

Basic information	
2022/0134(COD)	Awaiting Parliament's position in 1st reading
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	
Long-Term Residents Directive. Recast	
<b>Subject</b>	
7.10 Free movement and integration of third-country nationals 7.10.08 Migration policy	
<b>Legislative priorities</b>	
Joint Declaration 2022 Joint Declaration 2023-24	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs	STROLENBERG Anna (Greens/EFA)	21/11/2024
		Shadow rapporteur DÜPONT Lena (EPP) ASSIS Francisco (S&D) CECCARDI Susanna (PfE) TYNKYNNEN Sebastian (ECR) AL-SAHLANI Abir (Renew) ARVANITIS Konstantinos (The Left)	
	Former committee responsible	Former rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs	BOESELAGER Damian (Greens/EFA)	05/09/2022
	Committee for opinion	Rapporteur for opinion	Appointed
	EMPL Employment and Social Affairs (Associated committee)	TOOM Jana (Renew)	10/10/2024
	Former committee for opinion	Former rapporteur for opinion	Appointed

	<div style="border: 1px solid red; padding: 2px; display: inline-block;">EMPL</div> Employment and Social Affairs (Associated committee)	AL-SAHLANI Abir (Renew)	19/09/2022
	<b>Former committee for opinion on the recast technique</b>		<b>Former rapporteur for opinion</b>
	<div style="border: 1px solid red; padding: 2px; display: inline-block;">JURI</div> Legal Affairs		ADAMOWICZ Magdalena (EPP)
Council of the European Union			
European Commission	<b>Commission DG</b>		<b>Commissioner</b>
	Migration and Home Affairs		JOHANSSON Ylva

Key events			
Date	Event	Reference	Summary
27/04/2022	Legislative proposal published	COM(2022)0650 	Summary
22/06/2022	Committee referral announced in Parliament, 1st reading		
20/10/2022	Referral to associated committees announced in Parliament		
28/03/2023	Vote in committee, 1st reading		
28/03/2023	Committee decision to open interinstitutional negotiations with report adopted in committee		
13/04/2023	Committee report tabled for plenary, 1st reading	A9-0145/2023	Summary
17/04/2023	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
20/04/2023	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71 - vote)		
13/11/2024	Committee referral announced in Parliament, 1st reading		

Technical information	
Procedure reference	2022/0134(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Recast
Legislative instrument	Directive
Legal basis	Rules of Procedure EP 113 Rules of Procedure EP 57_o Treaty on the Functioning of the EU TFEU 079-p2

Stage reached in procedure	Awaiting Parliament's position in 1st reading
Committee dossier	LIBE/10/00188

Documentation gateway
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European Parliament
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Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A9-0145/2023	13/04/2023	<a href="#">Summary</a>

European Commission
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Document type	Reference	Date	Summary
Legislative proposal	COM(2022)0650 	27/04/2022	<a href="#">Summary</a>
Document attached to the procedure	SEC(2022)0200 	28/04/2022	
Document attached to the procedure	SWD(2022)0650 	28/04/2022	
Document attached to the procedure	SWD(2022)0651 	28/04/2022	

National parliaments
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Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	<a href="#">ES_PARLIAMENT</a>	COM(2022)0650	21/09/2022	
Contribution	<a href="#">CZ_SENATE</a>	COM(2022)0650	20/10/2022	

Other institutions and bodies
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Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES2745/2022	26/10/2022	
CofR	Committee of the Regions: opinion	CDR3942/2022	30/11/2022	

Additional information
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Source	Document	Date
EP Research Service	Briefing	29/01/2024

## Meetings with interest representatives published in line with the Rules of Procedure

## Rapporteurs, Shadow Rapporteurs and Committee Chairs

Transparency				
Name	Role	Committee	Date	Interest representatives
DÜPONT Lena	Rapporteur	LIBE	05/09/2023	International Centre for Migration Policy Development
BOESELAGER Damian	Rapporteur	LIBE	31/05/2023	German foreign ministry
BOESELAGER Damian	Rapporteur	LIBE	30/03/2023	Swedish Perm Rep
BOESELAGER Damian	Rapporteur	LIBE	01/03/2023	Fundamental Rights Agency (FRA)
BOESELAGER Damian	Rapporteur	LIBE	14/02/2023	Academic, Netherlands
BOESELAGER Damian	Rapporteur	LIBE	23/01/2023	Caritas Europe
BOESELAGER Damian	Rapporteur	LIBE	12/01/2023	Belgian Ministry of Foreign Affairs

