

Single Permit Directive. Recast

2022/0131(COD) - 13/03/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 465 votes to 122, with 27 abstentions, a legislative resolution 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 European Parliament's position adopted at first reading under the ordinary legislative procedure amends the proposal as follows:

Subject matter and scope

This Directive lays down a **single application procedure** for issuing a single permit for third-country nationals to reside for the purpose of work in the territory of a Member State, in order to simplify the procedures for their admission and to facilitate the control of their status. It should apply to third-country nationals who apply to reside in a Member State for the purpose of work but should not apply to third-country nationals: (i) who are posted for as long as they are posted; (ii) who are beneficiaries of protection in accordance with national law, international obligations or the practice of a Member State.

Single application procedure

An application to issue, amend or renew a single permit should be submitted by way of a single application procedure. Member States shall determine whether applications for a single permit are to be submitted by the third-country national or by the third-country national's employer.

An application for a single permit should be considered and examined either where the third-country national is residing outside the territory of the Member State to which that third-country national wishes to be admitted, or where that third-country national is already residing in the territory of that Member State as a holder of a valid residence permit. A Member State may also accept, in accordance with its national law, applications for a single permit submitted by other third-country nationals who are legally present in its territory.

Single permit

The competent authority should adopt a decision on the application for a single permit as soon as possible and in any event within **90 days** of the date of submission of a complete application. The time limit to take a decision may be extended for an additional period of **30 days**, in exceptional and duly justified circumstances linked to the complexity of the application. The period may be extended for an additional period of 15 days, in exceptional and duly justified circumstances.

Information, fees

Member States should make easily accessible, and provide upon request to the third-country national and the future employer adequate information on all the documentary evidence needed for an application, and, where appropriate, on the applicable fees. They may require the payment of fees for the processing of applications in accordance with this Directive. The level of fees required by a Member State for the processing of applications should **not be disproportionate or excessive**. Where fees for processing applications are paid by the employer, the employer shall not be entitled to recover such fees from the third-country national.

Change of employer

Member States should allow a single permit holder to change employer. During the period of validity of a single permit, Member States may:

- (a) require that a change of employer be **notified** to the competent authorities in the Member State concerned, in accordance with procedures laid down in national law;
- (b) require that a change of employer be subject to a **check of the labour market situation** if the Member State concerned carries out checks of the labour market situation, for applications for a single permit;
- (c) require a **minimum period** during which the single permit holder is required to work for the first employer. This minimum period should not exceed the duration of the employment contract or the period of validity of the permit. It should, in any event, not exceed six months. Member States should allow a single permit holder to change employer before the expiration of that minimum period in duly justified cases of a serious breach by the employer of the terms and conditions of the employment relationship.

Where the Member State requires that a change of employer be notified, the right of the single permit holder to change employer may be suspended for a maximum period of **45 days** from the date on which the notification to the national competent authorities was made.

Unemployment

Unemployment in itself should not constitute a reason for withdrawing a single permit provided that:

- (a) the total period of unemployment does not exceed three months during the period of validity of a single permit, or **six months** if the third-country national has been a holder of the single permit for more than two years;
- (b) the beginning and, where applicable, the end of any period of unemployment is notified to the competent authorities of the Member State concerned, in accordance with the relevant national procedures.

The Member State may allow a single permit holder to be unemployed for a longer period. For periods of unemployment longer than three months, Member States may require single permit holders to provide evidence of having **sufficient resources** to maintain themselves without recourse to the social assistance system of the Member State concerned.

Where the competent authorities of the Member State establish that there are reasonable grounds to believe that a single permit holder has experienced particularly exploitative working conditions, that Member State should **extend the allowed period of unemployment by three months**.

Right to equal treatment

Third-country workers should enjoy equal treatment with nationals of the Member State where they reside with regard to at least: (i) terms of employment and working conditions, including with regard to remuneration, dismissal, working hours, leave and holidays and the equal treatment of men and women, as well as health and safety at the workplace; (ii) the right to strike and take industrial action and to freedom of association and affiliation and membership of an organisation representing workers or employers; (iii) education and vocational training.