

Long-Term Residents Directive. Recast

2022/0134(COD) - 27/04/2022 - Legislative proposal

PURPOSE: to revise the long-term resident directive in order to facilitate the acquisition of long-term resident status-EU.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the vast majority of migrants arrive and reside in Europe legally. The overall number of third-country nationals legally residing in the EU is 23 million, or 5.1% of the EU population. Of these, more than 10 million third-country nationals hold long-term or permanent residence permits. It is this target group that Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents aims to cover.

The evaluation of the Directive in the context of the 2019 fitness check of EU legislation on legal migration and its implementation reports identified several shortcomings in the achievement of its objectives, as well as practical issues arising from the application of the Directive by Member States.

The problems identified fall into six main areas: (i) the long-term resident - EU status is underused; (ii) the conditions for acquiring the status are too difficult to fulfil; (iii) long-term residents face numerous obstacles in exercising their right to mobility within the Union; (iv) there is a lack of clarity and coherence in the rights of long-term residents and their family members; (v) the possibilities for circular migration of long-term residents - EU are limited; (vi) there is a risk of abuse of long-term resident - EU status in the context of residence-by-investment schemes.

This proposal aims to create a more **efficient, coherent and fair system for obtaining long-term EU resident status**. This system should contribute to fostering the integration of third-country nationals who have settled legally and permanently in the Union.

This proposal is part of a package of measures proposed as a follow-up to the Commission's Communication on a New Deal on Migration and Asylum, adopted on 23 September 2020, which highlighted the need to address the main shortcomings of the EU's legal migration policy, thus responding to the overall objective of **attracting the skills and talents that the EU needs**. The package also includes the recast of the Single Permit Directive 2011/98/EU.

CONTENT: the Commission proposes to **update the long-term residents directive** in order to facilitate the acquisition of long-term resident status by simplifying the conditions for admission and to strengthen the rights of residents and their family members, including the rights to move and work in another EU Member State.

Duration of residence

Although the required period of residence of five years remains the general rule, the recast proposal introduces an important change which aims to allow third-country nationals to **cumulate periods of residence in different Member States**, provided that they have resided legally and continuously for two

years in the territory of the Member State where the application was lodged. All periods of legal residence should be counted, including periods of residence as students, beneficiaries of temporary protection, and periods of residence initially based on temporary grounds.

Control mechanisms

Member States should better monitor the residence requirement, in particular for applications for long-term resident status - EU by third-country nationals holding a residence permit granted in return for investment, in cases where the granting of such a permit has not been made subject to the requirement of continuous physical presence in the Member State or is merely subject to the requirement of the investors' presence in the Member State for a limited time.

Conditions for obtaining the status

Applicants should prove that they have sufficient resources and health insurance, to avoid becoming a burden on the Member State. Member States could require applicants to meet integration conditions, for example by requiring them to pass a civic integration test or a language test.

With a view to promoting **circular migration**, the recast proposal extends the possibility for long-term residents - EU to be absent from the territory of the Union without losing their status from the current 12 months to 24 months. For longer absences, Member States should put in place a simplified procedure for the recovery of the status.

Equal treatment rights for long-term EU residents

The proposal (i) clarifies that long-term residents - EU should have the same right to acquire private housing as nationals; (ii) aligns the definition of social security and the right to export pensions and family benefits with the provisions of the latest EU directives on regular migration; iii) extends equal access to social protection and social assistance to long-term residents - EU

The proposal also establishes a **mechanism to ensure a level playing field** between the EU long-term residence permit and national permanent residence permits in terms of procedures, equal treatment rights and access to information, so that third-country nationals have a real choice between the two.

Family reunification

The proposal provides for an enhanced right to family reunification without integration conditions, with unrestricted access to employment for family members, while children of long-term residents who will be born on EU territory could immediately acquire the status.

Easier mobility within the EU

The recast proposal aims to facilitate the intra-EU mobility, by removing a number of barriers that have so far hampered it. In particular, the second Member State should no longer be entitled to carry out a check of the labour market situation when examining applications submitted by EU long-term residents for the exercise of an economic activity in an employed or self-employed capacity, and any pre-existing quotas for EU long-term residents residing in other Member States should be abolished. Furthermore, EU long-term residents should be entitled to apply while still residing in the first Member State, and to begin employment or study at the latest 30 days after having submitted their application.

In order to speed up the integration in the second Member State for persons who have already integrated in another EU Member State, the proposal for a recast provides that the **required period of residence in the second Member State should be three years**. For the purpose of acquisition of EU long-term

resident status in a second Member State, it should not be possible to cumulate periods of residence in different Member States.