## Long-Term Residents Directive. Recast

2022/0134(COD) - 13/04/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Damian BOESELAGER (Greens/EFA, DE) on the proposal for a directive of the European Parliament and of the Council concerning the status of third-country nationals who are long-term residents (recast).

The proposed directive seeks to update the long-term residents directive in order to facilitate the acquisition of long-term resident status by simplifying the conditions for admission and to strengthen the rights of residents and their family members, including the rights to move and work in another EU Member State.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

### **Subject matter**

Members clarified the purpose of this Directive which is to create a harmonised EU long-term resident status and establish rules on the procedures and rights associated with that status. It aims to ensure the equal treatment of third-country nationals, foster their integration and social inclusion, and enhance the right to mobility for EU long-term residents within the Union ('intraEU mobility'). The rules set out in this Directive also aim to increase the Union's attractiveness to third-country skills and talents.

### **Duration of residence**

The amended text stated that Member States should grant EU long-term resident status to third-country nationals who have resided legally and continuously within its territory for **three years** (as opposed to five years) immediately prior to the submission of the relevant application.

### **Expedited processing of applications**

Members proposed to speed up the processing of applications. The competent national authorities should take a decision on the application and notify the applicant in writing as soon as possible but not later than **60 days** from the date that the application has been submitted.

### **Free language courses**

It is proposed that Member States may require a proof of language proficiency up to A2 level. In such cases, Member States should provide language courses free of charge.

### **Equal treatment**

The report stipulated that EU long-term residents should enjoy equal treatment with nationals at least with regard to, *inter alia*: (i) access to employment and self-employed activity, terms of employment and working conditions, including conditions regarding dismissal and remuneration, working hours, leave and holiday, as well as health and safety requirements at the workplace; (ii) recognition of qualifications, including diplomas, certificates and other qualifications, in accordance with the relevant national procedures, and taking into account qualifications acquired in a third country; (iii) access to goods and services and the supply of goods and services made available to the public, including access to private housing, and to procedures for obtaining public housing ensuring a decent standard of living, as well as information and counselling services provided by employment offices.

### ***Level-playing field between national permanent residence permit and EU long-term permit***

Where Member States issue national residence permits of permanent or unlimited validity, they should grant third-country nationals to whom they issue the EU long-term resident status the same rights, procedural safeguards and advantages as those granted for under parallel national schemes, where such rights, safeguards and advantages are more favourable under the national permit.

### ***Swifter family reunification***

Members suggested that the dependent children of an EU long-term resident should acquire EU long-term resident status **automatically**, without being subject to any conditions. For the purpose of protecting family members, Member States should also grant an EU long-term residence permit to family members of an EU long-term resident, upon application, after two years of legal and continuous residence of those family members in the territory of the Member State concerned.

Member States should not examine the situation of their labour market in relation to family members and family members should have access to any employment and to self-employed activity in accordance with applicable requirements under national law.

### ***Mobility between Member States***

Lastly, for the purpose of exercising long-term mobility, an EU long-term resident should acquire the right to reside in the territory of a second Member State, provided that specific conditions are met.

## **Long-Term Residents Directive. Recast**

2022/0134(COD) - 27/04/2022 - Legislative proposal

**PURPOSE:** to revise the long-term resident directive in order to facilitate the acquisition of long-term resident status-EU.

**PROPOSED ACT:** Directive of the European Parliament and of the Council.

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** the vast majority of migrants arrive and reside in Europe legally. The overall number of third-country nationals legally residing in the EU is 23 million, or 5.1% of the EU population. Of these, more than 10 million third-country nationals hold long-term or permanent residence permits. It is this target group that Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents aims to cover.

