

Long-Term Residents Directive. Recast

2022/0134(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 Damian BOESELAGER (Greens/EFA, DE) on the proposal for a directive of the European Parliament and of the Council concerning the status of third-country nationals who are long-term residents (recast).

The proposed directive seeks 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.

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:

Subject matter

Members clarified the purpose of this Directive which is to create a harmonised EU long-term resident status and establish rules on the procedures and rights associated with that status. It aims to ensure the equal treatment of third-country nationals, foster their integration and social inclusion, and enhance the right to mobility for EU long-term residents within the Union ('intraEU mobility'). The rules set out in this Directive also aim to increase the Union's attractiveness to third-country skills and talents.

Duration of residence

The amended text stated that Member States should grant EU long-term resident status to third-country nationals who have resided legally and continuously within its territory for **three years** (as opposed to five years) immediately prior to the submission of the relevant application.

Expedited processing of applications

Members proposed to speed up the processing of applications. The competent national authorities should take a decision on the application and notify the applicant in writing as soon as possible but not later than **60 days** from the date that the application has been submitted.

Free language courses

It is proposed that Member States may require a proof of language proficiency up to A2 level. In such cases, Member States should provide language courses free of charge.

Equal treatment

The report stipulated that EU long-term residents should enjoy equal treatment with nationals at least with regard to, inter alia: (i) access to employment and self-employed activity, terms of employment and working conditions, including conditions regarding dismissal and remuneration, working hours, leave and holiday, as well as health and safety requirements at the workplace; (ii) recognition of qualifications, including diplomas, certificates and other qualifications, in accordance with the relevant national procedures, and taking into account qualifications acquired in a third country; (iii) access to goods and

services and the supply of goods and services made available to the public, including access to private housing, and to procedures for obtaining public housing ensuring a decent standard of living, as well as information and counselling services provided by employment offices.

Level-playing field between national permanent residence permit and EU long-term permit

Where Member States issue national residence permits of permanent or unlimited validity, they should grant third-country nationals to whom they issue the EU long-term resident status the same rights, procedural safeguards and advantages as those granted for under parallel national schemes, where such rights, safeguards and advantages are more favourable under the national permit.

Swifter family reunification

Members suggested that the dependent children of an EU long-term resident should acquire EU long-term resident status **automatically**, without being subject to any conditions. For the purpose of protecting family members, Member States should also grant an EU long-term residence permit to family members of an EU long-term resident, upon application, after two years of legal and continuous residence of those family members in the territory of the Member State concerned.

Member States should not examine the situation of their labour market in relation to family members and family members should have access to any employment and to self-employed activity in accordance with applicable requirements under national law.

Mobility between Member States

Lastly, for the purpose of exercising long-term mobility, an EU long-term resident should acquire the right to reside in the territory of a second Member State, provided that specific conditions are met.