

Translation of Liechtenstein Law

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

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

I. General provisions

Article 1

Object

This Act shall govern the entry and exit, stay and residence, and family reunification of foreigners. In addition, it contains provisions on integration according to the principle of demanding and promoting.

Article 2

Scope

- 1) This Act shall apply to foreigners, provided that:
- a) they are neither nationals of a Member State of the European Economic Area (EEA Member State) nor Swiss nationals;
 - b) they are family members of persons who are neither nationals of a Member State of the European Economic Area (EEA Member State) nor Swiss nationals.¹

¹ Article 2(1)(b) amended by LGBI. 2009 No. 349.

2) This Act shall not apply to the provision of cross-border services by self-employed persons or undertakings whose residence or registered office is in the EEA or in Switzerland; nor shall it apply to employees of such undertakings who are neither nationals of a Member State of the European Economic Area (EEA Member State) nor Swiss nationals.

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

Article 3

Designations

The terms designating persons and functions in this Act shall apply to both female and male genders.

Article 3a²

Reference to legal provisions of the Schengen or Dublin acquis applicable in Liechtenstein

Where reference is made in this Act to legal provisions of the Schengen or Dublin acquis applicable in Liechtenstein, the applicable version of such legal provisions shall be derived from the promulgation of the international treaties for the further development of the Schengen or Dublin acquis in the Liechtenstein Law Gazette pursuant to Article 3 of the Promulgation Act.

Article 4

Relationship between this Act and asylum proceedings

1) Persons who stay in Liechtenstein under 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.³

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

² Article 3a inserted by LGBL 2019 No. 370.

³ Article 4(1) amended by LGBL 2012 No. 30.

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.

II. Principles of admission and integration

Article 5

Admission

1) The admission of gainfully employed foreigners shall be permitted in the interests of 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 Articles 32 to 39 are met.

3) Foreigners shall be admitted only if the Schengen acquis applicable to Liechtenstein does not provide otherwise.⁴

Article 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 familiarise 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.

⁴ Article 5(3) inserted by LGBL 2011 No. 177. Entry into force on 19 December 2011 (LGBL 2011 No. 565).

III. Entry and exit

Article 7

Entry requirements

- 1) Foreigners who wish to enter Liechtenstein:
 - a) must have a valid passport;⁵
 - a^{bis}) must, where required, have a visa or travel authorisation in accordance with Regulation (EU) 2018/1240⁶ (ETIAS travel authorisation);⁷
 - b) must have sufficient financial means for their stay or residence;
 - c) may not pose a threat to public security and order and to Liechtenstein's international relations;⁸
 - d) may not be subject to a measure keeping them away; and⁹
 - e) may not be the subject of an international arrest warrant.¹⁰
- 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-term permit or a residence permit will be granted.
- 4) Entry requirements are subject to the provisions for the Schengen acquis applicable to Liechtenstein.

Article 8

Issuance of visas

- 1) Visas shall be issued by the competent representation abroad or by the Migration and Passport Office.

⁵ Article 7(1)(a) amended by LGBL 2019 No. 370.

⁶ Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018, 1).

⁷ Article 71(1)(abis) inserted by LGBL 2019 No. 370.

⁸ Article 7(1)(c) amended by LGBL 2011 No. 177.

⁹ Article 7(1)(d) amended by LGBL 2011 No. 177.

¹⁰ Article 7(1)(e) inserted by LGBL 2011 No. 177.

2) By ordinance, the Government shall provide further details governing the grant of visas in accordance with agreements under international law.

3) In order to cover any costs of care and support or return, a guarantee declaration limited in time, the conclusion of an insurance policy, the deposit of a bond, or other securities may be required.

IV. Permit and notification requirement

A. In general

Article 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 permit-free stay may not exceed three months. If the visa contains a shorter period of stay, this shall apply.

3) Once the period of stay not requiring a permit within the meaning of paragraph 2 expires, the person concerned shall be under an obligation to leave the country.

Article 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, subject to Article 12.

2) Gainful employment shall include any employed or self-employed activity that is normally carried out for payment, irrespective of whether payment is made.

Article 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-term 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 Residents' 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 residence 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

Article 12

Principle

1) Self-employed persons or undertakings 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 notification requirement. The notification shall be made at the Migration and Passport Office no later than two working days prior to the provision of the service.

3) A cross-border service is defined as a business activity in Liechtenstein for a limited period of time, which is usually provided against payment.

4) The Government shall provide further details by ordinance.

V. Permit requirements

A. Permit for a stay with gainful employment

Article 13

Permit requirements

1) Foreigners may only be granted a short-term permit or a residence permit for the purpose of gainful employment if:

- a) this is in the interest of the national economy;
- b) an application from a domestic employer has been submitted;
- c) in case of an application for a short-term 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, professional and social adaptability, language skills, and age indicate that there is a prospect of lasting integration in the employment 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 Articles 14 to 18 are met; and
- h) engaging in an activity as a cross-border commuter is not reasonable.¹¹

2) The Government shall provide further details by ordinance.

Article 14

Personal requirements

Short-term permits or residence permits for purposes of employment as an employee may be granted only to managers, specialists, and other qualified employees with a completed apprenticeship or many years of professional experience.

¹¹ Article 13(1)(h) inserted by LGBL 2009 No. 349.

Article 15

Salary and employment conditions

Foreigners may be admitted for purposes of employment as an employee only if the salary and employment conditions customary for the location, profession, and line of business are respected.

Article 16

Priority for nationals

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

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

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

Article 17

Housing

Foreigners may be admitted for purposes of employment as an employee only if they have adequate housing.

Article 18

Quota limits

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

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

B. Permit for a stay without gainful employment

Article 19

Basic and continuing education

- 1) Foreigners may be granted a short-term permit for basic and continuing education purposes in Liechtenstein only if:
 - a) the probable duration of the basic and continuing education programme is known;
 - b) the management of a recognised educational institution confirms that the basic or continuing 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) the legally required health insurance coverage, which covers all risks in Liechtenstein, is proven;
 - f) adequate housing or accommodation is available;
 - g) there are no prior convictions for a crime or a misdemeanour; and
 - h) the re-exit appears to be secured.
- 2) In case of minors, their care must be guaranteed.
- 3) The Government shall provide further details by ordinance.

Article 20

Persons of particular interest

- 1) Foreigners who do not engage in gainful employment may be granted a short-term permit or a residence permit only if:
 - a) they are of particular interest for the country;
 - b) they have adequate housing;
 - c) it is demonstrated 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 with registered office in Liechtenstein); and
 - e) there are no prior convictions for a crime or a misdemeanour.

- 2) The Government shall provide further details by ordinance.

C. Derogations from the permit requirements

Article 21

Cases of hardship or important public interests

- 1) Derogations from the permit requirements set out in Articles 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-term permits or residence permits.
- 3) The Government shall provide further details by ordinance.

D. Permit for a cross-border commuter activity

Article 22

Cross-border commuter permit

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

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

E. Permit for employment as an employee by the day or week¹²

Article 22a¹³

Permit by letter

Foreigners may be granted a permit by letter to engage in employment as an employee by the day or week, if the requirements set out in Article 13(1)(a), (b), and (d) and Articles 14 and 16 are met.

¹² Heading preceding Article 22a inserted by LGBL 2011 No. 177.

¹³ Article 22a inserted by LGBL 2011 No. 177.

VI. Permit procedure

Article 23

Grant or extension of a permit

- 1) The application for the grant of a permit under this Act must be filed with the Migration and Passport Office.
- 2) The Migration and Passport Office may require a current extract from the criminal register in the applicant's country of origin or home 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-term permit;
 - b) within three months from receipt of applications for the grant of a residence permit or a settlement 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 matter 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 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.

Article 24

Assurance document or authorisation 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 authorisation 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 wait abroad for the assurance document or the authorisation to grant a visa.

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-term permits and as a rule to three months in case of residence permits.

VII. Rules governing the stay¹⁴

Article 24a¹⁵

Permit by letter

1) A permit by letter may be granted in order to engage in employment as an employee 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-term permit pursuant to Article 25, a permit by letter may be granted only if, since the expiry of the duration of validity of the short-term permit and proper departure from the country, at least six months have passed.

3) The permit shall provide information on the employer.

Article 25

Short-term permit

1) The short-term 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 demonstrated 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 departure from the country;

¹⁴ Heading preceding Article 24a inserted by LGBL 2011 No. 177.

¹⁵ Article 24a inserted by LGBL 2011 No. 177.

this shall not apply to foreigners with a short-term permit pursuant to Article 19.

Article 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 is issued for a specific purpose of stay and may be subject to conditions. Such conditions include any commitments and declarations made in the permit procedure, in particular those relating to the purpose of the stay.

3) The residence permit shall generally be limited to one year. It may be extended, provided that the integration agreement (Article 41) has been complied with and no grounds for revocation or expulsion (Articles 48 and 53) apply, subject to paragraph 4 and Article 36(1a).¹⁶

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; Article 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.

Article 27

Settlement permit

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

2) The residence 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.¹⁷

3) Foreigners may be granted a settlement permit if:

- a) they have held a residence permit without interruption for the past five years;

¹⁶ Article 26(3) amended by LGBl. 2018 No. 16.

¹⁷ Article 27(2) amended by LGBl. 2018 No. 16.

- b) they have passed a civics examination and have the required knowledge of oral and written German;
- 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 no criminal proceedings to this effect have been initiated by the Office of the Public Prosecutor or are pending in court;
- e) no recourse to social assistance has been necessary for them during the past two years; and
- f) no ground for revocation or expulsion applies.

3a) Persons shall be exempt from the requirement set out in paragraph 3(b) who:¹⁸

- a) are permanently exempt from conclusion of an integration agreement pursuant to Article 42(1)(c); or
- b) have already been staying in Liechtenstein for more than 15 years before entry into force of this Act.

4) Foreigners may be granted a settlement permit again if:

- a) they have already been in possession of a settlement 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(b), (c), (d), and (f) are met.¹⁹

5) Temporary stays abroad pursuant to Article 28 shall not be counted toward the time periods defined in paragraphs 3(a) and 4(a).

6) The Government shall provide further details by ordinance.

Article 28

Continued validity of the residence or settlement permit

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

¹⁸ Article 27(3a) inserted by LGBL 2018 No. 16.

¹⁹ Article 27(4)(d) amended by LGBL 2011 No. 177.

- 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) Continued validity as referred to in paragraph 1(b) may be granted no sooner than after a proper and continuous stay of three years since the grant of the residence permit.
 - 3) Continued validity as referred to in paragraph 1 may be granted in each case for no period longer than one year. Extensions of the continued validity as referred to in paragraph 1(b) may not exceed the total duration of two years.
 - 4) The application for a grant or for extension of 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.

Article 29

Cross-border commuter permit

- 1) The cross-border commuter permit may be granted for the purpose of engaging in employment as an employee.
- 2) It shall be limited to one year and may be extended, provided that no ground for revocation as defined by Article 48(1)(a), (c) or (2) applies.

Article 30

Gainful employment

- 1) Persons with a residence permit who have been admitted to engage in employment as an employee may change their job within Liechtenstein.
- 2) Persons with a residence permit or a settlement permit may become self-employed in Liechtenstein, provided that the provisions under professional law are fulfilled.

