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REPORT

on the proposal for a Council Directive concerning the status of third-country nationals who are long-term residents
(COM(2001) 127 – C5-0250/2001 – 2001/0074(CNS))

Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

Rapporteur: Baroness Sarah Ludford

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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PROCEDURAL PAGE

By letter of 5 June 2001 the Council consulted Parliament, pursuant to Article 67 of the EC Treaty, on the proposal for a Council Directive concerning the status of third-country nationals who are long-term residents (COM(2001) 127 – 2001/0074(CNS)).

At the sitting of 14 June 2001 the President of Parliament announced that she had referred the proposal to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs as the committee responsible and to the Committee on Legal Affairs and the Internal Market and the Committee on Employment and Social Affairs for their opinions (C5-0250/2001).

At the sitting of 6 September 2001 the President of Parliament announced that she had also referred the proposal to the Committee on Petitions for its opinion.

The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs had appointed Baroness Sarah Ludford rapporteur at its meeting of 11 June 2001.

It considered the Commission proposal and the draft report at its meetings of 12 September 2001, 22 October 2001 and 21 November 2001.

At the latter meeting it adopted the draft legislative resolution by 19 votes to 11, with no abstentions.

The following were present for the vote: Graham R. Watson chairman; and Robert J.E. Evans, vice-chairman; Baroness Sarah Ludford, rapporteur; Mary Elizabeth Banotti, Regina Bastos (for Carlos Coelho pursuant to Rule 153(2)), Herbert Bösch (for Michael Cashman pursuant to Rule 153(2)), Alima Boumediene-Thiery, Marco Cappato, Charlotte Cederschiöld, Gérard M.J. Deprez, Jonathan Evans (for Bernd Posselt pursuant to Rule 153(2)), Francesco Fiori (for Marcello Dell'Utri pursuant to Rule 153(2)), Daniel J. Hannan, Adeline Hazan, Jorge Salvador Hernández Mollar, Anna Karamanou, Sylvia-Yvonne Kaufmann, Margot Keßler, Eva Klant, Alain Krivine, Jean Lambert, Paolo Pastorelli, Hubert Pirker, Giacomo Santini (for Enrico Ferri pursuant to Rule 153(2)), Ingo Schmitt, Jürgen Schröder (for Hartmut Nassauer pursuant to Rule 153(2)), Joke Swiebel, Charles Tannock (for Timothy Kirkhope pursuant to Rule 153(2)), Anna Terrón i Cusí, Christian Ulrik von Boetticher.

The opinions of the Committee on Legal Affairs and the Internal Market, the Committee on Employment and Social Affairs and the Committee on Petitions are attached.

The report was tabled on 30 November 2001.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

LEGISLATIVE PROPOSAL

Proposal for a Council Directive concerning the status of third-country nationals who are long-term residents (COM(2001) 127 – C5-0250/2001 – 2001/0074(CNS))

The proposal is amended as follows:

Text proposed by the Commission ¹	Amendments by Parliament
Amendment 1 Recital 3	
<p>(3) The European Council, at its special meeting in Tampere on 15 and 16 October 1999, stated that the legal status of third-country nationals should be approximated to that of Member States' nationals and that a person who has resided legally in a Member State for a period of time to be determined and who holds a long-term residence permit should be granted in that Member State a set of uniform rights <i>which are as near as possible</i> to those enjoyed by citizens of the European Union.</p>	<p>(3) The European Council, at its special meeting in Tampere on 15 and 16 October 1999, stated that the legal status of third-country nationals should be approximated to that of Member States' nationals and that a person who has resided legally in a Member State for a period of time to be determined and who holds a long-term residence permit should be granted in that Member State a set of uniform rights <i>similar</i> to those enjoyed by citizens of the European Union.</p>
<i>Justification</i>	
<p><i>Although the Tampere conclusions provide for an <u>approximation</u> of the legal status of third-country nationals to that of Member State nationals (paragraph 21), <u>harmonisation</u> in the form of equal status would do away with any incentive to seek citizenship of the host Member State, a step which third-country nationals should be encouraged to take with a view to fostering integration.</i></p>	
Amendment 2 Recital 5	
<p>(5) The integration of third-country nationals who are long-term residents in the Member States is a <i>key</i> element in promoting economic and social cohesion, a fundamental objective of the Community declared by Articles 2 and 3(1)(k) of the Treaty.</p>	<p>The integration of third-country nationals who are long-term residents in the Member States is <i>an</i> element in promoting economic and social cohesion, a fundamental objective of the Community declared by Articles 2 and 3(1)(k) of the Treaty.</p>

¹ OJ C 240E, 28.8.2001, p.79.

Treaty.

Justification

In acknowledging the significance of third-country nationals it is important to retain a sense of proportion.

Amendment 3

Recital 6

(6) The chief criterion for acquiring the status of long-term resident should be the duration of residence in the territory of a Member State. Residence should be both legal and continuous in order to show that the person has put down roots in the country. Provision should be made for a degree of flexibility so that account can be taken of circumstances in which a person might have to leave the territory on a temporary basis.

(6) The chief criterion for acquiring the status of long-term resident should be the duration of residence in the territory of a Member State. ***However, due account should also be taken of progress towards integration in the form of efforts to learn the language of the Member State concerned.*** Residence should be both legal and continuous in order to show that the person has put down roots in the country. Provision should be made for a degree of flexibility so that account can be taken of circumstances in which a person might have to leave the territory on a temporary basis.

