Single Permit Directive. Recast

2022/0131(COD) - 13/04/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Javier MORENO SÁNCHEZ (S&D, ES) on the proposal for a directive of the European Parliament and of the Council concerning a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (recast).

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Scope

Members specified that the proposed Directive should also apply to third-country nationals who apply to reside in a Member State for the purpose of work, including for the purposes of work-related training such as an **apprenticeship**.

Single application procedure

The amended text stated that an application to issue, amend or renew a single permit should be submitted by way of a harmonised single application procedure. Member States should allow applications for a single permit to be submitted by the third-country national or the third-country national’s employer.

Where the third-country national submits an application, Member States should allow the application to be introduced both from a third country and in the territory of the Member State in which the third-country national is legally present.

Where the employer submits the application, the Member State concerned should ensure that the third-country national on whose behalf the application has been submitted is kept informed about the status of the application and the outcome of the application in a timely manner and, where appropriate, in electronic format.

Time limits

Members set a limit of **90 days** for reaching a decision on an application for a single permit, from the current four months. This time limit would be shortened to **45 days** if the applicant were selected through an **EU talent partnership** or already holds a single permit in another EU country.

The single permit should be valid for a minimum period equivalent to the duration of the contract of employment or, where the employment contract is of indefinite duration, for two years.

Rights on the basis of the single permit

Under the revised rules, there will be a simplified procedure to allow the worker to change employer. Member States should require that a change of employer be communicated by the new employer to the competent authorities in the Member State concerned prior to the commencement of the new employment, providing information on the name and address of the new employer, the habitual place of work, the type of work, the working hours and the remuneration, in accordance with procedures laid down in national law.

The Member State may, within a period of 30 days from the date on which the change of employer has been communicated, refuse the change of employer. Where the Member State does not refuse the change within 30 days, the change of employer should be considered approved and the single permit holder may start the new employment.

In the event of **unemployment** of the single permit holder, and in order to allow the holder to find alternative employment, the single permit should not be withdrawn for a period of at least **nine months (as opposed to three months)** during which period the third country national should be allowed to remain on the territory of the Member State concerned and to seek employment.