Third-country nationals: entry and residence for the purpose of paid employment and self-employed activities

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The committee adopted the report by Anna TERRÓN i CUSÍ (PES, E) amending the proposal under the consultation procedure. The main amendments were as follows: - residence permits for workers and self-employed workers should be issued for a minimum of one year and a spouse or recognised partner should also be entitled to such a permit; - the chief criterion for admitting third country nationals should be that a vacancy cannot be filled from the domestic labour market within 3 weeks (rather than 4 weeks as proposed by the Commission) by other EU nationals or by non-EU nationals already legally resident in the Community. Member States should nevertheless be allowed to adopt their own rules for vacancies in specific sectors that cannot be filled from the domestic labour market, although they should then consult employers· and employees· organisations; - once a permit has been granted and if the worker has a valid work contract, evidence that the job cannot be filled by others should not be needed in order to extend the permit. If a worker with a valid permit wishes to change jobs within the same line of work, approval should be granted automatically. Changing employment to another line of work should be allowed when permits are renewed. Moreover, permits should not be restricted to a particular region; - the deadline for the authorities to decide on applications for permits should be shortened from six to three months; - the period during which company employees outside the EU must have worked for their firm before they can be transferred to a branch of that firm within the EU should be cut from twelve to six months. As soon as they have obtained a residence permit they should be allowed to work in any Member State; - Member States should be allowed to grant non-EU nationals temporary residence permits, valid for six months, to seek employment or attend professional training courses targeted at obtaining employment; - if an employee leaves his post within twelve months of taking up employment, his employer may fill the vacancy with another third country national without having to fulfil all the criteria again; - holders of residence permits should be granted access to education, social assistance for access to housing and the right to free legal aid. Furthermore, residence permits should not be revoked before the end of a period of entitlement to unemployment benefit; - lastly, the committee stressed that Member States should remain free to apply more favourable rules if they wish.