Third-country nationals: freedom to travel for 3 months, free entry and movement for 6 months

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PURPOSE: to present a Commission proposal for a Council Directive relating to the conditions in which third-country nationals shall have the freedom to travel in the territory of the Member States for periods not exceeding three months, introducing a specific travel authorisation and determining the conditions of entry and movement for periods not exceeding six months. CONTENT: The Commission considers that the various provisions in force on the movement of third-country nationals in the territory of the Member States need an overall approach to establish general consistency and guarantee that the requirements for the various categories of third-country nationals are interpreted in the same way. Against the background of the Schengen Area and the Amsterdam Treaty, the Commission believes that the conditions must be created in which third-country nationals shall travel freely in the territory of the Member States for periods of no more than three months. To this end, the Commission proposes the following measures: - determine the conditions to be met for the freedom to travel for a period of no more than three months in any six-month period for third-country nationals who are lawfully in the territory of a Member State and are: subject to visa requirement; exempted from the visa requirement; in possession of a residence permit issued by a Member State; in possession of long-stay visa issued by a Member State pending the issue of a residence permit; - to introduce a specific travel authorisation for third-country nationals planning to move in the territory of the Member States for a period of no more than six months in any given period of twelve months, and to determine the relevant administrative conditions and procedures. The recipients of this specific travel authorisation may not stay for more than three months in the territory of the Member State; - to meet the need to convert the provisions concerning explusion into a conventional Treaty-based legal instrument for cases where the third-country national no longer meets the conditions to travel in the territory of the Member States or the conditions for a specific travel authorisation; - to take into account the provision for reporting the presence of third-country nationals provided for in Article 22 of the Schengen Implementing Convention by transforming it into an optional provision; - to take over the objective of the Council Regulation on freedom of movement with a long-stay visa; - to take into account the amendments to be made to the Common Consular Instructions and the Common Manual. In particular, the following elements need to be stressed: - it is necessary to incorporate into this instrument the basic elements regarding procedures and the issuance of the specific travel authorisation, and in particular to make the instructions regarding procedures and the issuance of a short-stay visa, established by the Common Consular Instruction, applicable to it by analogy; - the Common Consular Instruction and the Common Manual will have to be amended in line with the normative provisions concerning the specific travel authorisation. There is also a need to adapt these two instruments to the normative provisions concerning the freedom of travel given to third-country nationals holding a long-stay visa. Finally, the Commission stresses the need to take account of the Tampere objectives of giving third-country nationals who reside lawfully in the territory of the Member States rights and obligations comparable to those of Union citizens and of defining in the long term a uniform status for persons who are granted asylum.