Article 31

Residence card or cross-border commuter card

- 1) Foreigners shall receive a residence card or cross-border commuter card with their permit.

2) Persons requiring a permit must present their residence card or cross-border commuter card to the authorities upon request.

3) The Migration and Passport Office may withdraw the residence card or cross-border commuter card at any time with good reasons.

4) In case of loss of a valid residence card, a report must be made to the National Police. Unless the loss of the residence card is connected to a criminal offence, the loss may also be reported directly to the Migration and Passport Office. No new residence card shall be issued until a report of loss has been made to the Migration and Passport Office.²⁰

4a) The residence card shall contain an electronic data carrier (data chip), which shall include the portrait photograph, the fingerprints of the residence card holder, and the data contained in the machine-readable zone.²¹

4b) The residence card may contain an additional electronic data carrier. Upon application by the residence card holder, that electronic data carrier may include a certificate which shall allow the residence card holder the use of an electronic signature in private and public legal transactions.²²

5) The Government shall specify by ordinance:

- a) the form and content of the residence cards;
- b) which persons have a residence card with a data chip and what kind of data must be stored thereon;
- c) details on the electronic data carrier referred to in paragraph 4b, in particular the certificates to be used, the data to be included, and the security of the data.²³

Article 31a²⁴

Security and reading of the data chip

1) The data chip shall be protected against counterfeiting and its unauthorised reading. The Government shall set out the relevant technical requirements by ordinance.

²⁰ Article 31(4) amended by LGBL 2014 No. 15.

²¹ Article 31(4a) inserted by LGBL 2011 No. 177. Entry into force on 19 December 2011 (LGBL 2011 No. 565).

²² Article 31(4b) inserted by LGBL 2011 No. 177.

²³ Article 31(5) amended by LGBL 2011 No. 177.

²⁴ Article 31a inserted by LGBL 2011 No. 177. Entry into force on 19 December 2011 (LGBL 2011 No. 565).

2) The Government shall be authorised to enter into agreements with other countries on the reading of the data stored on the data chip, provided that these guarantee an adequate level of data protection.

VIII. Family reunification

Article 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;²⁵
- b) the common unmarried children under 18 years of age, including adopted children and children with whom a foster relationship exists.

Article 33

Requirements

1) Prior to the grant of an assurance document evidencing that a residence permit will be granted or the authorisation to grant a visa for the family members, the applicant must demonstrate that:

- a) the applicant has a valid residence permit or a valid settlement permit;
- b) both spouses are of legal age under Liechtenstein law;
- c) the spouse living abroad has basic knowledge of the German language;
- d) the applicant has adequate housing (rental agreement or purchase agreement) which allows for sufficient space to accommodate the family members; and
- e) the applicant 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 with registered office in Liechtenstein).

2) For the verification of the requirements set out in paragraph 1(e), the economic situation of the applicant at the time the application is filed shall

²⁵ Article 32(2)(a) amended by LGBL 2011 No. 355.

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(c) may be waived if the applicant has been granted a residence permit for gainful employment and the family members enter the country together with the applicant.

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 children of compulsory school age at a school.

5) The Migration and Passport Office may demand evidence of the family relationship by means of original documents. Article 23(6) shall apply.

6) The Government shall provide further details by ordinance.

Article 34

Time limits

1) Family reunification must be claimed within three years of the granting of the permit or of the establishment of the conjugal community at the latest. Paragraph 1a remains reserved.²⁶

1a) If the applicant was granted a residence permit within the scope of family reunification, family reunification may be claimed at the earliest after the expiry of a proper and uninterrupted residence of four years from the granting of the permit. After expiry of this time limit, the application for family reunification must be filed at the latest within three years of the establishment of the conjugal community or, if the conjugal community was established during the four-year time limit, within three years of the expiry of this time limit.²⁷

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

²⁶ Article 34(1) amended by LGBL 2018 No. 16.

²⁷ Article 34(1a) inserted by LGBL 2018 No. 16.

Article 35

Suspension of the proceedings

If, at the time that the application for family reunification is filed, proceedings for revocation of the residence permit or settlement 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 settlement permit of the applicant has been rendered.

Article 36

Validity period 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. Article 26(3) and (5) shall be applicable.

1a) The duration of validity of the residence permit of reunified children shall correspond to the duration of validity of the permit of the applicant from whom the right of residence is derived. By way of derogation from Article 26(3), the duration of validity of the residence permit may be more than one year, provided that the reunified child is exempted from the conclusion of an integration agreement pursuant to Article 42(1)(b).²⁸

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.

Article 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 employment as an employee.

²⁸ Article 36(1a) inserted by LGBl. 2018 No. 16.

2) For the pursuit of any self-employment, Article 30(2) shall apply *mutatis mutandis*.

Article 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 it is demonstrated 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.

Article 39

Effects of 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 marriage 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 waived if:²⁹

- a) the spouse:
 - 1. is in a stable and livelihood-securing employment relationship in Liechtenstein and fulfils the requirement set out in Article 13(1)(c); or
 - 2. the requirements set out in Article 20(1)(b) to (e) are met; and
- b) important personal reasons apply. Such reasons shall in particular apply if:
 - 1. there is an active and intact relationship with the joint children and the welfare of the minor children would be significantly jeopardised by the revocation of the permit of one parent; or
 - 2. it has been demonstrated that the spouse was the victim of marital violence so that such spouse could not reasonably be expected to continue the conjugal community.

²⁹ Article 39(2) amended by LGBL 2018 No. 16.

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 since grant of the residence permit and if integration has been successful.³⁰

Article 39a³¹

Registered partnership

Articles 33 to 39 shall apply to registered partnerships *mutatis mutandis*.

IX. Integration

Article 40

Promoting integration

1) In performing their duties, the State and municipal authorities, the social partners, and the foreigner organisations and non-governmental organisations shall take account of integration concerns. They shall work together for this purpose.

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

3) They shall in particular promote language acquisition, professional advancement, access to health care, *de facto* 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, employers shall support language acquisition, in particular the attendance of language courses.

Article 41

Integration agreement

1) Upon the grant or extension of a residence permit, the Migration and Passport Office concludes an integration agreement in German with

³⁰ Article 39(3) amended by LGBl. 2018 No. 16.

³¹ Article 39a inserted by LGBl. 2011 No. 355.

foreigners. This also applies to the granting of a permit under the provisions on family reunification (Articles 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 are to learn the written and spoken German language within two years.³²

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 into account.

5) The Government shall provide further details by ordinance.

Article 42

Exceptions

1) No integration agreement shall be entered into in respect of:

- a) 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) children up to the age of 16 years; or³³
- c) 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 referred to paragraph (1)(b) after they have completed compulsory schooling, if they have not yet achieved the desired level of German language skills.

3) Any persons to whom a residence permit pursuant to Article 20 has been granted may be exempted from conclusion of an integration agreement.³⁴

³² Article 41(3) amended by LGBL 2011 No. 355.

³³ Article 42(1)(b) amended by LGBL 2018 No. 16.

³⁴ Article 42(3) inserted by LGBL 2011 No. 177.

Article 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:³⁵
 - a) projects that serve the learning of the German language as well as the acquisition of basic knowledge of the legal system and state structure;
 - b) projects and events promoting the social and professional integration of foreigners;
 - c) providing advice and information to foreigners on measures promoting integration.
- 3) The Government shall provide further details by ordinance.

Article 44

Information

- 1) The State and the municipalities shall inform foreigners appropriately about the living and employment conditions and about any existing offers encouraging integration in Liechtenstein.
- 2) The Office of Social Services shall provide advice to private individuals and authorities on integration issues.³⁶

Article 45

Coordination of integration

- 1) The Government shall promote coordination and information on integration issues across all authorities.
- 2) The Office of Social Services shall coordinate the integration measures.³⁷

Article 46³⁸

Repealed

³⁵ Article 43(2) amended by LGBL 2016 No. 506.

³⁶ Article 44(2) amended by LGBL 2016 No. 506.

³⁷ Article 45(2) amended by LGBL 2016 No. 506.

³⁸ Article 46 repealed by LGBL 2016 No. 506.

X. Termination of residence

A. Expiry of permits

Article 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-term permit no longer exists;
 - d) on termination of the employment relationship in the case of a cross-border commuter permit; or
 - e) on expulsion pursuant to Article 53.
- 2) If the foreigner leaves Liechtenstein without giving notice of departure, the residence permit shall expire after four months and the settlement permit shall expire after six months, unless 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

Article 48

Revocation of the residence permit

- 1) A residence permit may be revoked if the foreigner:
 - a) or the foreigner's representative in the permit procedure 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 (Article 26(2) and (3));
 - c) conducts themselves in a way that indicates they are neither willing nor able to integrate into the existing order;
 - d) has not had an employment relationship for a continuous period of six months due to unemployment;

- e) or a person the foreigner 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 (StGB) has been ordered against the foreigner.

3) This article is subject to revocation of a residence permit granted under Article 38 or 39 on family reunification.

Article 49

Revocation of settlement permits

Settlement permits may be revoked if:

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

C. Return and restraint measures

Article 50

*Return decision*³⁹

1) Foreigners shall be returned by decision to their home country or country of origin or to a country with which there is a readmission agreement or to which the foreigner wishes to return voluntarily and in which the foreigner is accepted if:⁴⁰

- a) they do not have a required permit;
- b) they do not fulfil or no longer fulfil the entry requirements as defined by Article 7; or
- c) their permit is refused, revoked, or not extended.⁴¹

1a) If foreigners hold a valid residence card for another State which is bound by the Schengen acquis (Schengen State), they shall be requested without any formal procedure to immediately leave for that State. If they

³⁹ Article 50 heading amended by LGBI. 2011 No. 177.

⁴⁰ Article 50(1) introductory phrase amended by LGBI. 2018 No. 16.

⁴¹ Article 50(1) amended by LGBI. 2011 No. 177.

fail to comply with this request, a decision pursuant to paragraph 1 shall be issued. If immediate departure is indicated for reasons of public safety and order or internal and external security, a decision shall be issued without prior request.⁴²

2) An appeal against rulings under paragraph 1(a) and (b) may be filed with the Government within five working days of the ruling being issued. The appeal shall not have any suspensive effect. Together with the appeal, a request for restoration of the suspensive effect may be filed. The competent Minister pursuant to the allocation of responsibilities shall render a final decision on such a request within ten working days.⁴³

2a) For unaccompanied minor foreigners, a curator is immediately appointed by the Court of Justice at the request of the Migration and Passport Office to safeguard their interests during the return proceedings.⁴⁴

3) The provisions on coercive measures shall be applicable.

Article 51⁴⁵

Return on the basis of the Dublin acquis applicable to Liechtenstein

1) If a different State which is bound by the Dublin acquis (Dublin State) 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 return decision shall be issued against persons who are illegally present in Liechtenstein.⁴⁶

2) An appeal against a return decision may be filed with the Government within five working days of the decision being issued. The appeal shall not have any suspensive effect. Together with the appeal, a request for restoration of the suspensive effect may be filed. The Government shall take a final decision on such a request within ten working days; it may delegate this task to the competent Minister of the Government by ordinance.

⁴² Article 50(1a) amended by LGBL 2020 No. 241.