Justification

It seems wrong to make a minimum period of residence the sole criterion for the award of 'long-term resident' status. In the interests of the speedy integration of third-country nationals with long-term resident status, integration-related requirements should also be imposed. The award of long-term resident status is no substitute for successful integration; instead, an advanced degree of integration into the life of the Member State concerned is a precondition for the award of that status.

Amendment 4

Recital 7

(7) To acquire long-term resident status, third-country nationals should prove that they have adequate resources ***and*** sickness insurance cover, to avoid becoming a burden for the Member State. The level of such resources should not be disproportionate and

(7) To acquire long-term resident status, third-country nationals should prove that they have adequate resources, sickness insurance cover ***and retirement provision comparable to that of an EU citizen in a similar employment context,*** to avoid

should be set uniformly for all the Member States. A further condition for acquiring the status is that third-country nationals should not constitute an actual threat to public order and domestic security.

becoming a burden for the Member State. The level of such resources, should not be disproportionate and should be set uniformly for all the Member States. A further condition for acquiring the status is that third-country nationals should not constitute an actual threat to public order and domestic security.

Justification

It should be possible to state with some certainty that a person applying for long-term resident status will be able to earn his or her own living over the extended period in question. However, it must also be clear that on completion of his or her working life the person concerned will in all likelihood not be dependent on welfare payments.

Amendment 5

Recital 8

(8) A set of rules governing the procedures for the examination of applications for long-term resident status should be laid down. Those procedures should be effective and manageable, taking account of the normal workload of the Member States' administrations, as well as transparent and fair in order to offer appropriate legal certainty to those concerned.

(8) A set of rules governing the procedures for the examination of applications for long-term resident status should be laid down. Those procedures should be effective, ***streamlined*** and manageable, taking account of the normal workload of the Member States' administrations, as well as transparent and fair in order to offer appropriate legal certainty to those concerned.

Justification

In order to achieve the desired legal certainty, the administrations need to work using streamlined procedures.

Amendment 6

Recital 10

(10) In order to constitute a genuine instrument for the integration of long-term residents into the society in which they live, long-term resident status should ensure equality of treatment with citizens of the Member State in a wide

(10) In order to constitute a genuine instrument for the integration of long-term residents into the society in which they live, long-term resident status should ensure equality of treatment with citizens of the Member State in a wide

range of economic and social matters.

range of economic and social matters.

The learning of a language of the Member State concerned is also fundamental to social integration.

Justification

It should be made clear that integration calls for efforts on both sides. Whilst the host society must offer immigrants with long-term resident status equal access to the labour market, education system, etc., for their part immigrants should be required to learn the language of the host country. The acquisition of the soundest possible language knowledge as quickly as possible is in the interests of both individual immigrants and the host society.

Amendment 7

Recital 11

(11) Long-term residents should enjoy **maximum** protection against expulsion. This protection is based on Community law relating to free movement of persons and criteria determined by the decisions of the European Court of Human Rights. Protection against expulsion entails provision in the applicable procedures for effective judicial redress procedures.

(11) Long-term residents should enjoy **special** protection against expulsion. This protection is based on Community law relating to free movement of persons and criteria determined by the decisions of the European Court of Human Rights. Protection against expulsion entails provision in the applicable procedures for effective judicial redress procedures.

Justification

In the interests of an active crime-prevention policy, Member States should retain the option of terminating a person's residence in their country, in particular following the imposition of lengthy terms of imprisonment for offences involving violence, murder and kidnapping and with a view to general crime prevention in the spheres of drugs and organised crime. 'Maximum' protection similar to the arrangements applicable to EU nationals does not seem appropriate.

Amendment 8

Recital 17

(17) To avoid rendering the right of residence nugatory, long-term residents should enjoy in the second Member State the rights they enjoy in the Member State in which they acquired the status. Exceptions

(17) To avoid rendering the right of residence nugatory, long-term residents should enjoy in the second Member State the rights they enjoy in the Member State in which they acquired the status. Exceptions

from this principle should be provided for as regards social security benefits to ensure that the persons concerned do not become a burden on the Member State in which they exercise the right of residence. The rights enjoyed by the persons concerned in the second Member State should be *similar* to those enjoyed by citizens of the Union when they exercise their right of free movement.

from this principle should be provided for as regards social security benefits to ensure that the persons concerned do not become a burden on the Member State in which they exercise the right of residence *until Regulation 1408/71 is amended to include third-country nationals*. The rights enjoyed by the persons concerned in the second Member State should be *approximated* to those enjoyed by citizens of the Union when they exercise their right of free movement.

Justification

Although the Tampere conclusions provide for an approximation of the legal status of third-country nationals to that of Member State nationals (paragraph 21), harmonisation in the form of equal status would do away with any incentive to seek citizenship of the host Member State, a step which third-country nationals should be encouraged to take with a view to fostering integration. The Commission proposal on coordination of social security systems (COM(1998) 779) currently on the table foresees the inclusion of third country nationals.

Amendment 9 Recital 19a (new)

(19a) In the light of the determination displayed by the Council of the European Union to take effective steps to combat international terrorism and the condemnation of the use of violence in pursuit of political objectives, it seems appropriate to deny persons who involve themselves in violent acts in pursuit of political objectives, who make public calls for the use of violence, who threaten the use of violence or against whom there is evidence to justify the assumption that they belong to an association which supports international terrorism the special status of third-country nationals who are long-term residents or to exclude them from the specific protection against expulsion which that status affords.

