Third-country nationals in the Member states : Convention on rules for the admission

1997/0227(CNS) - 10/02/1999 - Text adopted by Parliament, 1st reading/single reading

Under consultation procedure, the Parliament approved the proposal for a Council Act establishing the Convention on rules for the admission of third-coutry nationals to the Member States, subject to amendments in the following areas: - requiring the Commission to make new proposals dealing with admission and a statute for the rights and obligations of third-country nationals residing legally in a Member State, following the entry into force of the Treaty of Amsterdam; - deleting the Article referring to permitted absences for third country nationals (separate vote); - extending justification for renewing residence authorization when it expires to any reason covered by the proposed convention without qualification and not just the reason for which residence was initially authorized; - excepting those Member States, regions and economic sectors where a policy of quotas, or other measures to fulfil a demand for labour, are applied from the provision which grants third-country nationals admission to the EU to take up paid employment where a job vacancy cannot be filled in the short term; - requiring third country nationals to have obtained an offer of a work contract rather than the contract itself in order to gain admission; - allowing Member States to authorise seasonal workers to remain on their territory for longer than six months; - rewording the definition of "transfrontier workers" for the purposes of the proposed convention; - defining the term "independent economic activity"; - allowing Member States to require evidence that third-country nationals entering the EU to study have adequate financial means to support themselves and their studies as well as evidence of adequate health cover; - providing for the specific difficulties encountered by foreign students when stipulating that the period of residence shall be limited to the length of the course of study; - allowing Member States to permit third country nationals to enter their territory to prepare their application for studies; - extending the provisions for third-country nationals studying in the EU to apprentices; - allowing residence authorizations to be extended for less than one year; - granting residence to children of a resident or his or her spouse, regardless of whether one of them is de facto responsible for the children; - specifying that children must be unmarried at the time of application in order to qualify for admission for reasons of family reunification; - placing the burden of proof on the Member State, in cases where it refuses admission of a spouse or adopted child for family reunification because it has been found that the sole purpose of the marriage or adoption is to allow that person toi gain admission; - creating a new chapter on legal protection, allowing the right of appeal to persons who have been refused admission; - As regards questions of the Convention's interpretation, requiring national courts or tribunals against whose decisions there is no judicial remedy under national law to bring the matter before the Court of Justice; - Granting the Court of Justice the full legal power vested in it by the Treaty of Amsterdam in relation to the proposed convention, following the Treaty's entry into force; - ensuring uniform criteria for admission in the case of Member States wishing to negotiate more favourable entry of third country nationals from a specific State; - requiring the Member States to initiate the national procedure for the adoption of the proposed convention no later than 3 months (rather than 6) after the publication of the establishing act; - requiring a High Contracting Party to satisfy the constitutional requirements for the convention's adoption before its entry into force and providing that it will then apply in those country's who meet those requirements as soon as their constitutions will allow; - requiring amendments to the proposed convention to be made on the basis of the Treaty on European Union; - providing that if at the entry into force of the Amsterdam Treaty, a majority of Member States has not approved the Convention, it be replaced with a regulation; - requiring the Commission to propose a replacement measure within 3 years of the convention's entry into force; - requiring the President of the Commission to act as depositary of the proposed convention. The rapporteur was Klaus-Heiner Lehne (PPE,DE).