⁴³ Article 50(2) amended by LGBL 2016 No. 412.

⁴⁴ Article 50(2a) inserted by LGBL 2011 No. 177.

⁴⁵ Article 51 amended by LGBL 2011 No. 177. Entry into force on 19 December 2011 (LGBL 2011 No. 565).

⁴⁶ Article 51(1) amended by LGBL 2020 No. 241.

Article 52⁴⁷*Return decision by means of standard form*

If a person has entered Liechtenstein illegally, the return decision pursuant to Article 50(1) is issued to that person by using a standard form.

Article 52a⁴⁸*Return without formal procedure*

- 1) Foreigners shall be returned 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 entry into force of 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 Article 14 of the Schengen Borders Code (OJ L 77, 23.3.2016, p. 1).⁴⁹
- 2) If requested immediately by the person concerned, a decision shall be issued by using a standard form.

Article 52b⁵⁰*Departure deadline and immediate enforcement*

- 1) Upon issuance of the return decision, an appropriate departure deadline of between seven and thirty days shall be set. A longer period for departure shall be set or the departure deadline 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 deadline shall be issued to the person concerned.
- 2) Upon fixing the period for departure and its extension, the following shall be taken into account to the extent possible, except in the case of Article 62:
 - a) that the family unit with the family members present in Liechtenstein is maintained;

⁴⁷ Article 52 amended by LGBL 2011 No. 177.

⁴⁸ Article 52a inserted by LGBL 2011 No. 177.

⁴⁹ Article 52a(1)(b) amended by LGBL 2016 No. 366.

⁵⁰ Article 52b inserted by LGBL 2011 No. 177.

- b) that emergency health care and the essential treatment of illnesses is ensured;
- c) that 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 into account.

3) The return decision may be enforced immediately or a departure deadline 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 removal;
- 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 (Article 52a(1)(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 Article 14 of the Schengen Borders Code (Article 52a(1)(b));⁵¹
- f) the person concerned is returned under the Dublin acquis applicable to Liechtenstein (Article 51).⁵²

Article 52c⁵³

Obligations following notification of a return decision

Following notification of a return decision, 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 deposit travel documents.

⁵¹ Article 52b(3)(e) amended by LGBL 2016 No. 366.

⁵² Article 52b(3)(f) entered into force on 19 December 2011 (LGBL 2011 No. 565).

⁵³ Article 52c inserted by LGBL 2011 No. 177.

Article 52d⁵⁴*Translation of the return decision*

1) Upon request, the return decision 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 return decision is given by using a standard form pursuant to Article 52, no translation shall be made. The person concerned shall be provided with an information sheet containing explanations on the return decision.

Article 53

Expulsion

1) Foreigners shall be expelled by decree 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.

Article 54⁵⁵*Entry ban*

1) An entry ban is imposed on expelled foreigners if:⁵⁶

- a) no departure deadline has been set (Article 52b(3)); or
- b) they have not left the country by the deadline set.
- c) they have violated or represent a threat to public security and order in Liechtenstein or abroad; or
- d) they have been punished pursuant to Article 83, 84 or 86 or have attempted to commit such an act.

⁵⁴ Article 52d inserted by LGBL 2011 No. 177.

⁵⁵ Article 54 amended by LGBL 2011 No. 177.

⁵⁶ Article 54(1) amended by LGBL 2020 No. 241.

- 2) An entry ban against foreigners may be ordered if they:
- a) Repealed⁵⁷
 - b) have caused social assistance costs;
 - c) have been removed; or
 - d) had to be taken into detention pursuant to Articles 58 to 59a in order to enforce return or expulsion.⁵⁸
- 2a) An entry ban shall apply to the entire Schengen area if:⁵⁹
- a) it is registered in the Schengen Information System in accordance with Article 54a(2); and
 - b) the foreigner does not have a valid residence card of another State.
- 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) In exceptional cases, the imposition of an entry ban may be waived for humanitarian or other important reasons or an entry ban may be lifted permanently or temporarily upon written application. For this purpose, the reasons that led to the entry ban as well as the protection of public security and order and the safeguarding of Liechtenstein's internal or external security must be weighed against the private interests of the person concerned in having the ban lifted. The Government shall provide further details by ordinance.⁶⁰

Article 54a⁶¹

Alert in the Schengen Information System

- 1) Data of third-country nationals against whom the following return decisions have been decreed within the meaning of Directive 2008/115/EC shall be entered into the Schengen Information System by the competent authority:
- a) returns pursuant to Article 50;

⁵⁷ Article 54(2)(a) repealed by LGBL 2020 No. 241.

⁵⁸ Article 54(2)(d) amended by LGBL 2018 No. 16.

⁵⁹ Article 54(2a) amended by LGBL 2020 No. 241.

⁶⁰ Article 54(5) amended by LGBL 2018 No. 16.

⁶¹ Article 54a inserted by LGBL 2020 No. 241.

- b) expulsions pursuant to Article 53;
- c) returns with an enforcement order pursuant to Articles 25 and 26 of the Asylum Act.

2) Data of third-country nationals who are subject to entry bans pursuant to Article 53(3) and Article 54 shall be entered into the Schengen Information System by the competent authority, provided that the requirements of Regulation (EU) 2018/1861⁶² are met.

3) By ordinance, the Government shall set out the procedure and responsibilities for the registration and transmission of data as referred to in paragraphs 1 and 2 for alerts in the Schengen Information System.

Article 54b⁶³

Competent authority for the exchange of supplementary information

1) The exchange between the competent authorities of the Schengen States of supplementary information on third-country nationals entered into the Schengen Information System in accordance with Article 54a(1) and (2) shall be the responsibility of the SIRENE Bureau.

2) As soon as the Migration and Passport Office or the National Police determine that a third-country national for whom an alert has been issued for return by another Schengen State has not complied with their obligation to return, the SIRENE Bureau shall be informed.

3) If consultation with the competent authorities of other Schengen States is required in connection with an alert in the Schengen Information System, this shall be carried out via the SIRENE Bureau. The Government shall provide details governing the procedure by ordinance.

⁶² Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006 (OJ L 312, 7.12.2018, 14).

⁶³ Article 54b inserted by LGBL 2020 No. 241.

Article 54c⁶⁴*Confirmation of return*

The SIRENE Bureau shall forward confirmations of return from other Schengen States to the issuing authority for the purpose of deleting the alert.

Article 54d⁶⁵*Deletion of alerts in the Schengen Information System*

1) The deletion of alerts as referred to in Article 54a(1) in the Schengen Information System shall be carried out by the authority issuing the alert as soon as:

- a) the person concerned has left the Schengen area;
- b) the decisions have been revoked or annulled; or
- c) it becomes known that the person concerned has obtained the nationality of an EEA Member State or Switzerland.

2) The deletion of alerts as referred to in Article 54a(2) in the Schengen Information System shall be carried out by the authority issuing the alert as soon as:

- a) the duration of the entry ban has expired;
- b) the decisions have been revoked or annulled; or
- c) it becomes known that the person concerned has obtained the nationality of an EEA Member State or Switzerland.

3) The issuing authority shall immediately activate the alert on a person for entry and refusal of stay in the Schengen Information System as soon as:

- a) the person concerned has left the Schengen area; and
- b) the authority issuing the alert has deleted the alert for the return of that person.

⁶⁴ Article 54c inserted by LGBL 2020 No. 241.

⁶⁵ Article 54d inserted by LGBL 2020 No. 241.

Article 54e⁶⁶*Transmission of Schengen Information System data to third parties*

1) The data obtained from the Schengen Information System as well as related supplementary information may not in principle be transmitted to third countries, international organisations, private bodies, or natural persons.

2) However, transmission of such data and information by the Migration and Passport Office is possible in relation to the return of illegally staying third-country nationals for the purpose of identification and issuance of a travel document or identity document to a State not bound by the Schengen acquis, with the consent of the State issuing the alert, provided that the conditions set out in Article 15 of Regulation (EU) 2018/1860⁶⁷ are met.

D. Coercive measures

Article 55

Removal

1) Foreigners shall be removed if:

- a) they do not comply with the deadline set for their departure;
- b) their return or expulsion may be enforced immediately;
- c) they are in detention pursuant to Article 58 or 59.

2) The removal 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 removal shall be postponed.⁶⁸

3) A confirmation document concerning the postponement of the removal shall be issued to the person concerned.⁶⁹

4) The obligations set out in Article 52c may be imposed on the person concerned.⁷⁰

⁶⁶ Article 54e inserted by LGBL 2020 No. 241.

⁶⁷ Regulation (EU) 2018/1860 of the European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals (OJ L 312 of 7.12.2018, 1).

⁶⁸ Article 55(2) inserted by LGBL 2011 No. 177.

⁶⁹ Article 55(3) inserted by LGBL 2011 No. 177.

⁷⁰ Article 55(4) inserted by LGBL 2011 No. 177.

5) Before removing unaccompanied foreign minors, it is to be ensured that they are handed over to a family member, a guardian or a reception facility in the country of return.⁷¹

Art. 55a⁷²

Covid-19-test in the return or expulsion procedure

1) In order to ensure the enforcement of return or expulsion, persons concerned are obliged to undergo a Covid-19 test if this is required due to the entry requirements of the person's home country or country of origin, the transit country or of the competent Dublin State or the requirements of the transporting carrier.

2) The competent authorities shall inform the person concerned in advance of this obligation and of the possibility of compulsory enforcement under paragraph 3.

3) If the person concerned refuses to undergo a Covid-19 test, the competent authorities for the enforcement of return or expulsion may conduct the test against the person's will, unless enforcement can be ensured by other less stringent means. While conducting the Covid-19-test, no force may be used that could endanger the health of the person concerned. The compulsory enforcement of Covid-19 tests on children and adolescents who have not yet reached the age of 15 is not permitted.

4) The Covid-19 tests shall be conducted by medical personnel who have been specifically trained for the purpose. They shall use the least invasive form of test suitable for the person concerned. If the personnel take the view that conducting the Covid-19-test could harm the health of the person concerned, they shall not conduct the test.

Article 56

Search

1) During return proceedings, the person concerned, as well as the belongings that the person is carrying may be searched in order to seize travel and identity documents. The search may only be conducted by persons of the same sex.

2) If a first instance return or expulsion decision has been issued, the Court of Justice may, at the request of the Migration and Passport Office,

⁷¹ Article 55(5) inserted by LGBL 2011 No. 177.

⁷² Article 55a inserted by LGBL 2021 No. 314.

order the search of a dwelling or of other premises if it is suspected that a person subject to a return or expulsion decision is hiding therein.

- 3) The Government shall provide further details by ordinance.

Article 56a⁷³

Monitoring of forced-returns

1) The Government shall set out the procedures and the responsibilities for the monitoring of forced-returns by ordinance.

2) It may entrust third parties with responsibilities relating to the monitoring of forced-returns.⁷⁴

Article 56b⁷⁵

Cooperation with the European agency responsible for Schengen external border surveillance

The Migration and Passport Office and the National Police may cooperate with the European agency responsible for Schengen external border surveillance in the execution of expulsions and returns, in particular in the procurement of travel documents and the organisation of the journey.