Justification

Against the background of the debate on measures to combat terrorism, it seems appropriate to take every possible measure to ensure that Community provisions do not have the effect of providing persons who have links with international terrorism with refuge or bases from which terrorist acts can be planned in the Member States.

Amendment 10
Article 2(b)

b) “*long-term resident*” means any third-country national who has long-term resident status as provided for by Article 8;

b) “**EC long-term resident**” means any third-country national who has long-term resident status as provided for by Article 8;

Justification

The EC description needs to be added here and throughout the text to distinguish this status from the national one.

Amendment 11
Article 2 h (new)

In assessing 'an actual threat to public order or domestic security' in the application of Articles 7, 13, 19 and 25, due account must be taken of the threat of terrorism and the measures adopted by the European Union to combat it.

Justification

No justification.

Amendment 12
Article 3(2)(d)

d) reside in order to pursue studies, with the exception of studies for a doctorate, or vocational training, or as *au pair* or seasonal worker, or as workers posted by a service provider for the purposes of cross-border provision of services, or as cross-border providers of services;

d) reside ***exclusively*** in order to pursue studies, with the exception of studies for a doctorate, or vocational training, or as *au pair* or seasonal worker, or as workers posted by a service provider for the purposes of cross-border provision of services, or as cross-border providers of services;

Justification

It must be made clear that only those who have entered the territory solely to pursue studies are excluded from the scope of this directive, since periods of study can be taken into account towards the accrual of long term resident status.

Amendment 13
Article 4

The Member States shall give effect to the provisions of this Directive without discrimination on the basis of sex, race, colour, ethnic or social origin, genetic characteristics, language, religion or beliefs, political or other opinions, membership of a national minority, ***fortune***, birth, disabilities, age or sexual orientation.

The Member States shall give effect to the provisions of this Directive without discrimination on the basis of ***nationality***, sex, race, colour, ethnic or social origin, genetic characteristics, language, religion or beliefs, political or other opinions, membership of a national minority, ***property***, birth, disabilities, age or sexual orientation.

Justification

Nationality should be included among the prohibited grounds if rights conferred by this Directive to third country nationals are to be equated with those of EU citizens as outlined in the Tampere conclusions. Moreover this would ensure against discrimination between different national groups of third-country nationals themselves. "Property" is the word used in the Charter of Fundamental Rights.

Amendment 14
CHAPTER II

Long-term resident status in a Member State

EC Long term resident status in a Member State

Justification

The EC description needs to be added here and throughout the text to distinguish this status from the national one.

Amendment 15
Article 5, paragraph 1a (new)

Member States may make the award of long-term resident status contingent on other evidence of integration, in particular adequate knowledge of a national language of the Member State concerned.

Justification

The award of long-term resident status is no substitute for successful integration; instead, an advanced degree of integration into the life of the Member State concerned is a precondition for the award of that status. Whilst the host society must offer immigrants the prospect of long-term resident status and equal access in many areas, for their part immigrants must learn the language of the host country. The acquisition of the soundest possible language knowledge as quickly as possible is in the interests of both individual immigrants and the host society.

Amendment 16
Article 5 (2) (b)

periods of residence for study purposes, with the exception of study towards a doctorate, shall be taken into account as to half only.

periods of residence ***exclusively*** for study purposes, with the exception of study towards a doctorate, shall be taken into account as to half only.

Justification

It must be made clear that only those who purely pursue studies are subject to this time frame, since studying whilst working will be taken into account towards the acquisition of long term resident status.

Amendment 17

Article 5, paragraph 3, subparagraph (a)

(a) shorter than **six** consecutive months; or

(a) shorter than **three** consecutive months; or

Justification

A period of three successive months would seem to be sufficient, given that it corresponds to the maximum period of holiday enjoyed by employees and schoolchildren. A longer period might endanger the progress made towards integration.

Amendment 18

Article 5(3)(b)

related to the discharge of military obligations, detachment for employment purposes, including the provision of cross-border services, studies, **with the exception of study for a doctorate**, or research, serious illness, pregnancy or maternity; or

related to the discharge of military obligations, detachment for employment purposes, including the provision of cross-border services, studies, or research, serious illness, pregnancy or maternity **leave**; or

Justification

These words are not in the French version which is the original and should therefore be deleted. The permitted period of absence on the grounds of maternity should be limited.

Amendment 19
Article 6 (1) (a)

(a) stable resources corresponding to the level of resources below which social assistance may be granted in the Member State concerned. Where this provision cannot be applied, the resources shall be considered to be adequate where they are equal to the level of the minimum social security pension paid by the Member State concerned. The criterion of stability of resources shall be evaluated by reference to the nature and regularity of the resources enjoyed prior to the application for long-term residence status.

(a) stable resources corresponding to the level of resources below which social assistance may be granted in the Member State concerned. Where this provision cannot be applied, the resources shall be considered to be adequate where they are equal to the level of the minimum social security pension paid by the Member State concerned. The criterion of stability of resources shall be evaluated by reference to the nature and regularity of the resources ***available at the time of*** the application for long-term residence status.

Justification

This addition confirms that for determining whether there are stable resources, both past present and future employment should be relevant.

