) The Government shall provide further details in an ordinance.

### **D. Permit for a cross-border commuter activity**

#### Art. 22

##### *Cross-border commuter permit*

Foreigners may be granted a cross-border commuter permit for salaried employment purposes if:

- a) they have a permanent right of residence in a EEA Member State or in Switzerland;
- b) they return to their place of residence abroad on a daily basis; and
- c) the requirements of art. 13 paragraph 1 sub-paragraphs a, b and d and art. 15 and art. 16 are met.

### E. Permit for salaried employment by the day or week<sup>8</sup>

Art. 22a<sup>9</sup>

#### *Permit by letter*

Foreigners may be granted a permit by letter to engage in salaried employment by the day or week, if the requirements set out in art. 13 paragraph 1 subparagraphs a, b and d and art. 14 and art. 16 are met.

## VI. Permit proceedings

Art. 23

#### *Grant or extension of a permit*

1) The application for the grant of a permit under the present Act must be filed with the Migration and Passport Office.

2) The Migration and Passport Office may require an up-to-date extract from the register of convictions in the [applicant's] country of origin or native country as well as further original documents that are necessary for the proceedings.

3) A decision on complete applications shall generally be rendered:

- a) within two weeks from receipt of applications for the grant of a cross-border commuter permit or a short stay permit;
- b) within three months from receipt of applications for the grant of a residence permit or a permanent residence permit.

4) Any applications that are incomplete, illegible or that have not been signed shall be returned to the applicant subject to a one-time deadline of 30 days within which a complete application may be filed. If the deadline expires and no complete application has been filed, the application shall be deemed to have been withdrawn.

5) In case of an identical factual and legal situation, any further identical applications shall be dismissed without any formal procedure with reference to the legal cause that has already been decided.

6) No permit may be granted until all documents designated by the Migration and Passport Office and necessary for the grant of the permit have been filed and

<sup>8</sup> Heading preceding art. 22a inserted by LGBl. 2011 no. 177.

<sup>9</sup> Art. 22a inserted by LGBl. 2011 no. 177.

until registration in person at the Residents' Registration Office at the applicant's place of residence has been made.

7) Any application for the extension of a residence permit or a cross-border commuter permit shall be filed no later than two weeks prior to the expiry of the duration of validity.

#### Art. 24

##### *Assurance document or authorization to grant a visa*

1) For any stay with or without gainful employment that requires a permit, an assurance document evidencing that a permit will be granted or an authorization to grant a visa shall be necessary. No gainful employment may be taken up until the assurance document or the visa has been obtained.

2) Foreigners shall await the assurance document or the authorization to grant a visa in a country abroad.

3) Foreigners who have entered the country lawfully for a temporary period of stay and who subsequently apply for a permit must also wait for the permit decision abroad.

4) The validity of an assurance document shall be limited to no more than six weeks in case of short stay permits and generally to three months in case of residence permits.

## VII. Regulation of the stay<sup>10</sup>

#### Art. 24a<sup>11</sup>

##### *Permit by letter*

1) A permit by letter may be granted in order to engage in salaried employment by the day or week for a period of stay spread over no more than 180 days within a period of validity of 12 months.

2) If an employee has already been granted a short stay permit pursuant to art. 25, a permit by letter may be granted only if since the expiry of the duration of

<sup>10</sup> Heading preceding art. 24a inserted by LGBl. 2011 no. 177.

<sup>11</sup> Art. 24a inserted by LGBl. 2011 no. 177.

validity of the short stay permit and the law-abiding leaving of the country at least six months have passed.

- 3) The permit shall provide information on the employer.

Art. 25

*Short stay permit*

1) The short stay permit may be granted for time limited stays and for immediately successive stays of up to one year in total.

- 2) It shall be granted only for a specific purpose of stay.

3) If it is proven that there is an extraordinary need, it may be extended once for a maximum period of six months.

4) It may be granted again only after an interruption of at least six months since the notice of departure and the leaving of the country; this shall not apply to foreigners with a short stay permit pursuant to art. 19.

Art. 26

*Residence permit*

1) The residence permit may be granted only for periods of stay with a probable duration of more than one year.

2) It shall be granted for a specific purpose of stay and may be made subject to conditions. The undertakings and representations made in the permit proceedings, in particular those relating to the purpose of the stay, shall be deemed to constitute conditions that have been imposed.

3) The residence permit shall generally be limited to one year. It may be extended, provided that the integration agreement (art. 41) has been complied with and no grounds for revocation or expulsion (art. 48 and 53) apply. Art. 4 shall remain reserved.

4) Managers and specialists may be granted a residence permit for a period of up to three years, if, at the moment when the application is filed, they are employed abroad in an internationally operating company with a place of business in Liechtenstein; art. 16 shall not be applicable.

5) The extension may be made only up to a maximum of one month prior to the expiry of the duration of validity of the passport.

## Art. 27

*Permanent residence permit*

1) The permanent residence permit shall not be limited in time. It may not be made subject to conditions.

2) The resident's identity card shall be issued for a duration of three years for the purpose of verifying actual presence in Liechtenstein. It shall be presented in person for extension no later than two weeks prior to the expiry of the verification period.

3) Foreigners may be granted a permanent residence permit if:

- a) they have held a residence permit without interruption for the past five years;
- b) they have passed a civic education test and have sufficient knowledge of how to speak and write the German language;
- c) they are in a stable employment relationship which secures their livelihood or have sufficient financial means so that no recourse to social assistance is necessary;
- d) during the past five years, they have not been convicted for a crime or a misdemeanour and if no criminal proceedings to this effect have been initiated by the public prosecutor's office or are pending in court;
- e) no recourse to social assistance has been necessary for them during the past five years; and
- f) no ground for revocation or expulsion applies.

4) Foreigners may be granted a permanent residence permit again if:

- a) they have held a permanent residence permit without interruption for at least ten years;
- b) they have not had their place of residence abroad for more than five years;
- c) they prove that they have maintained close ties with Liechtenstein; and
- d) the requirements set out in paragraph 3 sub-paragraphs b, c, d and f are met.<sup>12</sup>

5) Temporary stays abroad pursuant to art. 28 shall not be counted toward the time periods defined in paragraph 3 sub-paragraph a and 4 sub-paragraph a.

6) The Government shall provide further details in an ordinance.

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<sup>12</sup> Art. 27 paragraph 4 sub-paragraph d amended by LGBL 2011 no. 177.

## Art. 28

*Continued validity of the residence permit or permanent residence permit*

1) The continued validity of the residence permit or permanent residence permit may, if this does not render integration considerably more difficult, be granted for a temporary stay abroad:

- a) for following an education programme abroad (university studies, apprenticeship), if compulsory education has been completed in Liechtenstein and the desired education programme is not possible in Liechtenstein;
- b) in particularly justified cases.

2) The continued validity as defined by paragraph 1 sub-paragraph b may be granted no sooner than after a law-abiding and continuous stay of three years since the grant of the residence permit.

3) The continued validity as defined by paragraph 1 may be granted in each case for no period longer than one year. Extensions of the continued validity as defined by paragraph 1 sub-paragraph b may not exceed the total duration of two years.

4) The application for a grant or for extension of the continued validity must be filed no later than two weeks prior to the beginning of the stay abroad or prior to the expiry of the granted continued validity.

## Art. 29

*Cross-border commuter permit*

1) The cross-border commuter permit may be granted for the purpose of engaging in salaried employment.

2) It shall be limited to one year and may be extended, provided that no ground for revocation as defined by art. 48 paragraph 1 sub-paragraphs a, c or paragraph 2 applies.

## Art. 30

*Gainful employment*

1) Persons with a residence permit who have been admitted to engage in salaried employment may change their job within Liechtenstein.



2) Persons with a residence permit or a permanent residence permit may become self-employed in Liechtenstein, provided that the provisions under professional law are fulfilled.

Art. 31

*Residents identity card or cross-border commuter identity card*

1) Foreigners shall receive a residents identity card or cross-border commuter identity card with the permit.

2) Persons requiring a permit shall present their residents identity card or cross-border commuter identity card to the authorities upon demand.

3) The Migration and Passport Office may withdraw the residents identity card or cross-border commuter identity card at any time if there are reasons for it.