Article 57

Short-term apprehension

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

- a) to clarify the status of their stay or residence;
- b) to determine their identity or nationality, to the extent that their personal participation is required for this purpose; or
- c) to notify them of a decree in connection with their status of stay or residence.

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

- a) be informed of the reason for their apprehension;

⁷³ Article 56a inserted by LGBL 2011 No. 177. Entry into force on 19 December 2011 (LGBL 2011 No. 565).

⁷⁴ Article 56a(2) inserted by LGBL 2018 No. 16.

⁷⁵ Article 56b inserted by LGBL 2021 No. 431.

b) be permitted to contact the persons guarding such person if the person requires assistance.

3) The person may be apprehended only for the duration of such person's participation or questioning and any necessary transport, but no longer than three days. If the apprehension lasts longer than three days, a detention order as set out in Article 60 must be issued.⁷⁶

3a) If the apprehension is expected to last longer than 24 hours, the person concerned shall first be given the opportunity to attend to urgent personal matters or to arrange for such matters to be attended to.⁷⁷

4) The duration of the apprehension shall not be counted towards the duration of any possible detention as referred to in Articles 58 to 59a.⁷⁸

Article 58⁷⁹

Preparatory detention

In order to ensure the conduct of return proceedings, a person who does not hold a short-term permit, a residence permit, or a settlement permit may be apprehended during the preparation of the decision on the person's stay or residence entitlement, if such person:

- a) refuses to disclose their identity during return proceedings;
- b) enters Liechtenstein territory despite a valid entry ban and cannot be returned immediately;
- c) following a final revocation of the person's permit, a final non-extension of the permit, or an expulsion (Article 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) has been convicted of a misdemeanour or crime;⁸⁰
- f) is expected to be readmitted on the basis of an application for readmission to a State which is bound by the provisions of Directive 2008/115/EC or by a State with which there is a readmission agreement; or

⁷⁶ Article 57(3) amended by LGBL 2018 No. 16.

⁷⁷ Article 57(3a) inserted by LGBL 2018 No. 16.

⁷⁸ Article 57(4) amended by LGBL 2018 No. 16.

⁷⁹ Article 58 amended by LGBL 2011 No. 177.

⁸⁰ Article 58(e) amended by LGBL 2018 No. 16.

- g) does not fulfil or no longer fulfils the entry requirements set out in Article 7 and cannot be returned immediately.

Article 59

*Detention pending removal*⁸¹

1) If a first instance return or expulsion decision has been notified, the person concerned may, in order to ensure enforcement:⁸²

- a) be left in detention, if the person is already in detention pursuant to Article 58;
- b) be detained if:
 - 1. the person disrespects a valid entry ban;
 - 2. the person dangerously threatens other persons or considerably endangers the life and limb of other persons;
 - 3. specific indications give rise to concerns that the person is seeking to resist or evade removal, in particular because the person fails to comply with the obligation to cooperate in the obtaining of their passport pursuant to Article 65(c);
 - 4. the person does not leave the country upon expiry of the duration of validity of the visa or the permit;
 - 5. the person failed to comply with the deadline set to leave the country or if return can be executed immediately;⁸³
 - 6. a ground for detention as set out in Article 58(f) applies;⁸⁴
 - 7. the person no longer meets the entry requirements set out in Article 7; or⁸⁵
 - 8. the person is unlawfully present in Liechtenstein and files an application for asylum with the obvious aim of avoiding the imminent execution of a return or expulsion decision.⁸⁶

2) Repealed⁸⁷

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

⁸¹ Article 59 heading amended by LGBL 2011 No. 177.

⁸² Article 59(1) amended by LGBL 2011 No. 177.

⁸³ Article 59(1)(5) amended by LGBL 2018 No. 16.

⁸⁴ Article 59(1)(6) amended by LGBL 2018 No. 16.

⁸⁵ Article 59(1)(7) amended by LGBL 2018 No. 16.

⁸⁶ Article 59(1)(8) inserted by LGBL 2018 No. 16.

⁸⁷ Article 59(2) repealed by LGBL 2011 No. 177.

Article 59a⁸⁸*Detention under the Dublin procedure*

1) The foreign person concerned may be detained to ensure return to the Dublin State responsible for the asylum procedure if, in the case concerned, there are specific indications that the person intends to evade execution of the return.

2) The person concerned may remain or be placed in detention from the date of the detention order for a maximum duration of:

- a) seven weeks while preparing the decision on responsibility for the asylum application; this includes submitting the request to take charge to the other Dublin State, waiting for the response or tacit acceptance, and drafting and giving notice of the decision;
- b) five weeks during proceedings in the event of a negative response of the requested Dublin State;
- c) six weeks to ensure enforcement from notice being given of the return or expulsion decision or the date on which the suspensive effect of any appeal against a first instance decision on return or expulsion ceases to apply and the transfer of the person concerned to the competent Dublin State.

3) If a person refuses to board the means of transport being used to effect the transfer to the competent Dublin State, or if they prevent the transfer in any other way through their personal conduct, they may, in order to guarantee the transfer, be placed in detention if a detention order under paragraph 3(c) is no longer possible and a less restrictive measure will not achieve a satisfactory result. The person may be detained until transfer is again possible, but no longer than six weeks. The period of detention may be extended in accordance with Article 61(4)(b).

Article 60⁸⁹*Detention order and detention review*

1) Detention under Articles 58 to 59a shall be ordered by the Migration and Passport Office, outside office hours by the National Police.⁹⁰

1a) The ordering of detention is permissible provided that it is proportionate and less restrictive measures cannot be applied effectively.⁹¹

⁸⁸ Article 59a inserted by LGBL 2018 No. 16.

⁸⁹ Article 60 amended by LGBL 2011 No. 177.

⁹⁰ Article 60(1) amended by LGBL 2018 No. 16.

⁹¹ Article 60(1a) inserted by LGBL 2018 No. 16.

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

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 order, continue, or revoke a detention, the Court of Justice shall also take account of the detainee's family circumstances.

5) The detainee may submit a written request for release from detention to the Migration and Passport Office one month after the detention review. If the Migration and Passport Office does not grant the request, it must submit the request to the Court of Justice within three working days of receipt. The Migration and Passport Office may issue an opinion. The Court of Justice must decide on the application within eight working days of receipt. A further request for release in the case of detention may be submitted only after one month has elapsed since the last decision on release in the case of detention.⁹²

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

- a) the reason for detention ceases to apply or execution of return or expulsion proves to be unenforceable for legal or factual reasons;
- b) a request for release from detention is granted;
- c) the detainee becomes subject to a custodial sentence or measures.

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 execution of return or expulsion and of the revocation of detention.

9) The Government may provide further details by ordinance.

⁹² Article 60(5) amended by LGBL 2018 No. 16.

Article 61⁹³*Term of detention*

- 1) Detention under Articles 58 to 59a must not together exceed the term of six months.⁹⁴
- 2) In the case of minors between 15 and 18 years, it must not exceed three months.⁹⁵
- 3) Repealed⁹⁶
- 4) On application of the Migration and Passport Office, the Court of Justice may extend the term of detention to:⁹⁷
 - a) by a maximum of 12 months if:
 1. the person concerned fails to cooperate with the Migration and Passport Office or with the National Police; or
 2. the provision of the documents required for departure by States not bound by the Schengen acquis is delayed;
 - b) at most up to the maximum term of detention of three months if the person concerned indicates by their personal conduct that they will continue to resist a transfer to the competent Dublin State.
- 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 Article 60(3) since the detention review hearing.
- 6) In the case of paragraph 4(a)(2), the Court of Justice may decide without an oral hearing.⁹⁸

Article 61a⁹⁹*Court proceedings*

- 1) The detainee and the Office of the Public Prosecutor shall have party status in the proceedings concerning detention as defined by Articles 58 to 61.

⁹³ Article 61 amended by LGBL 2011 No. 177.

⁹⁴ Article 61(1) amended by LGBL 2018 No. 16.

⁹⁵ Article 61(2) entered into force on 19 December 2011 (LGBL 2011 No. 565).

⁹⁶ Article 61(3) repealed by LGBL 2018 No. 16.

⁹⁷ Article 61(4) amended by LGBL 2018 No. 16.

⁹⁸ Article 61(6) amended by LGBL 2018 No. 16.

⁹⁹ Article 61a inserted by LGBL 2011 No. 177.

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 competent authority pursuant to Article 60(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 Office of the Public Prosecutor 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 (StPO) shall apply *mutatis mutandis*.

6) The provisions of the Code of Criminal Procedure shall be applicable on a supplementary basis.

7) The Government may provide further details by ordinance.

Article 61b¹⁰⁰

Appeal

1) Any decisions by the Court of Justice may be appealed by the detainee and the Office of the Public Prosecutor to the Court of Appeal within three days from notification of the decision.

2) The Code of Criminal Procedure shall apply to the appeal proceedings *mutatis mutandis*.

Article 62

Conditions of detention

1) The National Prison shall ensure that the detainee may notify a person in Liechtenstein designated by the detainee. Oral and written communication with an authorised 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.

¹⁰⁰ Article 61b inserted by LGBL 2011 No. 177.

2a) Male and female detainees shall be accommodated in separate premises.¹⁰¹

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

4) Emergency health care and the essential treatment of illnesses shall be ensured.¹⁰²

4a) Relevant competent national and international organisations as well as non-governmental organisations may visit detainees with the prior permission of the director of the institution.¹⁰³

4b) Detainees shall receive information from the National Prison about the rights and obligations applicable therein.¹⁰⁴

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 recreation, 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.¹⁰⁵

6) To the extent not otherwise provided, the provisions of the Execution of Sentences Act shall apply *mutatis mutandis*.¹⁰⁶

Article 62a¹⁰⁷

Special security measures

1) The ordering of special security measures against detainees shall be the responsibility of the supervising officer in charge of execution of the

¹⁰¹ Article 62(2a) inserted by LGBL 2018 No. 16.

¹⁰² Article 62(4) amended by LGBL 2018 No. 16.

¹⁰³ Article 62(4a) inserted by LGBL 2018 No. 16.

¹⁰⁴ Article 62(4b) inserted by LGBL 2018 No. 16.

¹⁰⁵ Article 62(5) inserted by LGBL 2011 No. 177.

¹⁰⁶ Article 62(6) inserted by LGBL 2018 No. 16.

¹⁰⁷ Article 62a inserted by LGBL 2018 No. 16.

sentence, applying the provisions of the Execution of Sentence Act *mutatis mutandis*.

2) Only the following special security measures that entail an additional restriction of the detainee's lifestyle may be considered:

- a) the lighting of the detention room at night;
- b) placement in a specially secured cell from which all objects with which the detainee can cause harm are removed;
- c) the application of shackles or a straitjacket or restraint in a fixation bed;
- d) the detention of a detainee in solitary confinement against the person's will.

3) The director of the institution shall inform the Migration and Passport Office immediately of the ordering or lifting of a security measure in accordance with paragraph 2.

4) The Migration and Passport Office, as the execution authority, shall decide on maintenance of the measures. If maintenance of a measure is ordered, the maximum permissible duration of that measure shall be determined at the same time; if the reasons that led to the ordering of such a measure cease to apply before the expiry of that period, the director of the institution shall immediately revoke the measure.