Amendment 20
Article 6, paragraph 1, subparagraph (b)

(b) sickness insurance ***covering all risks in*** the Member State concerned.

(b) sickness insurance ***whose provisions governing acceptance of liability for costs are identical to those of the schemes subscribed to by citizens of*** the Member State concerned.

Justification

No justification.

Amendment 21
Article 6, paragraph 1, subparagraph (bb) (new)

(bb) proof of contributions to a retirement provision scheme comparable to that of an EU citizen in a similar employment context.

Justification

It should be possible to state with some certainty that a person applying for long-term resident status will be able to earn his or her own living over the extended period in question. However, it must also be clear that on completion of his or her working life the person concerned will in all likelihood not be dependent on welfare payments.

Amendment 22
Article 6, paragraph 2

2. The conditions in paragraph 1 ***shall not apply*** to:

- (a) refugees;
- (b) third-country nationals born in the territory of a Member State.

2. ***Member States may decide not to apply*** the conditions in paragraph 1 to:

- (a) refugees;
- (b) third-country nationals born in the territory of a Member State.

Justification

After five years' official residence, which in some Member States at least is linked to eligibility for access to the labour market - the Member States should be free to continue to demand proof of adequate resources from this group of persons as well. This applies in particular to third-country nationals born on the territory of a Member State.

Amendment 23
Article 7

1. The Member States may refuse to grant long-term resident status where the personal conduct of the ***person concerned constitutes an actual*** threat to public order or domestic security.

2. ***Criminal convictions shall not in themselves warrant the refusal referred to in paragraph 1. Such refusal may not be***

1. The Member States may refuse to grant long-term resident status where the personal conduct of the ***applicant can be taken to constitute a*** threat to public order or domestic security.

2. ***Such a threat shall be deemed to exist in particular if the person concerned has committed more than one or more than a***

founded on economic considerations.

minor breach of the law or has committed outside the Member State concerned an offence which in that Member State is regarded as premeditated under the law.

It must be assumed that persons who involve themselves in violent acts in pursuit of political aims, who make public appeals for the use of violence, who threaten the use of violence or against whom there is evidence to justify the assumption that they belong to an association which supports international terrorism pose an ongoing threat to public order or domestic security.

Justification

A narrowing of the grounds for refusal, even in connection with the initial award of long-term residence status, in line with those laid down in Directive 64/221/EEC applicable to EU nationals entitled to freedom of movement, is unacceptable. Broad disregard of security considerations, in particular those resulting from criminal offences, in connection with the award of even the status of long-term resident seems inappropriate. In particular, on general crime prevention grounds it should be possible to deny this legal status, and the attendant privileges, if the applicant has been guilty of breaches of the law in the sphere of drug trafficking or organised crime, for example.

Amendment 24 Article 7 (3) (new)

Member States when applying paragraphs 1 and 2 above shall ensure consistency as far as possible with the provisions of directive 64/221/EEC unless a departure from its terms is justified by overriding security considerations.

Justification

This would refer expressly to the legislation governing refusal of entry of EC nationals, and so more clearly respect the conclusions of the Tampere summit which stated that the legal status of long term resident third country nationals should be approximated to that of EC nationals. It is also necessary however to provide for derogation from this if justified in the

interests of security.

Amendment 25
Article 8, paragraph 3

3. If the conditions provided for by Articles 5 and 6 are met, and ***the person does not represent a threat within the meaning of Article 7***, the Member States concerned shall grant the third-country national concerned long-term resident status. This status shall be permanent, subject to Article 10.

3. If the conditions provided for by Articles 5 and 6 are met, and ***there are no grounds for refusal pursuant to Article 7***, the Member States concerned shall grant the third-country national concerned long-term resident status. This status shall be permanent, subject to Article 10.

Justification

In line with the amendment to Article 7.

Amendment 26
Article 9, paragraph 3

3. A long-term resident's EC residence permit shall be issued ***free of charge or*** against payment of a sum not ***exceeding*** the charges required of nationals for the issuance of identity cards.

3. A long-term resident's EC residence permit shall be issued against payment of a sum ***sufficient to cover the administrative costs and which does not exceed*** the charges required of nationals for the issuance of identity cards. ***Member States may stipulate that permits shall be issued free of charge.***

Justification

The principle should be that administrative facilities may only be enjoyed against payment of a sum which covers the corresponding administrative costs. Member States should be free to draw up rules governing the payment of fees in accordance with their respective systems.

Amendment 27
Article 10 (1)(a)

a) absence from the territory for a period of two consecutive years. Member States ***may*** provide for derogations in the event of absence related to the discharge of military

(a) absence from the territory ***of the European Union*** for a period of two consecutive years, ***without prejudice to article 23***, Member States ***shall except***

obligations, detachment for employment purposes, studies or research, serious illness, pregnancy or maternity;

with reasonable justification, provide for derogations in the event of absence related to the discharge of military obligations, detachment for employment purposes, studies or research, serious illness, pregnancy or maternity **leave**;

Justification

The absences need to allow for stays in other Member States. The permitted list should be binding. With a view to the successful integration of mother and child, it is important that the permitted period of absence on grounds of maternity should be limited.

Amendment 28

Article 10, paragraph 1, point e (new)

(e) where the conditions laid down in Article 6 are no longer able to be met.

