Free movement for workers and their families: movement and residence within the Community

1998/0230(COD) - 14/10/1998 - Legislative proposal

PURPOSE: to amend Directive 68/360/EEC on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families in order to facilitate jobseekers' right of entry and residence. CONTENT: the Commission proposes amending Directive 68/360/EEC as follows: - the proposal adds jobseeking and vocational training to those activities which a national of one Member State may be allowed to leave that State to pursue in another Member State. Member States shall acknowledge a jobseeker's right of residence without the need for a residence permit for a period of six months. The right of residence is maintained after that period in so far as the jobseeker is actively seeking employment and has reasonable prospects of finding a job. In order to allow for initial job instability when beginning working life in a Member State, the Community worker who already has a temporary residence permit is entitled to have it automatically renewed even if he is unemployed, provided that he continues to look for work. It is proposed that the paragraph of the existing Directive, which limits the duration of the renewal of a residence permit in the case of a worker with a five-year residence permit who has become unemployed, be repealed; - with regard to family reunification, the proposal entitles all direct ascendants and descendants to residence with a Community national who is employed in another Member State, irrespective of whether they are dependants or not and irrespective of their age. Moreover, the members of the family who were dependant on or were living under the same roof as the worker in the country whence he comes are granted the right to family reunification. In order to facilitate family reunification for the members of families from third countries who are already normally and permanently resident in a Member State, provision is made for the members of such families to obtain visas. In the event of dissolution of the marriage, the proposal also grants an independent right of residence to family members who do not have the nationality of a Member State and have resided with the worker under the conditions outlined above. In order for this right to be recognised in the event of divorce, the proposal lays down a condition of sufficient financial resources and health insurance for family members who are not economically active. For family members who are economically active, the residence conditions are the same as for Community workers; - with a view to the reinforcement of the right of residence and streamlining of administrative procedures, the proposal stipulates that the residence permit valid for at least five years is automatically renewable and provision is made for renewable for periods of ten years. An addition has also been made to the existing directive, laying down for both social and legal reasons that breaks in residence for medical reasons or for reasons of maternity, study or posting do not affect the rights of residence. The proposal further proposes that member States shall bring the administrative procedures for the granting of residence permits in line with the existing procedures for national identity documents. In order to raise the profile of European citizenship, it is proposed to amend the title of the residence permit by introducing the phrase "residence permit of a European Union Citizen". A final addition has been made to theexisting directive, with the aim of limiting the application of expulsion measures in cases where the person concerned is fully integrated in the host Member State and has special social, cultural and family ties with the Member State of residence.