5) The legality and appropriateness of the special security measures must be reviewed by the Court of Justice within 96 hours of notification of the order by the Migration and Passport Office at the latest. The Migration and Passport Office shall immediately submit the necessary files to the Court of Justice together with a statement by the director of the institution and the detainee. No oral hearing shall take place. The decision of the Court of Justice is to be served within 24 hours. A judicial review shall take place only if the measure is upheld.

Article 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

Article 64

Possession of a valid passport

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

Article 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.

Article 66

Duty of care of employers

Before a foreigner takes up employment, the employer must ensure that the foreigner is entitled to engage in gainful employment in Liechtenstein by inspecting the residence card or by inquiring at the Migration and Passport Office.

XII. Tasks and responsibilities

Article 67

Responsibilities

1) With the exception of the cases set out in Article 26(4), it shall be the responsibility of the Government to render the decision on the first-time grant of a residence permit for employment as an employee.

2) It shall be the responsibility of the Migration and Passport Office:

- a) to grant, refuse, and extend permits, subject to paragraph 1;

- b) to conclude integration agreements as referred to in Article 41;
- c) to issue and alter confirmation documents, residence cards and cross-border commuter cards, and visas;
- 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 Articles 8, 38, 39, 47 to 54, 56(1) and 89;
- f) to pay financial contributions for projects promoting integration pursuant to Article 43(2)(a);¹⁰⁸
- g) to punish contraventions as set out in Article 87;
- h) to fulfil other tasks not expressly assigned to other authorities.

3) It shall be the responsibility of the National Police in particular:

- a) to enforce coercive measures pursuant to Articles 55 et seq. and Article 69a, unless other authorities are responsible;¹⁰⁹
- b) to seize and confiscate travel documents pursuant to Article 88.

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

- a) to appoint a curator pursuant to Article 50(2a);
- b) to order searches pursuant to Article 56(2);
- c) to carry out detention reviews and releases from detention pursuant to Article 60(3) and (4);
- d) to extend the term of detention pursuant to Article 61(4);
- e) to punish misdemeanours as set out in Articles 83 to 86 and contraventions as set out in Article 86a and, to the extent that the proceedings are joined within the meaning of Article 87a, as set out in Article 87.¹¹⁰

5) It shall be the responsibility of the Office of Social Services to pay financial contributions for integration measures pursuant to Article 43, unless the Migration and Passport Office is responsible pursuant to paragraph 2(f).¹¹¹

¹⁰⁸ Article 67(2)(f) amended by LGBL 2016 No. 506.

¹⁰⁹ Article 67(3)(a) amended by LGBL 2011 No. 177.

¹¹⁰ Article 67(4) amended by LGBL 2011 No. 177.

¹¹¹ Article 67(5) inserted by LGBL 2016 No. 506.

Article 68

Exercise of discretion

1) When exercising their discretionary powers, the competent 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 under the circumstances, the person concerned may be issued with a warning under penalty of this measure.

Article 69

Administrative assistance and cooperation between the authorities

1) The agencies of the National Administration, municipalities, courts, and AHV/IV/FAK establishments shall assist the offices and authorities entrusted with 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.

1a) Upon request, the Fiscal Authority shall provide the Migration and Passport Office with all data and information necessary to assess the conditions for the granting, revocation, or expiry of a permit.¹¹²

2) The authorities and offices referred to in paragraph 1 shall, without being requested to do so and without delay, provide the Migration and Passport Office with the necessary personal data, including special categories of personal data and personal data on criminal convictions and offences, and information on foreign nationals if:¹¹³

- a) the person is not in possession of a residence card and is either in police 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;
- e) the receipt of economic assistance since the granting of the settlement permit exceeds the amount of 75 000 Swiss francs;¹¹⁴
- f) the discontinuation of unemployment insurance benefits was ordered.

¹¹² Article 69(1a) inserted by LGBL 2018 No. 16.

¹¹³ Article 69(2) introductory phrase amended by LGBL 2018 No. 391.

¹¹⁴ Article 69(2)(e) amended by LGBL 2018 No. 16.

- g) there are indications that the person has their centre of life or residence abroad; or¹¹⁵
- h) there are indications that the person is staying in Liechtenstein without the appropriate permit.¹¹⁶

Article 69a¹¹⁷

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, to the extent that the legal interests to be protected so justify.
- 2) The Government shall provide further details by ordinance.

Article 69b¹¹⁸

International treaties

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

XIII. Data processing and data protection¹¹⁹

Article 70¹²⁰

Processing of personal data

The authorities competent for the enforcement of this Act may process or arrange the processing of personal data, including special categories of personal data and personal data relating to criminal convictions and offences, of foreigners and of third parties involved in proceedings under this Act, to the extent necessary for the performance of their duties under this Act.

¹¹⁵ Article 69(2)(g) inserted by LGBL 2018 No. 16.

¹¹⁶ Article 69(2)(h) inserted by LGBL 2018 No. 16.

¹¹⁷ Article 69a inserted by LGBL 2011 No. 177.

¹¹⁸ Article 69b inserted by LGBL 2011 No. 177.

¹¹⁹ Title preceding Article 70 amended by LGBL 2021 No. 31.

¹²⁰ Article 70 amended by LGBL 2018 No. 391.

Article 70a¹²¹*Data collection for identification purposes*

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

2) By ordinance, the Government shall set out:

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

Article 70b¹²²*Biometric data for residence cards*

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

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

3) By ordinance, the Government may provide for exceptions from paragraph 2 for specific groups of persons due to their age or physical or mental conditions.

Article 70c¹²³*Transmission of personal data to third countries*

1) The Migration and Passport Office and the National Police may, for the performance of their duties, in particular to combat criminal offences under this Act, transmit personal data, including special categories of personal data and personal data relating to criminal convictions and offences, of foreigners to foreign authorities and international organisations entrusted with corresponding duties in accordance with data protection legislation.

¹²¹ Article 70a inserted by LGBL 2021 No. 31.

¹²² Article 70b inserted by LGBL 2021 No. 31.

¹²³ Article 70c inserted by LGBL 2021 No. 31.

2) The following personal data may be transmitted:

- a) biographical data (surname, first name, alias names, date of birth, place of birth, sex, nationality, last address in the home country or country of origin) of the foreigner and, where applicable, of the family members;
- b) information about the passport or other identity documents;
- c) biometric data;
- d) further data required for the identification of a person;
- e) information on the state of health, to the extent that 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 stay and the visas granted.

Article 70d¹²⁴

Transmission of personal data to the home country or country of origin

For the execution of returns or expulsions to the home country or country of origin, the Migration and Passport Office and the National Police may transmit the following personal data to foreign authorities entrusted with corresponding duties only if doing so does not put the foreigner or the family members at risk:

- a) biographical data (surname, first name, alias names, date of birth, place of birth, sex, nationality, surname and first name of the parents, and last address in the home country or country of origin) of the foreigner and, where applicable, of the family members;
- b) information about the passport or other identity documents;
- c) biometric data;
- d) further data required for the identification of a person;
- e) information on the state of health, to the extent that this is in the interests of the person concerned and the person concerned has been informed thereof;

¹²⁴ Article 70d inserted by LGBL 2021 No. 31.

- f) the data required for ensuring entry to the destination country as well as for the security of the accompanying persons.

Article 70e¹²⁵

Transmission of personal data under readmission agreements

1) Under readmission agreements, the Migration and Passport Office and the National Police may also transmit the required personal data, including special categories of personal data and personal data relating to criminal convictions and offences, to countries which do not provide a level of data protection equivalent to that in Liechtenstein. In such cases, transmission shall be governed by the requirements of Article 49 of Regulation (EU) 2016/679.

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

- a) biographical data (surname, first name, alias names, date of birth, place of birth, sex, nationality, last address in the home country or country of origin) of the foreigner and, where applicable, of the family members;
- b) information about the passport or other identity documents;
- c) biometric data;
- d) further data required for the identification of a person;
- e) information on the state of health, to the extent that 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, to the extent that this is required in specific cases to process readmission and to safeguard public security and order in the home country and provided the person is not endangered as a result.

¹²⁵ Article 70e inserted by LGBL 2021 No. 31.

Article 71¹²⁶

Article 71a¹²⁷

XIIIa. Information systems¹²⁸

A. Entry/Exit System (EES)¹²⁹

Article 71b¹³⁰

Entry/Exit System

1) Pursuant to Regulation (EU) 2017/2226,¹³¹ the Entry/Exit System (EES) contains the personal data of third-country nationals who enter the Schengen area for a stay of no more than 90 days in any 180-day period or whose entry into the Schengen area is refused.¹³²

2) The following categories of data shall be transmitted to the EES via the national interface:

- a) the identity data on the third-country nationals concerned and the data on the travel documents;¹³³
- b) the facial image;
- c) the data on visas issued, if a visa requirement exists.¹³⁴

3) If the third-country nationals are not subject to the visa requirement, their fingerprints shall be recorded by the competent

¹²⁶ Article 71 repealed by LGBL 2021 No. 31.

¹²⁷ Article 71a repealed by LGBL 2021 No. 31.

¹²⁸ Title preceding Article 71b inserted by LGBL 2021 No. 31.

¹²⁹ Title preceding Article 71b inserted by LGBL 2021 No. 31.

¹³⁰ Article 71b inserted by LGBL 2019 No. 163.

¹³¹ Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (OJ L 327, 9.12.2017, 20).

¹³² Article 71b(1) amended by LGBL 2021 No. 31.

¹³³ Article 71b(2)(a) amended by LGBL 2021 No. 31.

¹³⁴ Article 71b(2)(c) inserted by LGBL 2021 No. 31.

authority in addition to the data referred to in paragraph 2 and transmitted to the EES.

4) The EES data referred to in paragraph 2(a) and (b) as well as paragraph 3 shall be stored automatically in the Common Identity Repository (CIR).¹³⁵

Article 71c¹³⁶

Registration, processing, and retrieval of the data in the EES

1) The Migration and Passport Office may enter, process, and retrieve data online in the EES in accordance with Regulation (EU) 2017/2226.

2) The National Police may retrieve the data in the EES online.

3) The authorities referred to in paragraphs 1 and 2 may retrieve the data online provided by the automated calculator referred to in Article 11 of Regulation (EU) 2017/2226.¹³⁷

4) For the prevention, detection, or investigation of terrorist offences or of other serious criminal offences, the National Police may request EES data from the central access point referred to in Article 71f(c).

Article 71d¹³⁸

Transmission of EES data

1) The data obtained from the EES may not in principle be transmitted to third countries, international organisations, private bodies, or natural persons.

2) The Migration and Passport Office and the National Police may, however, transfer data to a State not bound by the Schengen acquis or to an international organisation listed in Annex I to Regulation (EU) 2017/2226 if this is necessary to prove the identity of a third-country national for the purpose of return or for security purposes and if the conditions set out in Article 41 of Regulation (EU) 2017/2226 are met.

¹³⁵ Article 71b(4) inserted by LGBL 2021 No. 31.

¹³⁶ Article 71c inserted by LGBL 2019 No. 163.

¹³⁷ Article 71c(3) amended by LGBL 2021 No. 31.

¹³⁸ Article 71d inserted by LGBL 2019 No. 163.