Justification

The residence permit should also be withdrawn if the conditions laid down in Article 6 are no longer met.

Amendment 29

Article 10.5

5. Member States shall issue to the person concerned a residence permit other than a long-term resident's EC residence permit if:

(a) long-term resident status is withdrawn pursuant to paragraph 1(a) **or (b)**; or

(b) an expulsion measure cannot be executed against a long-term resident.

5. Member States shall issue to the person concerned a residence permit other than a long-term resident's EC residence permit if:

(a) long-term resident status is withdrawn pursuant to paragraph 1(a); or

(b) an expulsion measure cannot be executed against a long-term resident.

Justification

Where an EU residence permit has been acquired fraudulently, it should be withdrawn. The legal provisions for other third-country nationals should then once again become applicable. In especially serious cases residence restriction measures should be possible. That does not in itself constitute a reason for inclusion in the directive.

Amendment 30
Article 11 (1)

1. **Reasons** shall be given for any decision rejecting an application for long-term resident status or withdrawing that status. It shall be notified in writing to the third-country national concerned. The notification shall specify the redress procedures available and the time within which he may act.

1. **Full reasons** shall be given for any decision rejecting an application for long-term resident status or withdrawing that status. It shall be notified in writing, **without delay**, to the third-country national concerned. The notification shall specify the redress procedures available and the time within which he may act.

Justification

The applicant should be entitled to full reasons of any such decision as soon as possible, thereby ensuring consistency in decision making in each Member State and providing procedural guarantees to the applicant.

Amendment 31
Article 11 (3)

Where an application for long-term resident status is rejected or that status is withdrawn or the residence permit is not renewed, the person concerned shall have the right to apply to the courts of the Member State concerned.

Where an application for long-term resident status is rejected or that status is withdrawn or the residence permit is not renewed, the person concerned shall have the right to apply to the courts of the Member State concerned **for a review of the merits of that decision and/or any breach of procedural rights.**

Justification

In the event of rejection, withdrawal or non-renewal the applicant should be entitled to a review of both the decision taken and how that was made.

Amendment 32
Article 12.1.c

(c) recognition of diplomas, certificates and

(c) recognition of diplomas, certificates and

other qualifications issued by a competent authority;

other qualifications issued by a competent authority ***in the first Member State***;

Justification

(a) In the matter of recognition of diplomas, etc, equal treatment with nationals of the first Member State is sought, as should be made clear in the wording. What is not intended is automatic recognition of third-country diplomas.

Amendment 33
Article 12 (j) (new)

Access to legal proceedings and effective legal remedies.

Justification

A general right to legal remedy and access to judicial proceedings needs to be provided, in accordance with the Tampere Conclusions (#21) which states that the legal status of third country nationals should be approximated to that of Member States' nationals.

Amendment 34
Article 12 (k) (new)

Active and passive participation in public life at local level.

Justification

Participation in local life is a key component in facilitating integration of third country nationals into local society.

Amendment 35
Article 12 (2)

Member States may extend the benefit of equal treatment to matters not referred to in paragraph 1.

Member States may extend the benefit of equal treatment to matters not referred to in paragraph 1, ***such as active participation in political life, including voting rights at local and European level.***

Justification

Whilst there is no competence under the Treaties to provide for voting or other political rights in a Member State this should not preclude Member State governments using their prerogative to provide such within their national legislation.

Amendment 36
Article 13, paragraph 1

1. Member States may take a decision to expel a long-term resident solely where ***his*** personal conduct constitutes an actual and sufficiently serious threat to public order or domestic security that affects a fundamental interest of society.

1. Member States may take a decision to expel a long-term resident, ***or the members of his family***, solely where ***their*** personal conduct constitutes an actual and sufficiently serious threat to public order or domestic security that affects a fundamental interest of society.

Justification

Self explanatory .

Amendment 37
Article 13.2

2. Personal conduct shall not be considered a sufficiently serious threat if the Member State does not take severe enforcement measures against its own nationals who commit the same type of offence.

Justification

The threat to public security and order is a sufficiently specific legal concept that needs no further elaboration, which would serve only make the concept more indeterminate.

Amendment 38
Article 13 (4)

Before taking a decision to expel a long-term resident, Member States shall have regard to the following factors:

Before taking a decision to expel a long-term resident, Member States shall have regard to the following factors ***in accordance with the jurisprudence of the European Court of Human Rights:***

Justification

It would be preferable to refer to the source of the principles outlined in this paragraph.

Amendment 39
Article 13, paragraph 5

5. Where an expulsion decision has been adopted, a judicial redress procedure shall be available to the long-term resident in the Member State concerned. ***Member States shall provide that such procedures may have suspensory effect.***

5. Where an expulsion decision has been adopted, a judicial redress procedure shall be available to the long-term resident in the Member State concerned.

Justification

Under the subsidiarity principle, the arrangements governing the administrative procedure should remain a matter for the Member States, not least in order to guarantee the internal consistency of the procedures.

Amendment 40
Article 13, paragraph 6

6. Legal aid shall be given to long-term residents lacking adequate resources, on the same terms as apply to nationals of the State where they reside.

6. Legal aid shall be given to long-term residents lacking adequate resources, on the same terms as apply to nationals of the State where they reside. ***The possibility of the assistance of an interpreter will be provided.***

Justification

Treatment not less favourable than that of an EU citizen.