4) In case of loss of a valid residents identity card, a report must be made to the National Police. Unless the loss of the residents identity card is connected to a criminal offence, the loss may also directly be reported to the Migration and Passport Office. No new residents identity card shall be issued until a report of loss has been made to the Migration and Passport Office.<sup>13</sup>

4a) The identity card shall contain an electronic data carrier (data chip). It shall include the portrait photograph, the fingerprints of the identity card holder and the data contained in the machine-readable zone.<sup>14</sup>

4b) The identity card may contain an additional electronic data carrier. Upon application by the identity card holder, the said identity card may include a certificate which shall allow the identity card holder the use of an electronic signature in private and public legal transactions.<sup>15</sup>

5) The Government shall specify in an ordinance:

- a) the form and content of the identity cards;
- b) what kind of persons have an identity card with a data chip on it and what kind of data must be stored thereon;

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<sup>13</sup> Art. 31 paragraph 4 amended by LGBl. 2014 no. 15.

<sup>14</sup> Art. 31 paragraph 4a inserted by LGBl. 2011 no. 177. Entered into force on 19 December 2011 (LGBl. 2011 no. 565).

<sup>15</sup> Art. 31 paragraph 4b inserted by LGBl. 2011 no. 177.

- c) any details on the electronic data carrier pursuant to paragraph 4b, in particular the certificates to be used, the data to be included and the security of the data.<sup>16</sup>

Art. 31a<sup>17</sup>

*Security and reading of the data chip*

- 1) The data chip shall be protected against counterfeiting and its unauthorized reading. The Government shall determine the relevant technical requirements in an ordinance.
- 2) The Government shall be authorised to enter into agreements with other states on the reading of the data stored on the data chip, provided that these guarantee an adequate level of data protection.

**VIII. Family reunification**

Art. 32

*Principle*

- 1) The purpose of family reunification shall be the simultaneous reunification of family members in the household of the applicant.
- 2) Family members for the purpose of paragraph 1 shall be:
- a) the spouse or registered partner;<sup>18</sup>
  - b) the common unmarried children under 18 years of age, including any adopted children and children with whom a foster relationship exists.

Art. 33

*Requirements*

- 1) Prior to the grant of an assurance document evidencing that a residence permit will be granted, or prior to the authorization to grant a visa, the applicant must provide evidence in respect of the family members that:

<sup>16</sup> Art. 31 paragraph 5 amended by LGBl. 2011 no. 177.

<sup>17</sup> Art. 31a inserted by LGBl. 2011 no. 177. Entered into force on 19 December 2011 (LGBl. 2011 no. 565).

<sup>18</sup> Art. 32 paragraph 2 sub-paragraph a amended by LGBl. 2011 no. 355.

- a) he has a valid residence permit or a valid permanent residence permit;
- b) both spouses are of legal age under Liechtenstein law;
- c) the spouse living abroad has basic knowledge of the German language;
- d) he has adequate housing (rental agreement or purchase agreement) which allows for sufficient space to accommodate the family members; and
- e) he is in a stable employment relationship which secures the livelihood of the applicant and the family members or has sufficient financial means for the personal costs of living and the costs of living of the family members so that no recourse to social assistance is necessary (guarantee of a bank based in Liechtenstein).

2) For the verification of the requirements set out in paragraph 1 sub-paragraph e, the economic situation of the applicant at the time the application is filed shall be decisive. The asset and income situation of any family members coming to Liechtenstein shall not be taken into consideration.

3) The requirements set out in paragraph 1 sub-paragraph c may be dispensed with, if the applicant has been granted a residence permit for gainful employment and the family members enter the country with him.

4) Following the entry and registration, the applicant must present the following within the duration of validity of the assurance document or the visa:

- a) evidence of the registration of the family members at the Residents Registration Office at the place of residence;
- b) evidence of the legally required health insurance coverage covering any and all risks in Liechtenstein;
- c) evidence of the registration of school-age children at a school.

5) The Migration and Passport office may demand evidence of the family relationship by means of original documents. Art. 23 paragraph 6 shall apply.

6) The Government shall provide further details in an ordinance.

#### Art. 34

##### *Time limits*

- 1) The family reunification shall be applied for within the following time limits:
  - a) if the applicant has been granted a residence permit for gainful employment purposes: no later than within three years from the grant of the permit or from the beginning of the conjugal community;

b) if the applicant has been granted the residence permit as part of the family reunification: no sooner than after expiry of a law-abiding and continuous residence of four years from the grant of the permit. Following the expiry of this time limit, the application for family reunification shall be filed no later than within three years from the beginning of the conjugal community or, if the conjugal community has begun during the time limit of four years, within three years from the expiry of this time limit.

2) Another family reunification may be granted no sooner than after the expiry of two years from the moment the marital dissolution decree became final.

#### Art. 35

##### *Suspension of the proceedings*

If, at the moment that the application for family reunification is filed, proceedings for revocation of the residence permit or permanent residence permit of the applicant have been initiated or if any such proceedings are being initiated while the proceedings for family reunification are pending, the proceedings for family reunification shall be suspended until such a time as a final decision on the revocation of the residence permit or the permanent residence permit of the applicant has been rendered.

#### Art. 36

##### *Duration of validity of the permit*

1) The duration of validity of the residence permit of every family member shall be the same as the duration of validity of the permit of the applicant from whom the right to residence is derived. Art. 26 paragraphs 3 and 5 shall be applicable.

2) Reunified children shall obtain an independent right to residence upon reaching the age of majority. Each extension of such children's residence permit may be made conditional upon:

- a) their compliance with a integration agreement; and
- b) their pursuit of gainful employment or them taking up or completing any professional training.

## Art. 37

*Gainful employment of family members*

- 1) After having received the residence permit, the spouse and the children shall have the right to engage in salaried employment.
- 2) For the exercise of any self-employed activity, art. 30 paragraph 2 shall apply *mutatis mutandis*.

## Art. 38

*Marriage in abuse of the law*

The grant of a residence permit under the provisions on family reunification shall be rejected or a permit already granted shall be revoked, if evidence is provided or if at least sufficient grounds indicate that:

- a) the conjugal community was entered into or continued by at least one spouse predominantly with the purpose of circumventing the provisions of the present Act and the implementing provisions on admission and residence; or
- b) one of the spouses was coerced into the marriage.

## Art. 39

*Effects of the dissolution of the conjugal community*

1) If a conjugal community is dissolved due to discontinuance of a common household, separation, divorce or invalidity or nullity of the conjugal community and if the conjugal community existed for less than five years from the grant of the residence permit, the residence permit shall be revoked or its extension shall be rejected.

2) The revocation or non-extension of the residence permit may be dispensed with, if there are important personal reasons. Any such personal reasons shall in particular apply, if:

- a) there is an active and intact relationship with the children and the welfare of the minor children would be significantly jeopardized by the revocation of the permit of one parent; or
- b) it has been proven that the spouse was the victim of marital violence so that such spouse could not reasonably be expected to continue the conjugal community.

3) In case of the dissolution of the conjugal community within the meaning of paragraph 1, the residence permit may be extended if the conjugal community existed for more than five years and if integration has been successful.

Art. 39a<sup>19</sup>

*Registered partnership*

The articles 33 to 39 shall apply to the registered partnership mutatis mutandis.

## IX. Integration

Art. 40

*Encouraging integration*

1) In fulfilling their tasks, the state and municipal authorities, the social partners and the foreigner organizations and non-governmental organizations shall take account of integration concerns. In this context, they shall work together.

2) The state and the municipalities shall create favourable regulatory conditions for equal opportunities and for the participation of the foreign population in economic, social and cultural life.

3) They shall in particular encourage language acquisition, professional advancement, access to health care, the actual equality of men and women, and efforts that facilitate the mutual understanding between the Liechtenstein and foreign population and co-existence between them.

4) They shall take account of the special concerns relating to the integration of women, children and adolescents.

5) Within their capabilities, the employers shall encourage the language acquisition, in particular the attendance of language courses.

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<sup>19</sup> Art. 39a inserted by LGBl. 2011 no. 355.

## Art. 41

*Integration agreement*

1) Upon the grant or extension of a residence permit, the Migration and Passport Office shall enter into an integration agreement with foreigners in German. This shall also apply to the grant of a permit under the provisions on family reunification (art. 32 to 39).

2) The purpose of the integration agreement shall be the acquisition of German language skills and of basic knowledge of the legal system and state structure of Liechtenstein.

3) Spouses or registered partners to whom a residence permit has been granted under the provisions on family reunification shall learn how to speak and write German within two years.<sup>20</sup>

4) The integration agreement may lay down the obligation to attend a language course and a civic education class. If it is proven that the foreigner already has good language skills, these shall be taken account of.

5) The Government shall provide further details in an ordinance.

## Art. 42

*Exceptions*

1) No integration agreement shall be entered into:

- a) in respect of persons who are admitted to residence with gainful employment and declare in writing that they will take up residence in Liechtenstein for no more than three years;
- b) in respect of children until they have completed compulsory school education; or
- c) in respect of persons who cannot be reasonably expected to fulfil an integration agreement due to their advanced age or due to their state of health.

