Single Permit Directive. Recast

2022/0131(COD) - 30/04/2024 - Final act

PURPOSE: to establish a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State.

LEGISLATIVE ACT: Directive (EU) 2024/1233 of the European Parliament and of the Council on 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).

CONTENT: 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;

- a **common set of rights** to third-country workers legally residing in a Member State, irrespective of the purposes for which they were initially admitted to the territory of that Member State, based on equal treatment with nationals of that Member State.

The law, which updates the 2011 directive currently in place, aims to attract the skills and talent the EU needs and to address shortcomings as regards legal migration to the EU.

Scope

This directive applies to third-country nationals who: (a) apply to reside in a Member State for the purpose of work; (b) have been admitted to a Member State for purposes other than work in accordance with Union or national law, who are allowed to work and who hold a residence permit; or (c) have been admitted to a Member State for the purpose of work in accordance with Union or national law.

Single application procedure

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

A **third-country worker** can submit an application from the territory of a third-country or, if he or she is a holder of a valid residence permit, from within the EU. If a Member State decides to issue the single permit, this decision will serve as both **residence permit and work permit**.

Competent authority

Member States should designate an authority competent to receive the application and to issue the 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 should cover checking the labour market situation where such a check is carried out in connection with an individual application for a single permit. The time limit for a decision may exceptionally be extended for an **additional 30 days** in cases of complex applications.

Procedural safeguards

Reasons shall be given in the written notification of a decision rejecting an application to issue, amend or renew a single permit, or a decision withdrawing a single permit on the basis of criteria provided for by Union or national law. A decision rejecting the application to issue, amend or renew or a decision withdrawing a single permit should take account of the specific circumstances of the case and respect the principle of proportionality. Such a decision should be open to legal challenge in the Member State concerned.

Rights on the basis of the single permit

Where a single permit has been issued, it shall authorise, during its period of validity, its holder at least to:

- enter and reside in the territory of the Member State issuing the single permit, provided that the holder meets all admission requirements;

- have free access to the entire territory of the Member State issuing the single permit within the limits provided for by national law;

- exercise the specific employment activity authorised under the single permit in accordance with national law;

- be informed about the holder's own rights linked to the permit.

Change of employer

The revised directive allows a single permit holder to change employer. During the period of validity of a single permit, Member States may:

- require that a change of employer be **notified** to the competent authorities in the Member State concerned;

- 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;

- require a **minimum period** during which the single permit holder is required to work for the first employer.

Unemployment

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

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.

ENTRY INTO FORCE: 20.5.2024.

TRANSPOSITION: no later than 21.5.2026.