Amendment 41
Article 13 (7)

Emergency expulsion procedures shall be prohibited against long-term residents

Emergency expulsion procedures shall be prohibited against long-term residents, ***unless it can be justified on the basis of overriding security interests.***

Justification

Whilst long term resident third country nationals should be given enhanced protection Member States should still be able to derogate from this where justifiable on the grounds of overriding security interests.

Amendment 42
Article 16, paragraph 1, point (a)

(a) exercise of an economic activity in an employed or self-employed capacity; or

(a) exercise of an economic activity in an employed or self-employed capacity ***and adequate resources, so that, during the period of residence, he or she does not become a burden on the second Member State, sickness insurance covering standard risks in the second Member State and proof of adequate retirement provision comparable to that of an EU citizen in a***

similar employment context; or

Justification

The right to migrate onward to a second Member State, a partial approximation to the freedom of movement enjoyed by EU nationals, should be made contingent on provision of proof by the third-country national concerned that he or she has adequate resources, sickness insurance cover and retirement provision. Freedom of movement should not be equated with a right to claim welfare benefits throughout Europe.

Amendment 43

Article 16, paragraph 1, point b

(b) pursuit of studies or vocational training, and possession of adequate resources available **to avoid becoming a burden on the second Member State during the period of residence** and sickness insurance covering **all** risks in the second Member State; or

(b) pursuit of studies or vocational training, and possession of adequate resources available and sickness insurance covering **the usual** risks in the second Member State; or

Justification

It is recognised that the majority of students are scholarship holders and are covered by health insurance.

It is not necessary for all risks to be covered. It is sufficient if the major risks covered by state insurance schemes are covered.

Amendment 44

Article 16, paragraph 1, point (c)

(c) possession of adequate resources available to avoid becoming a burden on the second Member State during the period of residence and sickness insurance covering **all** risks in the second Member State.

(c) possession of adequate resources available to avoid becoming a burden on the second Member State during the period of residence and sickness insurance covering **standard** risks in the second Member State **and proof of retirement provision comparable to that of an EU citizen in a similar employment context.**

Justification

The right to migrate onward to a second Member State, a partial approximation to the freedom of movement enjoyed by EU nationals, should be made contingent on provision of proof by the third-country national concerned that he or she has adequate resources, sickness insurance cover and retirement provision. Freedom of movement should not be equated with a right to claim welfare benefits throughout Europe.

Amendment 45
Article 16, paragraph 2, point c

*(c) they embark on vocational training. **deleted**
Unless they are in a state of involuntary unemployment, the retention of worker status depends on the existence of a relation between the previous occupational activity and the training concerned.*

Justification

Third-country nationals requesting a residence permit should already have undergone vocational training and should not only just be embarking on such training.

Amendment 46
Article 17, paragraph 3, point c

*(c) evidence that they have adequate resources and sickness insurance covering **all** risks in the second Member State. (c) evidence that they have adequate resources and sickness insurance covering **the usual** risks in the second Member State.*

Justification

It is not necessary for all risks to be covered. It is sufficient if the major risks covered by state insurance schemes are covered.

It is recognised that the majority of migrants come to seek employment and will then contribute to the tax and social security systems.

Amendment 47
Article 17, paragraph 4, point b

(b) evidence that they have adequate resources and sickness insurance covering (b) evidence that they have adequate resources and sickness insurance covering

all risks in the second Member State.

the usual risks in the second Member State.

Justification

It is not necessary for all risks to be covered. It is sufficient if the major risks covered by state insurance schemes are covered.

It is recognised that the majority of migrants come to seek employment and will then contribute to the tax and social security systems.

Amendment 48

Article 18, paragraph 2, point c

(c) evidence that they have adequate resources and sickness insurance covering **all** risks in the *Second* Member State or that the long-term resident has such resources and insurance for them.

(c) evidence that they have adequate resources and sickness insurance covering **the usual** risks in the *second* Member State or that the long-term resident has such resources and insurance for them.

Justification

It is not necessary for all risks to be covered. It is sufficient if the major risks covered by state insurance schemes are covered.

It is recognised that the majority of migrants come to seek employment and will then contribute to the tax and social security systems.

Amendment 49

Article 18.3

3. Where the family was not already constituted in the first Member State, Directive .../.../EC [on the right to family reunification]¹ shall apply.

3. Where the family was not already constituted in the first Member State **in accordance with Article...**, Directive .../.../EC [on the right to family reunification]¹ shall **not** apply.

Justification

The decision incumbent in accordance with Article 2 on the first Member State to extend family reunification rights also to unmarried partners must not be circumvented in this way.

Amendment 50
Article 19, paragraph 1

1. Member States may refuse applications for residence from long-term residents or family members where the personal conduct of the person concerned constitutes an actual threat to public order or domestic security.

1. Member States may refuse applications for residence from long-term residents or family members where the personal conduct of the person concerned constitutes an actual threat to public order or domestic security.

It must be assumed that persons who involve themselves in violent acts in pursuit of political aims, who make public appeals for the use of violence, who threaten the use of violence or against whom there is evidence to justify the assumption that they belong to an association which supports international terrorism pose an ongoing threat to public order or domestic security.

