Basic information

1997/0227(CNS) CNS - Consultation procedure	Procedure lapsed or withdrawn
Third-country nationals in the Member states : Convention on rules for the admission **Subject** 7.10.08 Migration policy	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties and Internal Affairs	LEHNE Klaus-Heiner (PPE)	03/10/1997

Former committee responsible	Former rapporteur	Appointed
LIBE Civil Liberties and Internal Affairs	LEHNE Klaus-Heiner (PPE)	03/10/1997

Former committee for opinion	Former rapporteur for opinion	Appointed
AFET Foreign Affairs, Security and Defense Policy	TERRÓN I CUSÍ Anna (PSE)	29/10/1997
JURI Legal Affairs, Citizens' Rights	The committee decided not to give an opinion.	

Council of the European Union

Key events

Date	Event	Reference	Summary
30/07/1997	Decision by Parliament	COM(1997)0387	Summary
30/07/1997	Legislative proposal published	COM(1997)0387	Summary
16/01/1998	Committee referral announced in Parliament		
30/06/1998	Vote in committee		Summary
30/06/1998	Committee report tabled for plenary, 1st reading/single reading	A4-0266/1998	
			Summary

13/07/1998	Debate in Parliament		
14/07/1998	Report referred back to committee		
26/01/1999	Vote in committee		Summary
26/01/1999	Committee report tabled for plenary, 1st reading/single reading	A4-0045/1999	
09/02/1999	Debate in Parliament		
01/05/1999	End of procedure in Parliament		
11/12/2001	End of procedure in Parliament		
11/12/2001	Additional information		Summary

Technical information

Procedure reference	1997/0227(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	International agreement
Legal basis	EC Treaty (before Amsterdam) E 000
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	LIBE/4/10337 LIBE/4/09590

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0266/1998 OJ C 292 21.09.1998, p. 0004	30/06/1998	
Committee report tabled for plenary, 1st reading/single reading		A4-0045/1999 OJ C 150 28.05.1999, p. 0005	26/01/1999	
Text adopted by Parliament, 1st reading/single reading		T4-0096/1999 OJ C 150 28.05.1999, p. 0155-0196	10/02/1999	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1997)0387 OJ C 337 07.11.1997, p. 0009	30/07/1997	Summary

Additional information

Source	Document	Date

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

1997/0227(CNS) - 30/07/1997 - Legislative proposal

PURPOSE: to lay down rules for the admission of third-country nationals for the purposes of employment, self-employed activity, study, non-gainful activity and family reunification.

PROPOSED ACT: Council Act

CONTENT: the draft Convention applies to third-country nationals who wish to reside in a Member State for longer than three months. It also covers refugees with the status of long-term residents under the terms of the Geneva Convention.

The proposal does not seek to create automatic rights to admission: each Member State is free to decide each individual case. All initial applications for admission must be made outside the Union.

Admission for the purposes of paid employment may be granted if a vacancy cannot be filled in the short term by a citizen of the Union, a third-country national, or a third-country national who is already a long-term resident. A work contract for at least one year's duration must be submitted on initial admission. Residence authorization may be renewed at a later date.

The following persons are admissible:

- seasonal workers, for up to six months, preference being given to those who have previously performed seasonal work,
- transfrontier workers who are employed in a Member State and return to their place of origin each day or at least once a week,
- self-employed workers who have sufficient resources and whose economic activity may have a beneficial effect on the employment market. Initial residence authorization is granted for two years and may be renewed subsequently on certain conditions.

- students, for the period indicated in their enrolment application (should they wish to remain in the Member State in order to work there after completing their studies, they must first return to their country of origin and apply for admission for this new purpose),
- trainees, for an initial period of one year, if they hold a training agreement with an establishment or undertaking and furnish proof that they can support themselves and are covered by social security.

Authorization may be extended if necessary, but not for the purpose of taking up employment.

Pupils in primary and secondary education and apprentices are not covered by the Convention.

The right to family reunification is granted to the spouse and children below the age of legal majority.

In principle, family members qualifying for admission must wait six months before taking up employment.

Lastly, the status of long-term resident may be granted to persons who have been legally resident in a Member State for at least five years, and provided that they hold an authorization which permits residence for a total period of ten years from their first admission. Long-term residents are afforded increased protection against expulsion. They enjoy the same treatment as citizens of the Union with regard to employment, trade union rights, the right of association, access to housing, and schooling.

Any person recognized as a long-term resident in a Member State may apply for employment or to pursue a course of study in another Member State. After two years' residence in the new Member State, that person is recognized as a long-term resident.

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).