2) An integration agreement may be entered into with persons as defined by paragraph 1 sub-paragraph b after they have completed compulsory education, if they have not yet achieved the desired level of German language skills.

3) Any persons to whom a residence permit pursuant to art. 20 has been granted may be exempted from the entry into an integration agreement.<sup>21</sup>

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<sup>20</sup> Art. 41 paragraph 3 amended by LGBl. 2011 no. 355.

<sup>21</sup> Art. 42 paragraph 3 inserted by LGBl. 2011 no. 177.

## Art. 43

*Financial contributions*

- 1) The state shall grant financial contributions for the integration of foreigners.
- 2) The financial contributions shall in particular provide support to:<sup>22</sup>
  - a) projects serving the acquisition of the German language and the acquisition of basic knowledge of the legal system and state structure;
  - b) projects and events encouraging the social and professional integration of foreigners;
  - c) providing advice and information to foreigners on measures encouraging integration.
- 3) The Government shall provide further details in an ordinance.

## Art. 44

*Information*

- 1) The state and municipalities shall inform foreigners appropriately about the living and employment conditions and on any existing offers encouraging integration in Liechtenstein.
- 2) The Office of Social Services shall provide advice to private individuals and authorities in integration issues.<sup>23</sup>

## Art. 45

*Coordination of integration*

- 1) The Government shall encourage the coordination and information in integration issues across all authorities.
- 2) The Office of Social Services shall coordinate the integration measures.<sup>24</sup>

Art. 46<sup>25</sup>

## Repealed

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<sup>22</sup> Art. 43 paragraph 2 amended by LGBl. 2016 no. 506.

<sup>23</sup> Art. 44 paragraph 2 amended by LGBl. 2016 no. 506.

<sup>24</sup> Art. 45 paragraph 2 amended by LGBl. 2016 no. 506.

<sup>25</sup> Art. 46 repealed by LGBl. 2016 no. 506.



## X. Termination of residence

### A. Expiry of permits

#### Art. 47

##### *Grounds for expiry*

- 1) A permit shall expire:
  - a) on personal notice of departure abroad;
  - b) on expiry of the duration of validity of the permit, unless an application for extension has been filed in time;
  - c) if the purpose of stay of the short stay permit no longer exists;
  - d) on termination of an employment relationship in case of a cross-border commuter permit; or
  - e) on expulsion pursuant to art. 53.
- 2) If the foreigner leaves Liechtenstein without giving notice of departure, the residence permit shall expire after four months and the permanent residence permit shall expire after six months, if no continued validity has been granted.
- 3) The time limits provided for in paragraph 2 shall not be interrupted by any stays in Liechtenstein which serve business or visiting purposes.

### B. Revocation of permits

#### Art. 48

##### *Revocation of the residence permit*

- 1) A residence permit may be revoked if the foreigner:
  - a) or his representative in the permit proceedings has made false statements or has concealed material facts;
  - b) no longer fulfils the requirements for the grant of a residence permit or no longer complies with a condition associated with the permit (art. 26 paragraphs 2 and 3);
  - c) his conduct indicates that he is neither willing nor able to integrate into the existing order;
  - d) has not been employed for a continuous period of six months due to unemployment;

- e) or a person he must care for is dependent on social assistance; or
- f) has failed to comply with the integration agreement.

2) A residence permit shall be revoked if, due to a crime or a misdemeanour, the foreigner has been convicted to a term of imprisonment which is at least in part of an unconditional nature, or if a preventive measure as defined by Section 3 of the Criminal Code has been ordered against him.

3) The revocation of a residence permit granted under art. 38 or 39 on family reunification shall remain reserved.

#### Art. 49

##### *Revocation of permanent residence permits*

Permanent residence permits may be revoked if:

- a) the requirements of art. 48 paragraph 1 sub-paragraph a or paragraph 2 are met; or
- b) the foreigner or any person he must care for is dependent on social assistance permanently and to a considerable extent.

### **C. Measures to remove and keep people away**

#### Art. 50

##### *Removal order<sup>26</sup>*

- 1) Foreigners shall be removed by order if:
  - a) they do not have a required permit;
  - b) they do not fulfil or no longer fulfil the entry requirements as defined by art. 7;  
or
  - c) their permit is refused, revoked or not extended.<sup>27</sup>

1a) If foreigners hold a valid residents identity card for another state which is bound by the Schengen Acquis, they shall be requested without any formal procedure to immediately leave for that state. If they fail to comply with this request, an order pursuant to paragraph 1 shall be issued. If immediate departure is

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<sup>26</sup> Art. 50 subject heading amended by LGBl. 2011 no. 177.

<sup>27</sup> Art. 50 paragraph 1 amended by LGBl. 2011 no. 177.

necessary on grounds of public security and order or internal and external security, an order shall be issued without a prior request.<sup>28</sup>

2) An appeal against orders pursuant to paragraph 1 sub-paragraphs a and b may be filed with the Government within five business days of notification of the order. The appeal shall not have any suspensive effect. Together with the appeal, an application for restoration of the suspensive effect may be filed. The member of Government in charge pursuant to the allocation of responsibilities shall render a decision in the final instance on such an application within ten business days.<sup>29</sup>

2a) Upon application of the Migration and Passport Office, a curator shall immediately be appointed by the Court of Justice for unaccompanied minor foreigners. Such curator shall safeguard the interests of such minor foreigners during the removal proceedings.<sup>30</sup>

3) The provisions on coercive measures shall be applicable.

Art. 51<sup>31</sup>

*Removal on the basis of the Dublin Acquis applicable to Liechtenstein*

1) If a different state which is bound by the Dublin Acquis is responsible for conducting an asylum procedure on the basis of the provisions laid down in Regulation (EU) No. 604/2013 of the European Parliament and the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ L 180, 29.6.2013, p. 31), a removal order shall be issued against persons who are illegally present in Liechtenstein.<sup>32</sup>

2) An appeal against a removal order may be filed with the Government within five business days of notification of the order. The appeal shall not have any suspensive effect. Together with the appeal, an application for restoration of the suspensive effect may be filed. The Government shall render a decision in the final instance on such an application within ten business days; it may delegate this task in an ordinance to the member of Government in charge.

<sup>28</sup> Art. 50 paragraph 1a inserted by LGBL. 2011 no. 177.

<sup>29</sup> Art. 50 paragraph 2 amended by LGBL. 2016 no. 412.

<sup>30</sup> Art. 50 paragraph 2a inserted by LGBL. 2011 no. 177.

<sup>31</sup> Art. 51 amended by LGBL. 2011 no. 177. Entered into force on 19 December 2011 (LGBL. 2011 no. 565).

<sup>32</sup> Art. 51 paragraph 1 amended by LGBL. 2016 no. 412.

Art. 52<sup>33</sup>*Removal order on standard form*

If a person has entered Liechtenstein illegally, such person shall be notified of the removal order as defined by art. 50 paragraph 1 by means of a standard form.

Art. 52a<sup>34</sup>*Removal without formal procedure*

- 1) Foreigners shall be removed without any formal procedure if:
  - a) they are readmitted by a different Schengen state on the basis of a readmission agreement which is applicable upon the entry into force of the Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98); or
  - b) they are persons for whom an alert has been issued in the Schengen Information System, because they are refused entry pursuant to art. 14 of the Schengen Borders Code (OJ L 77, 23.3.2016, p. 1).<sup>35</sup>
- 2) If requested immediately by the person concerned, an order shall be issued in standard form.

Art. 52b<sup>36</sup>*Period for departure and immediate enforcement*

1) Upon the issuance of the removal order, an appropriate period for departure of between seven and thirty days shall be set. A longer period for departure shall be set or the departure period may be extended upon application, if special circumstances such as the family situation or a long period of stay so require. A confirmation document regarding the extension of the departure period shall be issued to the person concerned.

2) Upon fixing the period for departure and its extension, the following shall be taken account of as far as possible, except in the case of art. 62:

- a) that the family unit with the family members present in Liechtenstein is maintained;

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<sup>33</sup> Art. 52 amended by LGBL. 2011 no. 177.

<sup>34</sup> Art. 52a inserted by LGBL. 2011 no. 177.

<sup>35</sup> Art. 52a paragraph 1 sub-paragraph b amended by LGBL. 2016 no. 366.

<sup>36</sup> Art. 52b inserted by LGBL. 2011 no. 177.

- b) that emergency health care and the absolutely necessary treatment of illnesses is guaranteed;
- c) that the access to the basic education system for minors is guaranteed depending on the length of their stay;
- d) that the specific needs of persons in need of protection are taken account of.