Justification

A narrowing of the grounds for refusal, even in connection with the initial award of long-term residence status, in line with those laid down in Directive 64/221/EEC applicable to EU nationals entitled to freedom of movement, is unacceptable. Broad disregard of security considerations, in particular those resulting from criminal offences, in connection with the award of even the status of long-term resident seems inappropriate. In particular, on general crime prevention grounds it should be possible to deny this legal status, and the attendant privileges, if the applicant has been guilty of breaches of the law in the sphere of drug trafficking or organised crime, for example.

Amendment 51
Article 19 (3) (new)

Member States when applying paras 1 and 2 above shall ensure consistency as far as possible with the provisions of directive 64/221/EEC unless a departure from its terms is justified by overriding security considerations.

Justification

This would refer expressly to the legislation governing refusal of entry of EC nationals, and

so more clearly respect the conclusions of the Tampere summit which stated that the legal status of long term resident third country nationals should be approximated to that of EC nationals. It is also necessary however to provide for derogation from this if justified in the interests of security.

Amendment 52
Article 21.4

4. Permits shall be issued **free of charge or** against payment of a sum not exceeding the charges required of nationals for the issuance of identity cards.

4. Permits shall be issued against payment of a sum not exceeding **the administrative costs, which should not exceed** the charges required of nationals for the issuance of identity cards. **Member States may provide for issue free of charge.**

Justification

In accordance with the subsidiarity principle, Member States should be responsible for regulating the administrative procedure so as to ensure consistency.

Amendment 53
Article 22

1. **Reasons** shall be given for any decision rejecting an application for a residence permit. It shall be notified in writing to the third-country national concerned. The notification shall specify the redress procedures available and the time within which he may act.

1. **Full reasons** shall be given for any decision rejecting an application for a residence permit. It shall be notified in writing, **without delay**, to the third-country national concerned. The notification shall specify the redress procedures available and the time within which he may act.

Justification

This ensures consistency in the decision making procedure amongst different applicants and in different Member States.

Amendment 54
Article 25, paragraph 2

2. Expulsion decisions may not be accompanied by a permanent ban on residence.

Deleted

Justification

This provision must be rejected, since a permanent ban on residence should not be ruled out in advance, certainly not if a long-term resident has committed a serious crime. The justified interests of the individual concerned can be adequately protected by granting him or her the right to apply for a time-limit to be imposed on the residence ban.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a Council Directive concerning the status of third-country nationals who are long-term residents (COM(2001) 127 – C5-0250/2001 – 2001/0074(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the the Commission proposal (COM(2001) 127¹),
 - having regard to Articles 63(3) and (4) of the EC Treaty,
 - having been consulted by the Council pursuant to Article 67 of the EC Treaty (C5-0250/2001),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs and the opinions of the Committee on Legal Affairs and the Internal Market, the Committee on Employment and Social Affairs and the Committee on Petitions (A5-0436/2001),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 4. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;
 5. Instructs its President to forward its position to the Council and Commission.

¹ OJ C 240E, 28.8.2001, p. 79.

EXPLANATORY STATEMENT

Since the Parliament has consistently called for an improvement in the position of third country nationals legally resident within the European Union, it strongly welcomed the commitment made at the European Council meeting in Tampere in October 1999 to improve their legal position.

The rapporteur believes that the fair treatment and active integration of third country nationals, accompanied by measures to prevent discrimination, will assist in the fight against racism and xenophobia within the EU. Although it is difficult to obtain accurate figures, it is believed that there are approximately 20 million legally resident third country nationals within the EU.

The rapporteur believes that this proposal from the Commission is on the whole well balanced in meeting the objectives set in Tampere. The European Council said then that "the legal status of [long term legally resident] third country nationals should be approximated to that of Member States' nationals" so that they have "a set of uniform rights which are as near as possible to those enjoyed by EU citizens".

Some commentators have called for the rights at least in some areas to be the same for all third country nationals, and between them and EU nationals, and their arguments have some force. In fact the position is not equalised among all third country nationals as those who currently have more favourable treatment under bilateral agreements of their country of origin with the EU (such as Turkish nationals) will retain it.

However, the rapporteur considers that at this stage it is vital to walk before we attempt to run. We need to establish the EC long-term residence permit and its rights of cross-border movement - already a hugely important step - on a firm basis before being more ambitious.

Later on, once the system has been seen to operate well, we can work for the equalisation of the position of all third country nationals who qualify for long-term status, for the reduction of the qualifying period to, say, three instead of five years, and the minimising of the gap between them and EU nationals on matters such as family reunion.

The approach of this rapporteur is therefore broadly to follow the Commission in the content of the rights but to tighten up some of the procedural guarantees and slim some of the bureaucratic hurdles so that third country nationals face as few obstacles as possible (commensurate with proper administration and security) to their smooth integration.

Scope

i) Persons covered

The Commission proposal covers all legally resident third country nationals including those holding refugee status, does not cover persons in the EU on a temporary basis (such as students or those granted temporary protection). The proposal also excludes persons which have been granted subsidiary protection. This may, at the present time, be justified since

subsidiary protection has not been harmonised amongst the Member States but, given that there is now a Commission proposal for the harmonisation of subsidiary forms of protection,¹ those granted protection under the new harmonised regime should be included once that is in operation.

ii) Member States

This Commission proposal, being based on Title IV of the EC Treaty, does not cover Denmark, the United Kingdom and Ireland. The latter two countries have notified the Commission that they do not intend to participate at this stage, nonetheless they could decide to participate once it is adopted.

