

Immigration: status of third-country nationals who are long-term residents. Extension to beneficiaries of international protection

2007/0112(COD) - 11/05/2011 - Final act

PURPOSE: to extend the scope of the EU Directive concerning the status of third-country nationals who are long-term residents to beneficiaries of international protection.

LEGISLATIVE ACT: Directive 2011/51/EU of the European Parliament and of the Council amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection.

CONTENT: the European Parliament and the Council adopted, following an agreement reached at first reading (following a reconsultation after the entry into force of the Lisbon Treaty) a directive extending the EU's rules regarding the status of third-country nationals who are long-term residents to refugees and other beneficiaries of international protection and amending [Council Directive 2003/109/EC](#) regarding long-term residents.

Principle: with the entry into force of the Directive, refugees and other beneficiaries of international protection within the meaning of [Council Directive 2004/83/EC](#) on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted will be granted the status of long-term resident on the same basis as other nationals of third countries residing legally on the EU's territory for more than five years. This status will be granted to them by the Member State which initially granted them international protection.

Beneficiaries of international protection who are granted the status of long-term resident will, like all the other national of third countries benefiting from this status, enjoy a certain number of rights:

- the right to move freely around the EU and, in particular, **the right to become a resident in another EU Member State**, as well as,
- under certain conditions, to enjoy **equality of treatment with citizens of the Member State of residence** in a wide range of economic and social matters, such as education, access to the labour market and social security contributions.

In granting these rights to beneficiaries of international protection and refugees, the Member States accord these persons a genuine instrument to facilitate their integration into the society in which they live.

Method of calculation of the required five-year period: the directive lays down how the required period of five years in order to be granted status of long-term resident should be calculated:

- the basic rule is that at least half of the period between the date on which the application for international protection was lodged and the date on which this protection was granted;
- In exceptional circumstances, when the asylum procedure exceeds 18 months, the whole period should be taken into account.

Long-stay residence permits – EU: where a Member State issues a long-term resident's EU residence permit to a third-country national to whom it granted international protection, it shall enter the following remark in that long-term resident's EU residence permit, under the heading "Remarks": "International

protection granted by [name of the Member State] on [date]”. Where a long-term resident’s EU residence permit is issued by a second Member State to a third-country national who already has a long-term resident’s EU residence permit issued by another Member State which contains the remark described above, the second Member State shall enter the same remark in the long-term resident’s EU residence permit. Specific provisions are laid down in this regard as well as in regard to modification to the EU long-stay residence permit in the event of the transfer of responsibility for the international protection of the long-term resident from the first to the second Member State.

Expulsion: the directive provides for the possibility, under certain circumstances, to withdraw the long-term residence status of a third country national and to expel him in accordance with international obligations. Where a Member State intends to expel, on a ground provided for in Directive 2003/109/EC, a beneficiary of international protection who has acquired long-term resident status in that Member State, that person should enjoy the **protection against refoulement** guaranteed under Directive 2004/83/EC and under Article 33 of the Geneva Convention. For that purpose, where the person enjoys international protection in a Member State other than the one in which that person is currently residing as a long-term resident, it is necessary to provide, unless refoulement is permitted under Directive 2004/83/EC, that that person may be expelled only to the Member State which granted international protection and that that Member State is obliged to readmit that person. In this latter case, Member States will have to expel the person from the territory of the EU and ensure, before so doing, that all information is obtained from relevant sources, including, where appropriate, from the Member State that granted international protection, and that it is thoroughly assessed with a view to guaranteeing that the decision to expel that beneficiary is in accordance with the EU’s Charter of Fundamental Rights.

It should be noted that the transfer of responsibility for protection of beneficiaries of international protection is outside the scope of this Directive.

Territorial provisions: the application of this directive does not concern the United Kingdom, Ireland and Denmark.

ENTRY INTO FORCE: 20.05.2011.

TRANSPOSITION IN THE MEMBER STATES: 20.05.2013.