3) The removal order may be enforced immediately or a departure period of less than seven days may be set if:

- a) the person concerned represents a threat to public security and order or represents a threat to internal or external security;
- b) specific indications give rise to concerns that the person concerned intends to evade deportation;
- c) an application for a permit is refused on the basis that it is clearly unjustified or an abuse of proceedings;
- d) the person concerned is readmitted by a different Schengen state in accordance with an applicable readmission agreement (art. 52a paragraph 1 sub-paragraph a);
- e) the person concerned is a person for whom an alert has been issued in the Schengen Information System, because such person has been refused entry pursuant to art. 14 of the Schengen Borders Code (art. 52a paragraph 1 sub-paragraph b);<sup>37</sup>
- f) the person concerned is removed under the Dublin Acquis applicable to Liechtenstein (art. 51).<sup>38</sup>

Art. 52c<sup>39</sup>

*Obligations following the notification of a removal order*

Following the notification of a removal order, foreigners may in particular be required:

- a) to report to the National Police on a regular (daily or weekly) basis;
- b) to provide appropriate financial securities;
- c) to hand in travel documents.

<sup>37</sup> Art. 52b paragraph 3 sub-paragraph e amended by LGBl. 2016 no. 366.

<sup>38</sup> Art. 52b paragraph 3 sub-paragraph f entered into force on 19 December 2011 (LGBl. 2011 no. 565).

<sup>39</sup> Art. 52c inserted by LGBl. 2011 no. 177.

Art. 52d<sup>40</sup>*Translation of the removal order*

1) Upon demand, the removal order shall be translated in writing or verbally into a language understood by the person concerned or which such person may be assumed to understand.

2) If notification of the removal order is given by means of a standard form pursuant to art. 52, no translation shall be made. The person concerned shall be provided with an information sheet containing explanations on the removal order.

## Art. 53

*Expulsion*

1) Foreigners shall be expelled by order if:

- a) they have been convicted to an unconditional term of imprisonment of two years or more due to a crime or a misdemeanour or if a preventive measure as defined by Section 3 of the Criminal Code has been ordered against them; or
- b) they have seriously violated or represent a threat to public security and order in Liechtenstein or abroad or represent a threat to internal or external security.

2) Expulsion shall be enforced immediately.

3) Expulsion shall be combined with a limited or unlimited entry ban.

Art. 54<sup>41</sup>*Entry ban*

1) An entry ban against foreigners who have been issued with a removal order shall be ordered if:

- a) no departure period has been set (art. 52b paragraph 3); or
- b) they have not left the country within the period set.

2) An entry ban against foreigners may be ordered if:

- a) they have violated or represent a threat to public security and order in Liechtenstein or abroad;
- b) have caused social assistance costs;

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<sup>40</sup> Art. 52d inserted by LGBl. 2011 no. 177.

<sup>41</sup> Art. 54 amended by LGBl. 2011 no. 177.

- c) have been deported; or
  - d) had to be taken into detention pursuant to art. 58 or 59 in order to enforce removal or expulsion.
- 3) An appeal against the order of the entry ban shall not have any suspensive effect.
- 4) The entry ban shall be ordered for a period of no more than five years. It may be ordered for a longer period of time, if the person concerned represents a serious threat to public security and order.
- 5) If important reasons apply, the entry ban may, upon written application, be revoked temporarily or completely or [the responsible authority] may refrain from ordering an entry ban. The Government shall provide further details in an ordinance.

#### D. Coercive measures

##### Art. 55

##### *Deportation*

- 1) Foreigners shall be deported if:
- a) they do not comply with the time period set for their departure;
  - b) if their removal or expulsion may be enforced immediately;
  - c) they are in detention pursuant to art. 58 or 59.
- 2) The deportation may be postponed for an appropriate period of time if special circumstances such as health-related problems or a lack of transport so require. In case of a violation of the principle of non-refoulement, the deportation shall be postponed.<sup>42</sup>
- 3) A confirmation document concerning the postponement of the deportation shall be issued to the person concerned.<sup>43</sup>
- 4) The obligations set out in art. 52c may be imposed on the person concerned.<sup>44</sup>
- 5) Prior to the deportation of unaccompanied foreign minors, it shall be ensured that such minors will be returned in the state of return to a family member, a guardian or reception facilities.<sup>45</sup>

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<sup>42</sup> Art. 55 paragraph 2 inserted by LGBl. 2011 no. 177.

<sup>43</sup> Art. 55 paragraph 3 inserted by LGBl. 2011 no. 177.

<sup>44</sup> Art. 55 paragraph 4 inserted by LGBl. 2011 no. 177.

## Art. 56

*Search*

1) During removal or expulsion proceedings, arrangements can be made that the person concerned and the belongings that he or she is carrying are being searched in order to seize travel and identity documents. The search may be carried out only by persons of the same sex.

2) If a removal or expulsion decision has been issued in the first instance, the Court of Justice, upon application of the Migration and Passport Office, may order the search of a dwelling or of other premises, if it is suspected that a person subject to a removal or expulsion decision may be hiding there.

3) The Government shall provide further details in an ordinance.

Art. 56a<sup>46</sup>*Supervision of deportations*

The Government shall regulate the proceedings and the responsibilities for the supervision of deportations in an ordinance.

## Art. 57

*Short-term detention*

1) Persons who do not meet the entry requirements set out in art. 7 may be detained by the National Police:

- a) to clarify their residence status;
- b) to determine their identity or nationality, as far as their personal cooperation is required for this purposes; or
- c) to notify them of an order in connection with their residence status.

2) If a person is detained, such person must:

- a) be informed of the reason for such person's detention;
- b) be permitted to contact the persons guarding such person if such person requires help.

3) The person may only be detained for the duration of such person's cooperation or questioning and the transport which might be necessary, but no

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<sup>45</sup> Art. 55 paragraph 5 inserted by LGBl. 2011 no. 177.

<sup>46</sup> Art. 56a inserted by LGBl. 2011 no. 177. Entered into force on 19 December 2011 (LGBl. 2011 no. 565).



longer than 24 hours. If the detention lasts longer than 24 hours, a detention order as set out in art. 58 must be issued.<sup>47</sup>

4) The duration of the detention shall not be counted toward the duration of any possible detention as defined by art. 58 or 59.<sup>48</sup>

Art. 58<sup>49</sup>

*Preparatory detention*

In order to ensure the conduct of removal proceedings, a person who does not hold a short stay permit, a residence permit or a permanent residence permit may be detained during the preparation of the decision on his residence entitlement, if such person:

- a) refuses to disclose his identity during removal proceedings;
- b) enters Liechtenstein territory despite a valid entry ban and cannot be removed immediately;
- c) following a final revocation of his permit, a final non-extension of the permit or following an expulsion (art. 53) submits an application for asylum;
- d) dangerously threatens other persons or considerably endangers the life and limb of other persons and is therefore being prosecuted or has been convicted;
- e) can presumably be transferred on the basis of an application for transfer to a state which is bound by the Dublin Acquis and responsible for the conduct of asylum proceedings pursuant to the provisions of Regulation (EU) No. 604/2013;<sup>50</sup>
- f) can presumably be readmitted on the basis of an application for readmission to a state which is bound by the provisions of the Directive 2008/115/EC or by a state with which there is a readmission agreement; or
- g) does not fulfil or no longer fulfils the entry requirements set out in art. 7 and cannot be removed immediately.

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<sup>47</sup> Art. 57 paragraph 3 amended by LGBl. 2011 no. 177.

<sup>48</sup> Art. 57 paragraph 4 inserted by LGBl. 2011 no. 177.

<sup>49</sup> Art. 58 amended by LGBl. 2011 no. 177.

<sup>50</sup> Art. 58 sub-paragraph e amended by LGBl. 2016 no. 412.

## Art. 59

*Detention pending deportation*<sup>51</sup>

1) If a removal or expulsion order in the first instance has been notified, the person concerned, for the purpose of ensuring the enforcement:

- a) may be left in detention, if based on art. 58 he is already in detention;
- b) may be detained if:
  - 1. he disrespects a valid entry ban;
  - 2. he dangerously threatens other persons or considerably endangers the life and limb of other persons;
  - 3. specific indications give rise to concerns that he is seeking to resist or evade deportation, in particular because he fails to comply with the obligation to cooperate in the obtaining of his passport pursuant to art. 65 sub-paragraph c;
  - 4. he does not leave the country upon expiry of the duration of validity of the visa or the permit;
  - 5. he failed to comply with the time period set for his departure;
  - 6. a ground for detention as set out in art. 58 sub-paragraphs e or f applies; or
  - 7. he no longer meets the entry requirements set out in art. 7.<sup>52</sup>

2) Repealed<sup>53</sup>

3) The arrangements required for the enforcement of the removal or expulsion shall be taken immediately.