3) For EES data stored in the CIR, Article 76i applies.¹³⁹

Article 71e¹⁴⁰

*Exchange of information with EU Member States that do not apply
Regulation (EU) 2017/2226*

Member States of the EU for which Regulation (EU) 2017/2226 has not yet entered into force or does not apply may address their requests for information to the authorities referred to in Article 71c(1) and (2).

Article 71f¹⁴¹

EES implementing provisions

By ordinance, the Government shall set out the following:

- a) to which units of the authorities referred to in Article 71c(1) and (2) the powers referred to therein apply;
- b) the procedure for the receipt of EES data by the National Police under Article 71c(4);
- c) which unit of the National Police assumes the function of central access point within the meaning of Article 29(3) of Regulation (EU) 2017/2226;
- d) the catalogue of data in the EES and the access permissions of the authorities referred to in Article 71c(1) and (2);
- e) the storage and deletion of data;
- f) the modalities relating to data security;
- g) responsibility for data processing;
- h) the catalogue of criminal offences referred to in Article 71c(4);
- i) the procedure for the exchange of information referred to in Article 71e;
- k) which units of the authorities may access the list of persons who have exceeded the maximum duration of authorised stay in the Schengen area generated by the information mechanism.

¹³⁹ Article 71d(3) inserted by LGBL 2021 No. 31.

¹⁴⁰ Article 71e inserted by LGBL 2019 No. 163.

¹⁴¹ Article 71f inserted by LGBL 2019 No. 163.

B. European Travel Information and Authorisation System (ETIAS)¹⁴²

Article 71g¹⁴³

Data of the European Travel Information and Authorisation System¹⁴⁴

1) Pursuant to Regulation (EU) 2018/1240,¹⁴⁵ the European Travel Information and Authorisation System (ETIAS) contains the following data on third-country nationals who are exempt from the visa requirement and wish to enter the Schengen area for a stay of 90 days in any 180-day period:

- a) identity data and data on travel documents;¹⁴⁶
 - b) authorised or rejected applications for an ETIAS travel authorisation.
- 2) ETIAS also contains a watchlist with data on third-country nationals:¹⁴⁷
- a) who are suspected of having committed or participated in a terrorist offence or other serious criminal offence; or
 - b) for whom there are specific indications or reasonable grounds for believing that they will commit or participate in a terrorist offence or other serious criminal offence.

3) The ETIAS data referred to in paragraph 1(a) are stored automatically in the CIR.¹⁴⁸

¹⁴² Title preceding Article 71g inserted by LGBL 2021 No. 31.

¹⁴³ Article 71g inserted by LGBL 2019 No. 370.

¹⁴⁴ Article 71g heading amended by LGBL 2021 No. 31.

¹⁴⁵ Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018, 1).

¹⁴⁶ Article 71g(1)(a) amended by LGBL 2021 No. 31.

¹⁴⁷ Article 71g(2) amended by LGBL 2021 No. 31.

¹⁴⁸ Article 71g(3) inserted by LGBL 2021 No. 31.

Article 71h¹⁴⁹*Application for an ETIAS travel authorisation and examination by ETIAS and the ETIAS Central Unit*

The submission of the application for an ETIAS travel authorisation, the automated examination by ETIAS, the manual examination by the ETIAS Central Unit, and the transmission of the case to the competent ETIAS National Unit are carried out in accordance with Regulation (EU) 2018/1240.

Article 71i¹⁵⁰*ETIAS National Unit*

1) The Migration and Passport Office is the ETIAS National Unit of Liechtenstein within the meaning of Article 8 of Regulation (EU) 2018/1240. It examines applications for ETIAS travel authorisations that fall within the competence of Liechtenstein, and it ensures coordination with the other ETIAS National Units and Europol as needed.

2) The Migration and Passport Office may consult other authorities or instruct them to carry out further clarifications as part of the examination of applications for ETIAS travel authorisations. The Government shall determine which authorities may be commissioned with which clarifications.

Article 71k¹⁵¹*Issuance, refusal, annulment, or revocation of the ETIAS travel authorisation*

1) If there are no specific indications or reasonable grounds for believing that the presence of the applicant in the Schengen area poses a risk of illegal migration or a risk to security or public health, the Migration and Passport Office shall issue the ETIAS travel authorisation.

2) In exceptional circumstances, the Migration and Passport Office may issue an ETIAS travel authorisation with limited territorial validity

¹⁴⁹ Article 71h amended by LGBL 2021 No. 31.

¹⁵⁰ Article 71i amended by LGBL 2021 No. 31.

¹⁵¹ Article 71k amended by LGBL 2021 No. 31.

for Liechtenstein on humanitarian grounds, for reasons of national interest, or because of international obligations.

3) ETIAS travel authorisations shall be valid for three years, but not longer than the extent of validity of the travel document. They do not entitle the holder to entry.

4) The Migration and Passport Office is responsible for annulling or revoking ETIAS travel authorisations that have already been issued. If an ETIAS travel authorisation is refused, annulled, or revoked, the Migration and Passport Office shall issue an order using a standard form.

Article 71l¹⁵²

*Registering and retrieving data in ETIAS*¹⁵³

1) The following authorities may register and process data in ETIAS:

- a) the Migration and Passport Office: when performing its duties as the ETIAS National Unit;
- b) the National Police: for entering personal data in the ETIAS watchlist.

2) The Migration and Passport Office and the National Police may request data from ETIAS to examine the requirements for entry and stay in Liechtenstein.¹⁵⁴

3) For the purposes of prevention, detection, or investigation of terrorist offences or other serious criminal offences, the National Police may request ETIAS data from the central access point as referred to in Article 71n(c).

Article 71m¹⁵⁵

*Transmission of ETIAS data*¹⁵⁶

1) The personal data stored in ETIAS may not be transmitted to third countries, international organisations, private bodies, or natural persons.

¹⁵² Article 71l inserted by LGBL 2019 No. 370.

¹⁵³ Article 71l heading amended by LGBL 2021 No. 31.

¹⁵⁴ Article 71l(2) amended by LGBL 2021 No. 31.

¹⁵⁵ Article 71m inserted by LGBL 2019 No. 370.

¹⁵⁶ Article 71m heading amended by LGBL 2021 No. 31.

2) In the following cases, however, data may be transferred to a State not bound by the Schengen acquis:

- a) by the Migration and Passport Office if necessary for the purpose of return of a third-country national in individual cases as referred to in Article 65(3) of Regulation (EU) 2018/1240;
- b) by the National Police in exceptional cases of urgency where there is an imminent danger associated with a terrorist offence or an imminent danger to life associated with a serious criminal offence as referred to in Article 65(5) of Regulation (EU) 2018/1240.

3) For ETIAS data stored in the CIR, Article 76h applies.¹⁵⁷

Article 71n¹⁵⁸

ETIAS implementing provisions¹⁵⁹

By ordinance, the Government shall set out the following:

- a) to which units of the authorities referred to in Article 71l the powers referred to therein apply;
- b) which ETIAS data the National Police may request under Article 71l(3) and the procedure for obtaining that data;¹⁶⁰
- c) which unit of the National Police assumes the function of central access point within the meaning of Article 50 of Regulation (EU) 2018/1240;
- d) the catalogue of data in ETIAS and the access permissions of the authorities referred to in Article 71l(1) and (2);
- e) the storage and deletion of data;
- f) the modalities relating to data security;
- g) responsibility for data processing;
- h) the catalogue of criminal offences referred to in Article 71l(3);
- i) the modalities for registering data in the ETIAS watchlist and the deletion of data from the ETIAS watchlist as well as the limitation of the right of access concerning the watchlist;¹⁶¹

¹⁵⁷ Article 71m(3) inserted by LGBL 2021 No. 31.

¹⁵⁸ Article 71n inserted by LGBL 2019 No. 370.

¹⁵⁹ Article 71n heading amended by LGBL 2021 No. 31.

¹⁶⁰ Article 71n(b) amended by LGBL 2021 No. 31.

¹⁶¹ Article 71n(i) amended by LGBL 2021 No. 31.

- k) Repealed¹⁶²
- l) the further modalities and procedures necessary for implementation of Regulation (EU) 2018/1240.

Article 72¹⁶³

Repealed

Article 73¹⁶⁴

Repealed

Article 74¹⁶⁵

Repealed

C. Central Visa Information System (C-VIS) and national visa system¹⁶⁶

Article 74a¹⁶⁷

Central Visa Information System (C-VIS)¹⁶⁸

- 1) The Central Visa Information System (C-VIS) contains the visa data from all States for which Regulation (EG) No 767/2008¹⁶⁹ is in force.¹⁷⁰

¹⁶² Article 71n(k) repealed by LGBL 2021 No. 31.

¹⁶³ Article 72 repealed by LGBL 2021 No. 31.

¹⁶⁴ Article 73 repealed by LGBL 2021 No. 31.

¹⁶⁵ Article 74 repealed by LGBL 2021 No. 31.

¹⁶⁶ Title preceding Article 74a inserted by LGBL 2021 No. 31.

¹⁶⁷ Article 74a inserted by LGBL 2011 No. 177. Entry into force on 19 December 2011 (LGBL 2011 No. 565).

¹⁶⁸ Article 74a heading amended by LGBL 2021 No. 31.

¹⁶⁹ 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, 60).

¹⁷⁰ Article 74a(1) amended by LGBL 2021 No. 31.

1a) The identity data of visa applicants and the data on travel documents as well as the biometric data of the C-VIS are stored automatically in the CIR.¹⁷¹

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

- a) the Migration and Passport Office:
 - 1. during the visa procedure;
 - 2. to determine the State which is responsible for examining an application for asylum in application of Regulation (EU) No 604/2013;¹⁷²
 - 3. as part of the examination of an application for asylum, if Liechtenstein is responsible for processing the application for asylum;
 - 4. when performing its duties as the ETIAS National Unit;¹⁷³
- 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 as referred to in Article 74e(c): for the prevention, detection, or investigation of terrorist offences or other serious criminal offences as referred to in Council Decision 2008/633/JHA^{174, 175}

3) The National Police units responsible for preventing and combatting terrorist offences or other serious criminal offences may submit an application to the central access point for certain C-VIS data under Council Decision 2008/633/JHA.

¹⁷¹ Article 74a(1a) inserted by LGBL 2021 No. 31.

¹⁷² Article 74a(2)(a)(2) amended by LGBL 2016 No. 412.

¹⁷³ Article 74a(2)(a)(4) inserted by LGBL 2019 No. 370.

¹⁷⁴ 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, 129).

¹⁷⁵ Article 74a(2)(c) amended by LGBL 2021 No. 31.

Article 74b¹⁷⁶*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 issuance 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) alphanumeric 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 process, and in particular enter, modify, delete, or retrieve data in the national visa system in order to perform the duties required in the visa procedure. It must enter and process the data transmitted to the C-VIS in accordance with Regulation (EC) No 767/2008.¹⁷⁷

Article 74c¹⁷⁸*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 its duties.

Article 74d¹⁷⁹*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 (Article 74e(c)).

¹⁷⁶ Article 74b inserted by LGBL 2011 No. 177. Entry into force on 19 December 2011 (LGBL 2011 No. 565).

¹⁷⁷ Article 74b(3) amended by LGBL 2018 No. 391.

