Scientific research: admission of third-country national researchers to the Community, application measures

2004/0062(CNS) - 16/03/2004 - Legislative proposal

PURPOSE : facilitating the admission of third-country researchers into the EU. PROPOSED ACT : Council Recommendation. CONTENT : this Recommendation calls on the Member States to adopt a number of practical measures to facilitate the admission of third-country researchers in the European Union. It is being proposed in tandem with a Directive outlining the specific procedures for admitting third-country nationals for research purposes in the EU and within the context of the Lisbon Agenda (please refer to CNS/2004/0061). The Recommendation will make it possible for Member States to take action on a number of points in advance of the Directive's transposition into national law. This is done by calling on the Member States to implement measures, which are in keeping with the Directive. Additionally, the Recommendation outlines measures relating to family reunification and co-operation between the Member States. Matters, which are not specifically addressed in the Directive. The proposed Recommendation covers four areas: - admission for the purposes of research; residence permits; family re-unification and operational co-operation. On the question of "admission for the purposes of research", the main priority is to ensure that researchers from third-countries have rapid and easy access to research posts without any time constraints. The measures being proposed include: - The abolition of work permits to help speed up the admission procedure for researchers in the EU. Member States are asked to choose between waiving permit requirements or granting permits automatically, depending on the formula most suited to their administrative procedures. - Researchers from third-countries should not be subject to quota restrictions. - Access to research posts should not be subject to a maximum time limit. Concerning "resident permits", the set of measures being proposed relate to the duration and issue of residence permits. The specific measures being proposed are: - Permits should be issued quickly and in as straightforward a manner as possible. Member States are asked to set targets for issuing permits within thirty days. - To abolish time limits and ensure that researchers' residence permits can in principle always be renewed. - To ease the transposition of the Directive by calling on Member States to harmonise their procedures. Implementing such measures early will help build up a system of trust between the immigration authorities and the research organisations. "Family Reunification" is considered a particularly important issue, not least because it is not addressed in the Directive. Researchers planning to live and work in Europe will naturally want to know what status their family will have. In light of this the Recommendation suggests that measures should be adopted which go beyond the measures contained in the 2003 Directive on the right to family reunification. The proposed measures call on the Member States to: - Facilitate the admission of persons seeking family reunification with a researcher. - Allow family re-unification even if the application is being made when family members are already legally present on theterritory. This is being proposed in order not to compromise "on-the-spot" admission applications. - Offer favourable treatment to family members of a researcher seeking a work permit. - Offer shorter deadlines that those laid down in their domestic law for family re-unification. - Scrap a waiting period for applications submitted by researchers. Lastly, the final section of the Recommendation contains a series of administrative measures across the board, aimed at facilitating the implementation of the Recommendation and, ultimately, the Directive. The measures proposed call on the Member States to: - Inform the Commission about any measures they adopt to facilitate the entry and residence of researchers from third countries. - Collect and pass on to the Commission statistics regarding the residence permits they issue to researchers and their families. - Nominate a contact person for the admission of researchers from third-countries within the competent authorities. - Pass on information regarding the provisions of the Directive in Embassies. - Request research organisation to nominate a contact person to brief researchers from third countries and promote co-operation with the immigration authorities. - Network

with one another. The launching of the European Researchers' Mobility Portal on the Internet and the creation of the network of mobility centres, which covers 33 countries, should help this objective.