Art. 60<sup>54</sup>*Detention order and detention review*

1) Detention as defined by art. 58 or 59 shall be ordered by the Migration and Passport Office, outside the office hours by the National Police.

2) The order of detention against children and adolescents who have not yet reached the age of fifteen years shall be impermissible.

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<sup>51</sup> Art. 59 Subject heading amended by LGBl. 2011 no. 177.

<sup>52</sup> Art. 59 paragraph 1 amended by LGBl. 2011 no. 177.

<sup>53</sup> Art. 59 paragraph 2 repealed by LGBl. 2011 no. 177.

<sup>54</sup> Art. 60 amended by LGBl. 2011 no. 177.

3) The legality and appropriateness of detention shall be reviewed at the latest within 96 hours from notification of the detention order by the Court of Justice on the basis of an oral hearing.

4) When reviewing the decision to issue, continue or revoke a detention [order], the Court of Justice shall also take account of the detainee's family circumstances.

5) The detainee may submit a written application for release from detention with the Migration and Passport Office one month after the detention review. If the Migration and Passport Office does not grant the application, it shall submit the application to the Court of Justice within three business days from receipt. The Court of Justice shall render a decision on the application within eight business days from receipt after holding an oral hearing. Another application for release from detention may not be submitted until one month after the most recent decision on the release from detention.

6) The detention shall be terminated by the Migration and Passport Office ex officio if:

- a) the ground for detention ceases to apply or the enforcement of the removal or deportation proves to be unfeasible for legal or factual reasons;
- b) an application for release from detention is granted;
- c) the detainee starts to serve a term of imprisonment or a preventive measure.

7) A review of the legality and appropriateness of detention by the Court of Justice shall be made only if the person concerned is still in detention.

8) The Migration and Passport Office shall immediately inform the Court of Justice of the enforcement of removal or expulsion and of the termination of detention.

9) The Government may provide further details in an ordinance.

#### Art. 61<sup>55</sup>

##### *Term of detention*

1) Detention as defined by art. 58 and 59 may not together exceed the term of detention of six months.

2) In the case of minors between 15 and 18 years, it may not exceed three months.<sup>56</sup>

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<sup>55</sup> Art. 61 amended by LGBl. 2011 no. 177.

<sup>56</sup> Art. 61 paragraph 2 entered into force on 19 December 2011 (LGBl. 2011 no. 565).

3) In derogation of paragraphs 1 and 2, detention as defined by art. 58 sub-paragraph e and art. 59 paragraph 1 sub-paragraph b(6) (first case) may not exceed the maximum term of 30 days.

4) Upon application of the Migration and Passport Office, the Court of Justice may extend the term of detention by a maximum term of three months if:

- a) the person concerned does not cooperate with the Migration and Passport Office or the National Police;
- b) the transmission of the documents required for departure by states which are not bound by the Schengen Acquis is delayed.

5) Together with the application set out in paragraph 4, the Court of Justice shall be informed of any new information relevant to the decision that has arisen pursuant to art. 60 paragraph 3 since the detention review hearing.

6) In the case of paragraph 4 sub-paragraph b, the Court of Justice may decide without an oral hearing.

Art. 61a<sup>57</sup>

*Court proceedings*

1) The detainee and the public prosecutor's office shall have party status in the proceedings concerning detention as defined by art. 58 to 61.

2) In the detention review hearing, the detainee shall not be required to give testimony. The detainee shall be instructed in this regard by the Court of Justice.

3) Immediately following the issuance of the order of detention, the authority responsible pursuant to art. 60 paragraph 1 shall provide:

- a) to the Court of Justice a copy of the detention order including a copy of the files of the proceedings;
- b) to the public prosecutor's office a copy of the detention order.

4) The Migration and Passport Office shall be heard in the detention review hearing.

5) If the detention is confirmed by the Court of Justice, the detainee shall require legal counsel for the further term of detention. § 26 of the Code of Criminal Procedure shall apply mutatis mutandis.

6) The provisions of the Code of Criminal Procedure shall also be applicable.

7) The Government may provide further details in an ordinance.

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<sup>57</sup> Art. 61a inserted by LGBl. 2011 no. 177.

Art. 61b<sup>58</sup>*Appeal*

1) Any decisions rendered by the Court of Justice may be appealed by the detainee and the public prosecutor's office to the Court of Appeal within three days from notification of the decision.

2) The Code of Criminal Procedure shall be applicable to the appeal proceedings mutatis mutandis.

## Art. 62

*Conditions of detention*

1) The National Prison shall ensure that the detainee may notify a person in Liechtenstein designated by him or her. Oral and written communication with an authorized party representative shall be permissible.

2) Detention shall be enforced in suitable premises. Accommodation with persons in pre-trial detention or in criminal detention shall be impermissible.

3) To the extent possible, the detainees shall be offered suitable occupation.

4) In case of persons in need of protection, emergency health care and the absolutely necessary treatment of illnesses shall be ensured.<sup>59</sup>

5) For unaccompanied minors and families with minors, detention shall be arranged in such a manner that:

- a) families obtain separate accommodation which guarantees an adequate level of privacy;
- b) minors are afforded the opportunity to engage in leisure activities including opportunities for age-appropriate games and relaxation, and, depending on the length of the stay, access to education;
- c) unaccompanied minors are accommodated in institutions which, in terms of their staff and material resources, meet their age-adequate needs;
- d) the welfare of the child takes priority.<sup>60</sup>

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<sup>58</sup> Art. 61b inserted by LGBl. 2011 no. 177.

<sup>59</sup> Art. 62 paragraph 4 inserted by LGBl. 2011 no. 177.

<sup>60</sup> Art. 62 paragraph 5 inserted by LGBl. 2011 no. 177.

## Art. 63

*Costs of detention*

The costs of detention shall be borne by the state, unless the costs may be imposed on the person concerned or third parties in whole or in part, because they are co-responsible for the detention due to their conduct.

**XI. Obligations**

## Art. 64

*Possession of a valid passport*

Foreigners must be in possession of a valid passport throughout their stay.

## Art. 65

*Obligation to cooperate*

Foreigners and third parties involved in proceedings pursuant to this Act shall be obliged to cooperate in determining the relevant facts necessary to apply this Act. They shall in particular:

- a) provide truthful and complete information about facts which are essential for the regulation of the stay;
- b) submit the required evidence immediately or make efforts to obtain it within a reasonable period of time;
- c) obtain their passport or assist the authorities in obtaining such passport.

## Art. 66

*Duty of care of employers*

Before a foreigner begins employment, an employer shall inspect the residents identity card or enquire with the Migration and Passport Office to make sure that the person is entitled to engage in gainful employment in Liechtenstein.

## XII. Tasks and responsibilities

### Art. 67

#### *Responsibilities*

1) With the exception of the cases set out in art. 26 paragraph 4, it shall be incumbent upon the Government to render the decision on the first-time grant of a residence permit for salaried employment.

2) It shall be incumbent upon the Migration and Passport Office:

- a) to grant, refuse and extend permits; paragraph 1 shall remain reserved;
- b) to enter into integration agreements as defined by art. 41;
- c) to issue and alter confirmation documents, residents identity cards and cross-border commuter identity cards, and visa;
- d) to carry out checks of the housing conditions of the foreigner requiring a permit, in cooperation with the municipalities;
- e) to order the measures set out in art. 8, 38, 39, 47 to 54, 56 paragraph 1, and 89;
- f) to pay financial contributions for projects encouraging integration pursuant to art. 43 paragraph 2 sub-paragraph a;<sup>61</sup>
- g) to punish infractions pursuant to art. 87;
- h) to fulfil other tasks not expressly assigned to other authorities.

3) It shall be in particular incumbent upon the National Police:

- a) to enforce coercive measures pursuant to art. 55 et seqq. and art. 69a, unless other authorities are responsible;<sup>62</sup>
- b) to seize and confiscate travel documents pursuant to art. 88.

4) It shall be in particular incumbent upon the Court of Justice:

- a) to appoint a curator pursuant to art. 50 paragraph 2a;
- b) to order searches pursuant to art. 56 paragraph 2;
- c) to carry out detention reviews and releases from detention pursuant to art. 60 paragraphs 3 and 4;
- d) to extend the term of detention pursuant to art. 61 paragraph 4;

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<sup>61</sup> Art. 67 paragraph 2 sub-paragraph f amended by LGBl. 2016 no. 506.