¹⁷⁸ Article 74c inserted by LGBL 2011 No. 177. Entry into force on 19 December 2011 (LGBL 2011 No. 565).

¹⁷⁹ Article 74d inserted by LGBL 2011 No. 177. Entry into force on 19 December 2011 (LGBL 2011 No. 565).

Article 74e¹⁸⁰*Implementing provisions on the visa information systems*

The Government shall set out by ordinance:

- a) the units of the authorities pursuant to Articles 74a(2) and (3) and 74b(3) to which the powers mentioned therein apply;
- b) the procedure by which authorities obtain C-VIS data pursuant to Article 74a(3);
- c) the National Police unit which acts as the central access point within the meaning of Article 3(3) of 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 authorities' authorisations to access such data pursuant to Article 74c;
- f) the procedure for the exchange of information pursuant to Article 74d;
- g) the storage of data and the procedure for its deletion;
- h) the modalities relating to data security;
- i) responsibility for data processing;¹⁸¹
- k) the catalogue of criminal offences referred to in Article 74a(2)(c) and (3).

D. Eurodac¹⁸²Article 74f¹⁸³*Data registration and transmission in Eurodac*

1) The Migration and Passport Office and the National Police may take prints of all fingers of foreigners who are older than 14 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.

¹⁸⁰ Article 74e inserted by LGBL. 2011 No. 177. Entry into force on 19 December 2011 (LGBL. 2011 No. 565).

¹⁸¹ Article 74e(i) amended by LGBL. 2018 No. 391.

¹⁸² Title preceding Article 74f inserted by LGBL. 2021 No. 31.

¹⁸³ Article 74f inserted by LGBL. 2021 No. 31.

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

3) The personal data stored in Eurodac may not be transmitted to:

- a) a State not bound by the Dublin acquis;
- b) international organisations;
- c) private bodies.

E. Other automated registers¹⁸⁴

Article 75

Processing of personal data in automated registers¹⁸⁵

1) The Migration and Passport Office shall keep automated registers to process the personal data referred to in Article 70.¹⁸⁶

2) The registers referred to in paragraph 1 shall serve the following purposes in particular:¹⁸⁷

- a) issuance of residence cards;
- b) issuance and checks of visas;
- b^{bis}) issuance and inspection of ETIAS travel authorisations;¹⁸⁸
- c) issuance of documents evidencing the assurance of a residence arrangement;
- d) issuance of confirmations of residence;
- 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 naturalisation;
- h) registration of administrative measures (entry ban, expulsion, detention); and
- i) registration of grounds for revocation and administrative proceedings.

¹⁸⁴ Title preceding Article 75 amended by LGBL 2022 No. 220.

¹⁸⁵ Article 75 heading amended by LGBL 2022 No. 220.

¹⁸⁶ Article 75(1) amended by LGBL 2022 Nr. 220.

¹⁸⁷ Article 75(2) introductory phrase amended by LGBL 2022 No. 220.

¹⁸⁸ Article 75(2)(bbis) inserted by LGBL 2019 No. 370.

Article 76

*Transmission of personal data from automated registers*¹⁸⁹

1) The Migration and Passport Office may, within the framework of administrative assistance and upon request, transmit personal data, including special categories of personal data and personal data relating to criminal convictions and offences, from the registers referred to in Article 75, in particular to:¹⁹⁰

- a) the National Police for control and enforcement duties;
- b) AHV/IV/FAK establishments 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.

2) Data as referred to in paragraph 1 of uninvolved third parties may as a rule not be transmitted.¹⁹¹

3) The transmission may take place by means of a retrieval procedure. The Government shall provide details by ordinance, in particular governing access rights.¹⁹²

¹⁸⁹ Article 76 heading amended by LGBL 2022 No. 220.

¹⁹⁰ Article 76(1) introductory phrase amended by LGBL 2022 No. 220.

¹⁹¹ Article 76(2) amended by LGBL 2018 No. 391.

¹⁹² Article 76(3) amended by LGBL 2018 No. 391.

XIIIb. Interoperability between Schengen/Dublin information systems ¹⁹³

A. Shared Biometric Matching Service (sBMS)¹⁹⁴

Article 76a¹⁹⁵

Content and purpose

1) The Shared Biometric Matching Service (sBMS) pursuant to Regulations (EU) 2019/817¹⁹⁶ and (EU) 2019/818¹⁹⁷ contains the biometric templates generated from the biometric data of the following Schengen/Dublin information systems:

- a) EES;
- b) C-VIS;
- c) Eurodac;
- d) SIS.

2) It also contains a reference to the information system from which the data originate, as well as a reference to the actual records in that system.

3) It enables cross-system querying of the information systems referred to in paragraph 1 on the basis of biometric data.

¹⁹³ Title preceding Article 76a inserted by LGBL 2021 No. 31.

¹⁹⁴ Title preceding Article 76a inserted by LGBL 2021 No. 31.

¹⁹⁵ Article 76a inserted by LGBL 2021 No. 31.

¹⁹⁶ Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA (OJ L 135, 22.5.2019, 27).

¹⁹⁷ Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816 (OJ L 135, 22.5.2019, 85).

B. Common Identity Repository (CIR)¹⁹⁸

Article 76b¹⁹⁹

Content of the Common Identity Repository (CIR)

1) The Common Identity Repository (CIR) pursuant to Regulations (EU) 2019/817 and (EU) 2019/818 contains the identity data, travel document data, and biometric data of third-country nationals recorded in the following Schengen/Dublin information systems:

- a) EES;
- b) ETIAS;
- c) C-VIS;
- d) Eurodac.

2) It also contains a reference to the information system from which the data originate, as well as a reference to the actual records in that system.

Article 76c²⁰⁰

Querying the CIR for identification purposes

- 1) The National Police may query the CIR for purposes of identifying:
- a) third-country nationals if the conditions set out in Article 20(1) of Regulations (EU) 2019/817 and (EU) 2019/818 are met;
 - b) unknown persons who are unable to identify themselves or unidentified human remains in case of a natural disaster, accident or terrorist attack.

2) Queries pursuant to paragraph 1(a) are permissible only to prevent and combat illegal immigration, to protect public security and order, and to safeguard internal security.

3) For persons referred to in paragraph 1(a), the query shall be carried out on the basis of the biometric data taken from the person live during an identity check. Where the biometric data of the person cannot be used or where the query with that data fails, the query shall be carried out with identity data of the person or with travel document data.

¹⁹⁸ Title preceding Article 76b inserted by LGBL 2021 No. 31.

¹⁹⁹ Article 76b inserted by LGBL 2021 No. 31.

²⁰⁰ Article 76c inserted by LGBL 2021 No. 31.

4) For persons referred to in paragraph 1(b), the query shall be carried out on the basis of biometric data.

Article 76d²⁰¹

Querying the CIR to detect multiple identities

1) The Migration and Passport Office and the National Police may access the data and references stored in the CIR for the purpose of detecting multiple identities of third-country nationals when:

- a) there is a link to an alert in SIS;
- b) there is a link to a personal EES file containing the personal data referred to in Articles 16 to 18 of Regulation (EU) 2017/2226;
- c) there is a link to a personal file in the C-VIS;
- d) there is a link to a personal ETIAS application file containing the data referred to in Article 19(3) of Regulation (EU) 2018/1240.

2) If there is a link in the CIR between data from several information systems that indicates identity fraud, the authorities may query the data and references stored in the CIR to the extent that they have access to the CIR, EES, ETIAS, C-VIS, Eurodac, or SIS under this Act or police legislation.

Article 76e²⁰²

Querying the CIR for the purpose of preventing, detecting, or investigating terrorist offences or other serious criminal offences

1) The National Police may, in specific cases, query the CIR for the purpose of preventing, detecting, or investigating terrorist offences or other serious criminal offences if the conditions set out in Article 22(1) of Regulations (EU) 2019/817 and 2019/818 are met.

2) If the query shows that data are stored in the CIR, the reference to the relevant Schengen/Dublin information system is displayed as the result.

3) To obtain the data from this information system, the National Police must apply for these data at the competent central access point. The

²⁰¹ Article 76d inserted by LGBL 2021 No. 31.

²⁰² Article 76e inserted by LGBL 2021 No. 31.

requirements and procedures apply that are valid for the respective information system.

C. European Search Portal (ESP)²⁰³

Article 76f²⁰⁴

Content and purpose of the European Search Portal (ESP)

1) The European Search Portal (ESP) pursuant to Regulations (EU) 2019/817 and (EU) 2019/818 allows cross-system consultation of the EES, C-VIS, ETIAS, Eurodac, SIS, Interpol's Stolen and Lost Travel Documents (SLTD) and Travel Documents Associated with Notices (TDAWN) databases, Europol data, and the CIR.

2) The authorities that are authorised to access at least one of the information systems referred to in paragraph 1 may access the ESP using the retrieval procedure.

3) The query is based on identity data, data on travel documents, or biometric data.

4) The authorities are shown only the data from those information systems referred to in paragraph 1 which they are authorised to access and the nature of the link between the data referred to in Articles 30 to 33 of Regulations (EU) 2019/817 and (EU) 2019/818.

²⁰³ Title preceding Article 76f inserted by LGBL 2021 No. 31.

²⁰⁴ Article 76f inserted by LGBL 2021 No. 31.

D. Multiple-Identity Detector (MID)²⁰⁵

Article 76g²⁰⁶

Content and purpose of the Multiple-Identity Detector (MID)

1) The Multiple-Identity Detector (MID) under Regulations (EU) 2019/817 and (EU) 2019/818 is used for identity checks and combating identity fraud.

2) If data are registered or updated in the EES, ETIAS, C-VIS, SIS or Eurodac, a check for multiple identities is automatically triggered in the CIR and SIS.

3) This check matches the following data with the existing data in the CIR and SIS:

- a) in the sBMS: the templates;
- b) in the ESP: the identity data and the travel document data.

4) Where there is a link between the data as referred to in Articles 30 to 33 of Regulations (EU) 2019/817 and (EU) 2019/818, an identity confirmation file is created and stored in the MID pursuant to Article 34 of those Regulations.

Article 76h²⁰⁷

Manual verification of different identities in the MID

1) The Migration and Passport Office and the National Police may access the data stored in the MID for the purpose of manual verification of different identities.

2) The authority responsible for the manual verification of different identities is the authority that registers or updates data in the Schengen/Dublin information systems in accordance with Article 76g(2). In the case of links with alerts in the SIS in the police sector, the SIRENE Bureau shall be competent.

²⁰⁵ Title preceding Article 76g inserted by LGBL 2021 No. 31.

²⁰⁶ Article 76g inserted by LGBL 2021 No. 31.

²⁰⁷ Article 76h inserted by LGBL 2021 No. 31.

3) Manual verification of different identities shall be carried out in accordance with Article 29 of Regulations (EU) 2019/817 and (EU) 2019/818.

4) If manual verification establishes that a person has illegal multiple identities or that a person is registered in several Schengen/Dublin information systems, the procedure shall be governed by Articles 32 and 33 of Regulations (EU) 2019/817 and (EU) 2019/818.

E. Data transmission and responsibility for data processing²⁰⁸

*Article 76i*²⁰⁹

Transmission of sBMS, CIR, and MID data

The transmission of sBMS, CIR, and MID data is governed by Article 50 of Regulations (EU) 2019/817 and (EU) 2019/818.

