Status of third-country nationals who are long-term residents

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PURPOSE: to present a Commission proposal concerning the status of third-country nationals who are long-term residents. CONTENT: This proposal is part of a broader effort on immigration which the Commission has been making for several years now (e.g. proposal for a Council Regulation amending Regulation 1408/71/EC). The Commission will be presenting a fresh proposal for a Directive recasting the existing legislation in a single instrument with the primary objective of facilitating freedom of movement and residence, reducing bureaucracy, better regulating the status of family members of citizens of the Union and defining the possibilities for refusing or withdrawing the right of residence. The proposal will be brought forward in the first half of 2001. With regard to the current proposal, to permit fair treatment of third-country nationals and promote their full integration, as called for by the Tampere European Council in October 1999, the Commission considers that there should be a common status of long-term resident so that all third-country nationals residing legally can acquire it and enjoy it on much the same terms in all the Member States. Criteria must therefore be determined for the acquisition of the status and the rights that go with it, on the basis of equal treatment with citizens of the Union in the spirit of the Tampere conclusions. For the sake of certainty as to the law governing third-country nationals, it is essential that acquisition of the status should not be left to Member States' discretion where the conditions are actually met. The status will be available to all third-country nationals who reside legally in the territory of a Member State on a long-term basis. This category covers refugees with recognised status under the Geneva Convention and third-country nationals who are members of the family of a citizen of the Union. The only excluded categories are those who are not intending to actually settle, in particular persons resident in order to study or to engage in a seasonal occupation and those enjoying temporary protection. Lastly, persons enjoying a subsidiary or additional form of protection are not within the scope of the proposal as these concepts have not been harmonised in the Community. Long-term residents enjoying the status will enjoy equal treatment in a series of respects, ranging from access to employment and self-employed activity to education and vocational training and social protection and assistance. They will also have enhanced protection against expulsion. This proposal however, does not address voting rights and access to nationality as they are a matter for national powers. This proposal preserves a very tight link between actual legal residence in a Member State and acquisition of long-term resident status; putting down roots in a Member State is regarded as sine qua non for acquiring the status provided for by the proposed Directive, which establishes equal treatment with nationals of the Member State in a wide range of aspects of economic and social life and offers the possibility of residing in other Union Member States. This proposal is a first step towards giving effect to Article 63(4) of the EC Treaty, which can be used as a legal basis for other specific instruments for the mobility of the admissionof third-country nationals not wishing to settle on a long terms basis. In its proposals on the admission of third-country nationals for the purposes of working in an employed or self-employed capacity, studying or vocational training or non-gainful activities, the Commission will provide as necessary for appropriate forms of mobility between the Union Member States.