<sup>62</sup> Art. 67 paragraph 3 sub-paragraph a amended by LGBl. 2011 no. 177.

e) to punish misdemeanours pursuant to art. 83 to 86 and infractions pursuant to art. 86a and, insofar as the proceedings are joined within the meaning of art. 87a, pursuant to art. 87.<sup>63</sup>

5) It shall be incumbent upon the Office of Social Services to pay financial contributions for integration measures pursuant to art. 43, unless the Migration and Passport Office is responsible pursuant to paragraph 2 sub-paragraph f.<sup>64</sup>

#### Art. 68

##### *Exercise of discretion*

1) When exercising their discretionary powers, the responsible authorities shall take account of the public interests of the state and the personal circumstances and the level of integration of the foreigners.

2) If a measure is justified, but not appropriate in the circumstances, the person concerned may be issued with a warning under penalty of this measure.

#### Art. 69

##### *Administrative assistance and cooperation between the authorities*

1) The agencies of national administration, municipalities, courts and AHV/IV/FAK institutions shall assist the offices and authorities entrusted with the implementation of this Act in the execution of the tasks incumbent upon them pursuant to this Act. They shall provide the necessary information and on request allow inspection of official files.

2) The authorities and offices set out in paragraph 1 shall provide to the Migration and Passport Office the necessary personal data and information on foreigners without being requested to do so and immediately if:

- a) the person is not in possession of a residents identity card and is either in policy custody or in pre-trial detention;
- b) criminal proceedings for a crime or misdemeanour have been initiated or if a criminal judgment has been rendered;
- c) civil proceedings regarding the civil status, the entitlement to custody, adoption or determination of paternity have been initiated;
- d) a request for announcement of marriage has been dismissed;

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<sup>63</sup> Art. 67 paragraph 4 amended by LGBl. 2011 no. 177.

<sup>64</sup> Art. 67 paragraph 5 inserted by LGBl. 2016 no. 506.



- e) the receipt of economic assistance since the grant of the permanent residence permit exceeds the amount of 75,000 francs; or
- f) the discontinuation of unemployment insurance benefits was ordered.

Art. 69a<sup>65</sup>

*Use of force and police measures by the National Police*

1) Within the limits of their competences, the National Police may use force and police measures to fulfil their duties, insofar as the legal interests to be protected so justify.

2) The Government shall provide further details in an ordinance.

Art. 69b<sup>66</sup>

*International treaties*

The Government may enter into agreements on visa and readmission matters with foreign states or international organizations.

### **XIII. Data protection, data processing and information systems<sup>67</sup>**

#### **A. In general<sup>68</sup>**

Art. 70

*Data processing*

The authorities responsible for the implementation of this Act may process or instruct another person to process personal data, including particularly sensitive data and personality profiles of foreigners as well as third parties involved in proceedings in accordance with this Act, insofar as they need this data to fulfil their statutory duties.

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<sup>65</sup> Art. 69a inserted by LGBL 2011 no. 177.

<sup>66</sup> Art. 69b inserted by LGBL 2011 no. 177.

<sup>67</sup> Heading preceding Art. 70 amended by LGBL 2011 no. 177.

<sup>68</sup> Heading preceding Art. 70 amended by LGBL 2011 no. 177.

## Art. 71

*Data collection for identification purposes*

1) The Migration and Passport Office or the National Police may order the collection of biometric data and process biometric data in order to determine and ensure the identity of a foreigner when verifying entry requirements and in proceedings governed by the laws on foreigners.

2) The Government shall lay down in an ordinance:

- a) the biometric data which may be collected;
- b) the procedure for the collection of data;
- c) access to such data.<sup>69</sup>

Art. 71a<sup>70</sup>*Biometric data for identity cards*

1) The Migration and Passport Office may collect the biometric data required for the issue of an identity card and process such data for the production of an identity card.

2) The fingerprints required for the issue of an identity card shall be deleted at the latest 30 days after their collection.

3) The Government may issue an ordinance in order to provide for exceptions from paragraph 2 for specific groups of persons due to their age or physical or mental conditions.

## Art. 72

*Disclosure of personal data to third countries*

1) In order to fulfil their duties, in particular to combat criminal offences under this Act, the Migration and Passport Office and the National Police may disclose personal data of foreigners to Migration authorities and international organizations entrusted with corresponding duties provided that they guarantee an adequate level of data protection.<sup>71</sup>

2) The following personal data may be disclosed:

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<sup>69</sup> Art. 71 paragraph 2 amended by LGBL 2011 no. 177.

<sup>70</sup> Art. 71a inserted by LGBL 2011 no. 177. Entered into force on 19 December 2011 (LGBL 2011 no. 565).

<sup>71</sup> Art. 72 paragraph 1 amended by LGBL 2009 no. 349.

- a) biographical data (family name, first name, alias names, date of birth, place of birth, sex, nationality, last address in the native country or country of origin) of the foreigner and, if necessary, of the family members;
- b) information about the passport or other identity cards;
- c) biometric data;
- d) additional data required for the identification of a person;
- e) information on the state of health, as far as this is in the interests of the person concerned and the person concerned has been informed thereof;
- f) the data required for ensuring entry to the destination country as well as for the security of the accompanying persons;
- g) information on the places of stay and routes travelled;
- h) information on the regulation of the period of stay and the visas granted.

Art. 73

*Disclosure of personal data to the native country or country of origin*

For the implementation of removals or expulsions to the native country or country of origin, the Migration and Passport Office and the National Police may disclose the following data to foreign authorities entrusted with corresponding duties only if this does not put the foreigner or the family members at risk:

- a) biographical data (family name, first name, alias names, date of birth, place of birth, sex, nationality, family name and first name of the parents and last address in the native country or country of origin) of the foreigner and, if necessary, of the family members;
- b) information about the passport or other identity cards;
- c) biometric data;
- d) additional data required for the identification of a person;
- e) information on the state of health, as far as this is in the interests of the person concerned and the person concerned has been informed thereof;
- f) the data required for ensuring entry to the destination country as well as for the security of the accompanying persons.

Art. 74

*Disclosure of personal data under readmission agreements*

1) Under readmission agreements, the Migration and Passport Office and the National Police may also disclose the required personal data to states which do not provide a level of data protection equivalent to that in Liechtenstein.

2) For the purpose of readmission of its citizens, the following data may be disclosed to another contracting state:

- a) biographical data (family name, first name, alias names, date of birth, place of birth, sex, nationality, last address in the native country or country of origin) of the foreigner and, if necessary, of the family members;
- b) information about the passport or other identity cards;
- c) biometric data;
- d) additional data required for the identification of a person;
- e) information on the state of health, as far as this is in the interests of the person concerned and the person concerned has been informed thereof;
- f) the data required for ensuring entry to the destination country as well as for the security of the accompanying persons;
- g) information on criminal proceedings, insofar as this is required in specific cases to process readmission and to safeguard public security and order in the native country and provided that the person is not endangered as a result.

Art. 74a<sup>72</sup>

*Consultation of data in the Central Visa Information System*

1) The Central Visa Information System (C-VIS) shall contain the visa data from all states for which Regulation (EC) No. 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218, 13.8.2008, p. 60) is into force.

2) The following authorities may consult C-VIS data online:

- a) the Migration and Passport Office:
  - 1. during visa proceedings;
  - 2. to determine the state which is responsible for examining an application for asylum in application of Regulation (EU) No. 604/2013;<sup>73</sup>

<sup>72</sup> Art. 74a inserted by LGBl. 2011 no. 177. Entered into force on 19 December 2011 (LGBl. 2011 no. 565).

<sup>73</sup> Art. 74a paragraph 2 sub-paragraph a(2) amended by LGBl. 2016 no. 412.

3. as part of the examination of an application for asylum, if Liechtenstein is responsible for processing the application for asylum;
  - b) the National Police units which carry out checks on persons: for the identification of persons who do not meet or no longer meet the requirements for entry into the sovereign territory of Liechtenstein or for a stay in Liechtenstein;
  - c) the central access point pursuant to art. 74e sub-paragraph c: for the purpose of preventing, detecting or investigating terrorist offences or other serious criminal offences within the meaning of the Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences (OJ L 218, 13.8.2008, p. 129).
- 3) The National Police units responsible for the prevention of and combat against terrorist offences or other serious criminal offences may submit an application to the central access point for certain C-VIS data under the Decision 2008/633/JHA.