The evaluation of the Directive in the context of the 2019 fitness check of EU legislation on legal migration and its implementation reports identified several shortcomings in the achievement of its objectives, as well as practical issues arising from the application of the Directive by Member States.

The problems identified fall into six main areas: (i) the long-term resident - EU status is underused; (ii) the conditions for acquiring the status are too difficult to fulfil; (iii) long-term residents face numerous obstacles in exercising their right to mobility within the Union; (iv) there is a lack of clarity and coherence in the rights of long-term residents and their family members; (v) the possibilities for circular migration of long-term residents - EU are limited; (vi) there is a risk of abuse of long-term resident - EU status in the context of residence-by-investment schemes.

This proposal aims to create a more **efficient, coherent and fair system for obtaining long-term EU resident status**. This system should contribute to fostering the integration of third-country nationals who have settled legally and permanently in the Union.

This proposal is part of a package of measures proposed as a follow-up to the Commission's Communication on a New Deal on Migration and Asylum, adopted on 23 September 2020, which highlighted the need to address the main shortcomings of the EU's legal migration policy, thus responding to the overall objective of **attracting the skills and talents that the EU needs**. The package also includes the recast of the Single Permit Directive 2011/98 /EU.

**CONTENT:** the Commission proposes to **update the long-term residents directive** in order to facilitate the acquisition of long-term resident status by simplifying the conditions for admission and to strengthen the rights of residents and their family members, including the rights to move and work in another EU Member State.

### ***Duration of residence***

Although the required period of residence of five years remains the general rule, the recast proposal introduces an important change which aims to allow third-country nationals to **cumulate periods of residence in different Member States**, provided that they have resided legally and continuously for two years in the territory of the Member State where the application was lodged. All periods of legal residence should be counted, including periods of residence as students, beneficiaries of temporary protection, and periods of residence initially based on temporary grounds.

### ***Control mechanisms***

Member States should better monitor the residence requirement, in particular for applications for long-term resident status - EU by third-country nationals holding a residence permit granted in return for investment, in cases where the granting of such a permit has not been made subject to the requirement of continuous physical presence in the Member State or is merely subject to the requirement of the investors' presence in the Member State for a limited time.

### ***Conditions for obtaining the status***

Applicants should prove that they have sufficient resources and health insurance, to avoid becoming a burden on the Member State. Member States could require applicants to meet integration conditions, for example by requiring them to pass a civic integration test or a language test.

With a view to promoting **circular migration**, the recast proposal extends the possibility for long-term residents - EU to be absent from the territory of the Union without losing their status from the current 12 months to 24 months. For longer absences, Member States should put in place a simplified procedure for the recovery of the status.

#### ***Equal treatment rights for long-term EU residents***

The proposal (i) clarifies that long-term residents - EU should have the same right to acquire private housing as nationals; (ii) aligns the definition of social security and the right to export pensions and family benefits with the provisions of the latest EU directives on regular migration; iii) extends equal access to social protection and social assistance to long-term residents - EU

The proposal also establishes a **mechanism to ensure a level playing field** between the EU long-term residence permit and national permanent residence permits in terms of procedures, equal treatment rights and access to information, so that third-country nationals have a real choice between the two.

#### ***Family reunification***

The proposal provides for an enhanced right to family reunification without integration conditions, with unrestricted access to employment for family members, while children of long-term residents who will be born on EU territory could immediately acquire the status.

#### ***Easier mobility within the EU***

The recast proposal aims to facilitate the intra-EU mobility, by removing a number of barriers that have so far hampered it. In particular, the second Member State should no longer be entitled to carry out a check of the labour market situation when examining applications submitted by EU long-term residents for the exercise of an economic activity in an employed or self-employed capacity, and any pre-existing quotas for EU long-term residents residing to other Member States should be abolished. Furthermore, EU long-term residents should be entitled to apply while still residing in the first Member State, and to begin employment or study at the latest 30 days after having submitted their application.

In order to speed up the integration in the second Member State for persons who have already integrated in another EU Member State, the proposal for a recast provides that the **required period of residence in the second Member State should be three years**. For the purpose of acquisition of EU long-term resident status in a second Member State, it should not be possible to cumulate periods of residence in different Member States.