*Article 76k*²¹⁰

Responsibility for data processing in the sBMS, CIR, and MID

Responsibility for data processing in the sBMS, CIR, and MID is governed by Article 40 of Regulations (EU) 2019/817 and (EU) 2019/818.

²⁰⁸ Title preceding Article 76i inserted by LGBL 2021 No. 31.

²⁰⁹ Article 76i inserted by LGBL 2021 No. 31.

²¹⁰ Article 76k inserted by LGBL 2021 No. 31.

XIIIc. Data protection under the Schengen acquis applicable to Liechtenstein²¹¹

Article 77²¹²

Transmission of personal data²¹³

1) The transmission of personal data, including special categories of personal data and personal data relating to criminal convictions and offences, to the competent authorities of Schengen States shall be treated in the same way as the transmission of such data between domestic authorities.

2) The Migration and Passport Office shall transmit personal data to the European agency responsible for Schengen external border surveillance in accordance with Article 70c(2), provided that the agency requires the data for the performance of its tasks under Regulation (EU) 2019/1896²¹⁴. The transmission shall be deemed equivalent to the transmission of such data between domestic authorities.²¹⁵

Article 78

Data processing in connection with visa applications pursuant to the Schengen acquis applicable to Liechtenstein²¹⁶

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 transmit and retrieve in particular the following categories of data:²¹⁷

- a) the diplomatic or consular representation to which a visa application was submitted;

²¹¹ Title preceding Article 77 amended by LGBL 2021 No. 31.

²¹² Article 77 amended by LGBL 2020 No. 241.

²¹³ Article 77 heading amended by LGBL 2021 No. 431.

²¹⁴ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, 1).

²¹⁵ Article 77(2) inserted by LGBL 2021 No. 431.

²¹⁶ Article 78 heading amended by LGBL 2018 No. 391.

²¹⁷ Article 78(2) introductory phrase amended by LGBL 2018 No. 391.

- b) the identity of the person concerned (surname, first name, date of birth, place of birth, nationality, place of residence, occupation, and employer) as well as, 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 authorised representations abroad may exchange data required at their location for consular cooperation with their partners from Schengen States, 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 2.²¹⁸

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 Authority.²¹⁹

Article 79²²⁰

Duty to inform when collecting personal data and right to information of data subjects

The duty to inform when personal data is collected and the right to information of data subjects are governed by data protection legislation.

Article 79a²²¹

Repealed

Article 80²²²

Repealed

²¹⁸ Article 78(3) amended by LGBL 2020 No. 241.

²¹⁹ Article 78(4) amended by LGBL 2018 No. 391.

²²⁰ Article 79 amended by LGBL 2018 No. 391.

²²¹ Article 79a repealed by LGBL 2018 No. 391.

²²² Article 80 repealed by LGBL 2021 No. 31.

XIV. Legal remedies

Article 81

Right to appeal

1) Decrees by the Migration and Passport Office may be appealed by way of raising an objection to the Migration and Passport Office or by way of complaint to the Government within 14 days of service.

2) Decisions by the Government may be appealed by way of raising an objection to the Government or by way of complaint to the Administrative Court within 14 days of service.

3) This article is subject to Article 50(2) and Article 51(2).²²³

4) Article 46a of the National Administration Act shall not apply.²²⁴

Article 82

Appeal proceedings

1) The power of review by the Administrative Court shall be limited to questions of law and fact. Discretion shall be reviewed only in terms of the law.

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

XV. Criminal provisions and administrative penalties

Article 83

Unlawful 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 penalty units anyone who unlawfully stays in Liechtenstein, in particular after the expiry of a

²²³ Article 81(3) inserted by LGBL 2011 No. 177.

²²⁴ Article 81(4) inserted by LGBL 2018 No. 16.

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 penalty units any person who commits the act negligently.

3) Prosecution may be waived for unlawfully present foreigners, provided that they are removed immediately.

Article 84²²⁵

Promotion of unlawful entry and unlawful stay

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

- a) enables, facilitates, or helps to prepare the unlawful entry or stay of a foreigner in Liechtenstein;
- b) from Liechtenstein, facilitates or helps to prepare the unlawful entry, transit, or exit of a foreigner or the unlawful stay in a Schengen State.

2) The Court of Justice shall punish with a monetary penalty of up to 360 daily penalty units anyone who commits the offence referred to in paragraph 1 negligently.

3) The Court of Justice shall punish with imprisonment of up to three years or a monetary penalty of up to 360 daily penalty units anyone who commits the offence referred to in paragraph 1 with the intent to unjustly enrich himself or another person.

4) The punishment shall be imprisonment of between six months and five years for anyone who commits the offence referred to in paragraph 1:

- a) on a professional basis;
- b) with respect to at least three foreigners; or
- c) in such a way as to place the foreigner in a state of agony for a prolonged period, in particular during transport.

5) The punishment shall be imprisonment of between one and ten years for anyone who commits the offence referred to in paragraph 1:

- a) as a member of a criminal group; or
- b) in such a way that the life of the foreigner to whom the offence relates is endangered.

²²⁵ Article 84 amended by LGBl. 2018 No. 16.

6) Paragraphs 1 to 5 shall apply to offences committed abroad, irrespective of the criminal law of the place where the offence was committed, if Liechtenstein interests were harmed by the offence.

Article 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 penalty units anyone 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 unauthorised persons for them to use such documents.

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

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

Article 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 penalty units anyone 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 themselves 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 penalty units anyone who, with the purpose of circumventing the provisions on the admission and stay of foreigners, marries or enters into a registered partnership with a foreigner or arranges, promotes, or enables such a marriage or registered partnership.²²⁶

²²⁶ Article 86(2) amended by LGBL 2011 No. 355.

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

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

Article 86a²²⁷

Improper processing of personal data in the information systems under this Act

1) The processing of personal data in the information systems under this Act must be proportionate to the objectives pursued and may be carried out only to the extent necessary for the performance of the statutory duties of the competent authorities.

2) The Court of Justice shall punish with a fine of up to 10 000 francs for committing a contravention anyone who wilfully processes personal data in the information systems under this Act for purposes other than those provided for by law.

Article 87

Further offences

Subject to Article 87a, the Migration and Passport Office shall punish with a fine of up to 10 000 francs for committing a contravention anyone who wilfully or negligently:²²⁸

- a) violates the entry requirements set out in Article 7;
- b) violates the requirements to register and give notice of departure;
- c) engages in gainful employment without the necessary permit;
- d) arranges 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 punishable.

²²⁷ Article 86a amended by LGBL 2019 No. 163.

²²⁸ Article 87 introductory phrase amended by LGBL 2011 No. 177.

Article 87a²²⁹*Joinder of proceedings*

1) If the Court of Justice has jurisdiction due to an offence set out in the Criminal Code or due to Articles 83 to 86a, it shall also have jurisdiction for the prosecution of contraventions set out in Article 87 in lieu of the Migration and Passport Office.

2) If several offences coincide, Article V(5) of the Criminal Law Adjustment Act shall apply.

Article 88²³⁰*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 Article 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.

Article 89

Administrative penalties and cost assumption

1) If an employer has violated the provisions of this Act and has been punished for such violation repeatedly within three years, the Migration and Passport Office shall refuse 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.

²²⁹ Article 87a inserted by LGBL 2011 No. 177.

²³⁰ Article 88 amended by LGBL 2011 No. 177.

XVI. Fees

Article 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 set the amount of the fees by ordinance.

XVII. Transitional and final provisions

Article 91²³¹

Implementing ordinances

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

Article 92

Transitional provisions

- 1) The law hitherto in force shall be applicable to proceedings pending at the time of entry into force of this Act.
- 2) In cases in which the time limit for the application for family reunification set out in Article 34(1)(a) expires within six months of entry into force of this Act, such time limit shall be extended by 18 months.
- 3) Any offences committed prior to entry into force of this Act shall be governed by this Act, provided that the offence has also carried a penalty under the law hitherto in force and provided that this Act is not as severe for the perpetrator.

Article 93

Repeal of law hitherto in force

The Law of 11 March 1999 on the Merger of the Passport Office and the Immigration Police under the New Name of Migration and Passport Office, LGBL 1999 No. 88, is hereby repealed.

²³¹ Article 91 amended by LGBL 2011 No. 177.

Article 94

Entry into force

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

2) The Government shall determine the date of entry into force of Articles 2(3), 7(4), 51, 77, 78 and 80 by ordinance. The date of entry into force shall be 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.²³²

Representing the Reigning Prince:

signed *Alois*

Hereditary Prince

signed *Otmar Hasler*

Prime Minister

²³² Entry into force on 19 December 2011 (LGBL 2011 No. 563).

152.20143.0

Transitional provisions

152.20 **Foreigners Act (AuG)**

Liechtenstein Law Gazette

Year 2011

No. 177

published on 17 May 2011

Law
of 16 March 2011
amending the Foreigners Act

...

II.

Transitional provisions

The law hitherto in force shall be applicable to proceedings pending at the time of entry into force of this Act.²³³

III.

Entry into force

1) Subject to paragraph 2 and provided that the referendum period expires without a referendum being called, this Act shall enter into force on 1 September 2011, otherwise on the day of its promulgation.

2) The Government shall determine the date of entry into force of Articles 5(3), 31(4a), 31a, 51, 52a(1)(b), 52b(3)(e) and (f), 56a, 58(e), 61(2), 71a, 74a to 74e, and 80(1) by ordinance. The entry into force shall be 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 to the Agreement between the European Union, the European Community and the Swiss

²³³ For the entry into force of this Act, see the following point III.

Confederation on the association of the Swiss Confederation with the implementation, application and development of the Schengen acquis.

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Liechtenstein Law Gazette

Year 2018

No. 16

published on 7 February 2018

Law
of 5 December 2017
amending the Foreigners Act

...

II.**Transitional provision**

The law hitherto in force shall be applicable to proceedings pending at the time of entry into force of this Act.²³⁴

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²³⁴ Entry into force: 1 March 2018.

Liechtenstein Law Gazette

Year 2019

No. 370

published on 23 December 2019

Law
of 8 November 2019
amending the Foreigners Act

...

II.

Transitional provision

The obligation to be in possession of an ETIAS travel authorisation in accordance with Article 7(1)(a^{bis}) shall not apply until six months after the date on which the EU Commission decides, in accordance with Article 88 of Regulation (EU) 2018/1240, to commence operation of ETIAS. The Government may extend this period of time.

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Liechtenstein Law Gazette

Year 2020

No. 241

published on 31 July 2020

Law
of 8 May 2020
amending the Foreigners Act

...

III.**Entry into force**

This Act shall enter into force on the day following its promulgation and shall apply for the first time when the Schengen Information System becomes operational in accordance with Article 66(2) of Regulation (EU) 2018/1861.

...

Liechtenstein Law Gazette

Year 2021

No. 31

published on 26 January 2021

Law
of 3 December 2020
amending the Foreigners Act

...

II.

Entry into force

This Act shall enter into force on the day following its promulgation and shall apply for the first time from the dates determined in accordance with Article 79 of Regulation (EU) 2019/817 and Article 75 of Regulation (EU) 2019/818.

...