Art. 74b<sup>74</sup>

*National Visa System*

- 1) The Migration and Passport Office shall operate a national visa system. The system shall serve the registration of visa applications and the issue of visas granted by Liechtenstein. In particular, it shall contain the data transmitted via the national interface (N-VIS) to the C-VIS.
- 2) The national visa system shall contain the following categories of data on visa applicants:
  - a) alphanumerical data on the applicant and on the visas that have been applied for, granted, denied, cancelled, revoked or extended;
  - b) the applicant's photographs and fingerprints;
  - c) the links between certain visa applications.
- 3) The Migration and Passport Office may enter, modify, delete or consult data in the national visa system in order to fulfil the tasks under the visa proceedings. It shall enter and process the data transmitted to the C-VIS in accordance with Regulation (EC) No. 767/2008.

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<sup>74</sup> Art. 74b inserted by LGBL 2011 no. 177. Entered into force on 19 December 2011 (LGBL 2011 no. 565).

Art. 74c<sup>75</sup>*Consultation of the national visa system*

The Migration and Passport Office shall grant the National Police online access to the data contained in the national visa system, to the extent that this is necessary to fulfil their duties.

Art. 74d<sup>76</sup>*Exchange of information with EU Member States for which Regulation (EC) No. 767/2008 is not yet in force*

The Member States of the European Union for which Regulation (EC) No. 767/2008 is not yet in force may send their applications for information to the central access point (art. 74e sub-paragraph c).

Art. 74e<sup>77</sup>*Implementing provisions on the visa information systems*

The Government shall regulate in an ordinance:

- a) the units of the authorities pursuant to art. 74a paragraphs 2 and 3 and 74b paragraph 3 to which the powers mentioned therein apply;
- b) the procedure by which authorities obtain C-VIS data pursuant to art. 74a paragraph 3;
- c) the National Police unit which acts as the central access point within the meaning of art. 3 paragraph 3 of the Decision 2008/633/JHA;
- d) the extent of online access to the C-VIS and the national visa system;
- e) the data which shall be collected in the national visa system and the entitlement by the authorities to access such data pursuant to art. 74c;
- f) the procedure for the exchange of information pursuant to art. 74d;
- g) the storage of data and the procedure for its deletion;
- h) the modalities with regard to data security;
- i) responsibility for data processing;

<sup>75</sup> Art. 74c inserted by LGBl. 2011 no. 177. Entered into force on 19 December 2011 (LGBl. 2011 no. 565).

<sup>76</sup> Art. 74d inserted by LGBl. 2011 no. 177. Entered into force on 19 December 2011 (LGBl. 2011 no. 565).

<sup>77</sup> Art. 74e inserted by LGBl. 2011 no. 177. Entered into force on 19 December 2011 (LGBl. 2011 no. 565).

- k) the list of criminal offences pursuant to art. 74a paragraph 2 sub-paragraph c and paragraph 3.

Art. 75

*Central register of persons*<sup>78</sup>

1) The Migration and Passport Office shall process the personal data in the central register of persons which it requires to fulfil its duties in accordance with this Act.<sup>79</sup>

2) The central register of persons shall serve the Migration and Passport Office for the following particular purposes:<sup>80</sup>

- a) issue of residents identity cards;
- b) issue and checks of visas;
- c) issue of documents evidencing the assurance of a residence regulation;
- d) issue of residence certificates;
- e) control of the presence and residence entitlement and departure;
- f) processing notices, in particular arrivals, relocations and departures;
- g) administrative notice of departure as a result of naturalization;
- h) collection of administrative measures (entry ban, expulsion, detention); and
- i) collection of grounds for revocation and administrative proceedings.

Art. 76

*Disclosure of personal data from the central register of persons*<sup>81</sup>

1) The Migration and Passport Office may, upon request, disclose personal data from the central register of persons under administrative assistance, in particular to:<sup>82</sup>

- a) the National Police for control and enforcement duties;
- b) AHV/IV/FAK institutions for the clarification of the applications by foreigners for benefits and the calculation of the benefits they are entitled to; and
- c) the Office of Statistics for the preparation of statistics.

<sup>78</sup> Art. 75 subject heading amended by LGBl. 2011 no. 177.

<sup>79</sup> Art. 75 paragraph 1 amended by LGBl. 2011 no. 177.

<sup>80</sup> Art. 75 paragraph 2 introductory sentence amended by LGBl. 2011 no. 177.

<sup>81</sup> Art. 76 subject heading amended by LGBl. 2011 no. 177.

<sup>82</sup> Art. 76 paragraph 1 introductory sentence amended by LGBl. 2011 no. 177.

- 2) Data of uninvolved third parties may generally not be disclosed.
- 3) Disclosure may be made in the consultation procedure. The Government shall provide further details, in particular on the access rights, in an ordinance.

## **B. Data protection under the Schengen Acquis applicable to Liechtenstein**

### Art. 77

#### *Disclosure of data to states participating in the Schengen Acquis*

The disclosure of personal data to the competent authorities of states which are bound by the Schengen Acquis shall be regarded as equivalent to the disclosure of personal data between domestic authorities.

### Art. 78

#### *Data processing in connection with visa applications pursuant to the Schengen Acquis applicable to Liechtenstein*

- 1) The Migration and Passport Office shall be the central authority for consultations in connection with visa applications pursuant to the Schengen Acquis applicable to Liechtenstein.
- 2) In this capacity, it may use automated procedures to disclose and retrieve in particular the following categories of data:
  - a) the diplomatic or consular representation where the visa application was filed;
  - b) the identity of the person concerned (family name, first name, date of birth, place of birth, nationality, place of residence, profession and employer) and, if necessary, the identity of the family members;
  - c) information about the identity documents;
  - d) information about the places of stay and routes travelled.
- 3) The authorized representations abroad may exchange data required at their location for consular cooperation with their partners from states that are bound by the Schengen Acquis, and in particular information about the use of forged or falsified documents and about human trafficking networks as well as data of the categories mentioned in paragraph 2.



4) The Government may adapt the categories of personal data mentioned in paragraph 2 to the latest developments of the Schengen Acquis applicable to Liechtenstein. For this purpose, it shall consult the Data Protection Commissioner.

Art. 79

*Information on obtaining personal data*

1) If personal data is obtained, the person concerned shall be informed thereof. There shall be no duty to inform if the person concerned is already informed.

2) The person concerned shall be informed at least of:

- a) the data controller;
- b) the purpose of processing;
- c) the categories of the recipients, if data is intended to be disclosed;
- d) the duty to inform and the right to information as well as their restriction under the Data Protection Act;
- e) the consequences of a refusal to state the required data.

3) If the data is not obtained from the person concerned, the person concerned shall be informed at the latest at the beginning of the data storage or upon the first disclosure thereof to third parties, unless this is not possible or only possible with a disproportionate effort or the storage or disclosure of data is expressly provided for by the law.

Art. 79a<sup>83</sup>

*Right to information*

1) The right to information shall be governed by art. 11 of the Data Protection Act.

2) As far as the restriction of the duty to inform and the right to information is concerned, art. 12 paragraphs 1, 2 and 4 of the Data Protection Act shall apply.

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<sup>83</sup> Art. 79a inserted by LGBL 2011 no. 177.

### C. Eurodac

#### Art. 80

##### *Eurodac*

1) The Migration and Passport Office and the National Police may take prints of all fingers of foreigners who are older than fourteen years and are illegally in Liechtenstein in order to check whether they have already submitted an application for asylum in another state which is bound by the applicable Dublin Acquis.<sup>84</sup>

2) The fingerprints taken in paragraph 1 shall be transmitted to the Central Unit together with the Liechtenstein code number.

### XIV. Legal remedies

#### Art. 81

##### *Right to appeal*

1) Rulings by the Migration and Passport Office may be the subject of a complaint to the Migration and Passport Office or of an appeal to the Government within fourteen days from service.

2) Decisions by the Government may be the subject of a complaint to the Government or of an appeal to the Administrative Court within fourteen days from service.

3) Art. 50 paragraph 2 and art. 51 paragraph 2 shall remain reserved.<sup>85</sup>

#### Art. 82

##### *Appeal proceedings*

1) The power of review by the Administrative Court shall be limited to legal and factual matters. Discretion shall be reviewed only legally.

2) In the appeal proceedings, new facts and evidence may be presented only if they already existed at the time when the decision in the first instance was rendered,

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<sup>84</sup> Art. 80 paragraph 1 amended by LGBl. 2016 no. 412.

<sup>85</sup> Art. 81 paragraph 3 inserted by LGBl. 2011 no. 177.

and if it is proven that the appellant had no knowledge of them or could not have had any knowledge of them even if he had exercised proper care.

## **XV. Criminal provisions and administrative penalties**

### Art. 83

#### *Unlawful period of stay*

- 1) The Court of Justice shall punish with imprisonment of up to one year or with a monetary penalty of up to 360 daily rates any person who illegally stays in Liechtenstein, in particular after the expiry of a period of stay which does not require a permit or for which a permit was granted.
- 2) The Court of Justice shall punish with a monetary penalty of up to 360 daily rates any person who commits the act negligently.
- 3) Prosecution may be dispensed with for illegally present foreigners, provided that they are deported immediately.

### Art. 84

#### *Encouraging unlawful entry and an unlawful period of stay*

- 1) The Court of Justice shall punish with imprisonment of up to one year or with a monetary penalty of up to 360 daily rates any person who makes it possible for a foreigner to enter or stay in the country unlawfully or facilitates an unlawful entry or an unlawful period of stay of such foreigner or assists a foreigner to prepare such an unlawful entry or unlawful period of stay.
- 2) The Court of Justice shall punish any person with a monetary penalty of up to 360 daily rates who commits the act negligently.
- 3) The penalty shall be imprisonment of up to three years or a monetary penalty of up to 360 daily rates if the perpetrator:
  - a) acts with the intent to unjustly enrich himself or another person; or
  - b) acts on behalf of a criminal group.

## Art. 85

*Production, use and procurement of forged identity documents and improper use or passing on of genuine identity documents*

1) The Court of Justice shall punish with imprisonment of up to one year or with a monetary penalty of up to 360 daily rates any person who:

- a) produces forged identity documents governed by the laws on foreigners or falsifies genuine identity documents or uses or procures any such documents;
- b) uses genuine identity documents to which such person is not entitled; or
- c) passes on genuine identity documents to unauthorized person for them to use such documents.

2) The penalty shall be imprisonment of up to three years or a monetary penalty of up to 360 daily rates if the perpetrator:

- a) acts with the intent to unjustly enrich himself or another person; or
- b) acts on behalf of a criminal group.

## Art. 86

*Deceptive conduct towards the authorities*

1) The Court of Justice shall punish with imprisonment of up to one year or with a monetary penalty of up to 360 daily rates any person who deceives the authorities responsible for the implementation of this Act by providing false information or withholding essential facts and thereby surreptitiously obtains the grant of a permit for himself or another person or effects that a permit is not revoked.

2) The Court of Justice shall punish with imprisonment of up to one year or with a monetary penalty of up to 360 daily rates any person who, with the purpose of circumventing the regulations on the admission and stay of foreigners, marries or enters into a registered partnership with a foreigner or arranges, encourages or enables such a marriage or registered partnership.<sup>86</sup>

3) The penalty shall be a term of imprisonment of up to three years or a monetary penalty of up to 360 daily rates if the perpetrator:

- a) acts with the intent to unjustly enrich himself or another person; or
- b) acts on behalf of a criminal group.

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<sup>86</sup> Art. 86 paragraph 2 amended by LGBl. 2011 no. 355.

Art. 86a<sup>87</sup>*Improper processing of personal data in the visa information systems*

The Court of Justice shall punish for an infraction with a fine of up to 10,000 francs any person who intentionally processes personal data of the national visa system or of the C-VIS for purposes other than those provided for in art. 74a to 74d.

## Art. 87

*Further offences*

Subject to art. 87a, the Migration and Passport Office shall punish for an infraction with a fine of up to 10,000 francs any person who intentionally or negligently.<sup>88</sup>

- a) violates the entry requirements set out in art. 7;
- b) violates the requirements to register and give notice of departure;
- c) engages in gainful employment without the necessary permit;
- d) procures gainful employment for a foreigner without the permit necessary therefor or employs a foreigner without the permit necessary therefor;
- e) fails to comply with the conditions associated with the permit;
- f) fails to comply with the obligation to cooperate; or
- g) violates implementing provisions of this Act the violation of which is declared to carry a penalty.

Art. 87a<sup>89</sup>*Joinder of proceedings*

1) If the Court of Justice has jurisdiction due to an offence set out in the Criminal Code or due to art. 83 to 86a, it shall also be responsible for the prosecution of infractions set out in art. 87 in place and stead of the Migration and Passport Office.

2) If several punishable acts coincide, art. V paragraph 5 of the Criminal Law Adjustment Act shall apply.

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<sup>87</sup> Art. 86a inserted by LGBl. 2011 no. 177.

<sup>88</sup> Art. 87 introductory sentence amended by LGBl. 2011 no. 177.

<sup>89</sup> Art. 87a inserted by LGBl. 2011 no. 177.

Art. 88<sup>90</sup>*Confiscation and seizure of travel documents*

Falsified and forged travel documents and genuine travel documents which have been improperly used shall be confiscated by the Migration and Passport Office, by the border posts and by the National Police for evidence preservation purposes until final completion of criminal proceedings pursuant to art. 85. After final completion of the criminal proceedings, the confiscated documents shall be seized by the National Police to be handed over to the entitled person.

## Art. 89

*Administrative penalties and cost assumption*

1) If an employer has violated the provisions of this Act and if he has been punished for such violation repeatedly within three years, the Migration and Passport Office shall dismiss during two years from when the last decision became final the employer's future requests for admission of foreign employees who are not entitled to be granted a permit.

2) The employer who has employed or sought to employ foreign employees requiring a permit who are not entitled to engage in gainful employment shall assume any uncovered costs incurred by the state for subsistence, any accident or illness, and the return journey of the persons concerned.

**XVI. Fees**

## Art. 90

*Fees*

1) Fees shall be charged for official acts in accordance with this Act, in particular for the grant and revocation of permits and special services.

2) The Government shall fix the amount of the fees in an ordinance.

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<sup>90</sup> Art. 88 amended by LGBL 2011 no. 177.

## XVII. Transitional provisions and final provisions

### Art. 91<sup>91</sup>

#### *Implementing ordinances*

The Government shall issue the ordinances necessary for the implementation of this Act.

### Art. 92

#### *Transitional provisions*

1) The previous law shall be applicable to proceedings pending upon the entry into force of this Act.

2) In cases in which the time limit for the application for family reunification set out in art. 34 paragraph 1 sub-paragraph a expires within six months since the entry into force of this Act, such time limit shall be extended by eighteen months.

3) Any offences committed prior to the entry into force of this Act shall be governed by this Act, provided that the offence has also carried a penalty under the previous law and provided that this Act is not as severe for the perpetrator.

### Art. 93

#### *Repeal of previous law*

The Act of 11 March 1999 on the combination of the Passport Office and the Immigration Police and on the creation of the new name Migration and Passport Office, LBGl. 1999 no. 88, shall be repealed.

### Art. 94

#### *Entry into force*

1) Subject to paragraph 2, this Act shall enter into force at the same time as the Constitutional Act of 17 September 2008 on the modification of the Constitution of 5 October 1921.

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<sup>91</sup> Art. 91 amended by LGBL 2011 no. 177.

2) The Government shall determine the moment of the entry into force of art. 2 paragraph 3, art. 7 paragraph 4, art. 51, 77, 78 and 80 in an ordinance. The determination of the entry into force shall occur at the latest upon the full putting into force of the Protocol of 28 February 2008 between the European Union, the European Community and the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the association of the Swiss Confederation with the implementation, application and development of the Schengen Acquis.<sup>92</sup>

For the Reigning Prince:

signed *Alois*

Hereditary Prince

signed *Otmar Hasler*

Princely Head of Government

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<sup>92</sup> Entered into force on 19 December 2011 (LGBL 2011 no. 563).





**152.20**

**Transitional provisions**

**152.20 Foreigners Act (AuG)**



**Liechtenstein Law Gazette**

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**Act**  
of 16 March 2011  
**amending**  
**the Foreigners Act**

...

**II.****Transitional provision**

The previous law shall be applicable to proceedings pending upon the entry into force of this Act<sup>93</sup>.

**III.****Entry into force**

1) Subject to paragraph 2 and subject to the fact that the time limit for a referendum has expired without the same having been used, this Act shall enter into force on 1 September 2011, otherwise on the day of its announcement.

2) The Government shall determine the moment of the entry into force of art. 5 paragraph 3, art. 31 paragraph 4a, art. 31a, art. 51, 52a paragraph 1 sub-paragraph b, art. 52b paragraph 3 sub-paragraphs e and f, art. 56a, 58 sub-paragraph e, art. 61 paragraph 2, art. 71a, 74a to 74e and 80 paragraph 1 in an ordinance. The determination of the entry into force shall occur at the latest upon the full putting

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<sup>93</sup> For the entry into force of this Act, see the following item III.

into force of the Protocol of 28 February 2008 between the European Union, the European Community and the Swiss Confederation and the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the association of the Swiss Confederation with the implementation, application and development of the Schengen Acquis.

...