The rapporteur urges all Member States to participate in this Directive, since by failing to take this opportunity they are depriving legally resident third country nationals present in their territory of a major potential advantage, of the greater rights obtained through an EC permit and of living in another EU member state. However, for such participation by the UK, there would also have to be provision for short-term movement to the Schengen area, which is not currently envisaged in the Directive.

iii) Subject-matter

It is important to note that this Commission proposal does not harmonise the terms on which Member States grant *national* long term residence permits. National residence permits will continue to play an important role as it is only after five years of legal residence that a third country national can obtain the new EC long term residence permit. The Commission intends to present a proposal on procedures for issuing (national) long-term visas and residence permits,² but in the meantime there should be a stand-still clause preventing Member States from, for example, increasing the number of years required before granting long term resident status. Furthermore, in the definition and throughout the text this new status should be distinguished from the national status by referring to EC long term resident status/residence permit.

A uniform set of rights

Under the Commission proposal, a third country national who meets the criteria (which include five years residence) will have the possibility to obtain long term resident status with a set of rights attached, including equal treatment as regards access to employment, education and social protection. These aspects are welcomed, but the rapporteur considers that some additional rights should be granted to third country nationals, notably regarding cultural and religious identity. In addition, the fact that all persons resident in the EU benefit, under the Charter of Fundamental Rights, from basic rights like freedom of speech, including matters such as freedom of speech, should be recalled.

The proposal does not grant voting rights as the Commission considers this is not covered by the legal base. The rapporteur understands that this is a politically sensitive issue for some

¹ COM(2001) 510 "Proposal for a Council directive laying down minimum standards for the qualification and status of third country nationals and stateless persons as refugees, in accordance with the 1951 Convention relating to the status of refugees and the 1967 protocol, or as persons who otherwise need international protection".

² Page 11 of the Scoreboard refers to "Standards and Procedures for the issue of long term visas and residence permits (Directive)" but there is no timetable for the presentation of this proposal.

Member States, although she considers that the grant of voting rights at least at local and European level ought to be encouraged as a factor of responsible integration. She therefore recommends a reference to an option for Member States to grant long term resident third country nationals the right to vote in municipal, national and European elections.

The Commission proposal contains a welcome non-discrimination clause but this does not prohibit discrimination on the grounds of nationality as between third country nationals. This omission should be rectified as it is important to prevent possible discrimination between, for example, Canadians and Indians.

Right to reside in a second Member State

Chapter III of the present proposal does not impose automatic mutual recognition of the EC residence permits issued in different Member States. But it implements Article 45(2)¹ of the Charter by granting the right of free movement to third country nationals legally resident within the EU, and implements Article 63(4) of the EC Treaty by specifying the conditions.

This aspect of the Commission proposal is to be strongly welcomed not only for the freedom it justly confers on those individuals but also in regard to the economic benefits of a flexible and mobile workforce. Successive European Councils have sought to encourage mobility, and third country national workers, having already moved once to the EU, may be more willing to transfer to another country within the EU.

This present Commission proposal does not itself grant the right to move freely without a visa for short periods within the EU - without which it is in fact inoperable for most third country nationals - since this is covered by a separate proposal based on Articles 62(3) and 63(3).²

When moving to a second Member State, a third country national will have the same rights as in the first Member State, with the exception of social assistance and study grants, and will not lose the long-term status in the first country even if s/he moves several times. However, after five years in the second country, the third country national will have the right to acquire long term resident status in the second Member State.

Family Members

These provisions are important as they define who can move with the EC long-term resident to a second Member State. The Commission proposal seeks to improve the situation of family members of third country nationals over the present situation by aligning on the provisions of the proposed Directive on family reunification.³

¹ Article 45(2) states "*Freedom of movement and residence may be granted, in accordance with the Treaty establishing the European Community, to nationals of third countries legally resident in the territory of a Member State.*"

² COM(2001)0388, Proposal for a Council Directive relating to the conditions in which third-country nationals shall have the freedom to travel in the territory of the Member States for periods not exceeding three months, introducing a specific travel authorisation and determining the conditions of entry and movement for periods not exceeding six months.

³ COM (99) 638, Proposal for a Council Directive on the right of family reunification.

There are strong arguments to re-open the family reunion question in the context of this Directive. It could be argued that long-term residents as regards family members who they intend to take to a second Member State should be covered by a regime closer to that of EU citizens under Regulation 1612/68 than that currently proposed under the Family Reunification Directive. This could in addition address more fully the issues of unmarried partners and same sex partners.

While strongly attracted to the justice of this argument - and in particular wanting to address the position regarding the right of free movement of unmarried and same-sex partners - the rapporteur has nonetheless reluctantly concluded that this issue must be tackled directly in specific EU law provisions on family reunion rather than in a Directive on rights of third country nationals.

The definition includes family members of EU citizens which is misleading as the situation of is already covered by Community law. Article 3(3) specifies that 'third country national' family members of EU citizens do not acquire long term resident status until they have obtained the right of permanent residence. It is not clear why this provision is necessary or justified. The rapporteur has therefore added a clarification making clear that this Directive cannot dilute their existing rights under EU law.

Protection against expulsion

The Commission proposal provides increased protection for long term residents against expulsion. Article 13 of the proposal limits the circumstances in which a third country national can be expelled back to the third country. This part of the proposal should be more closely based on Directive 64/221.

11 October 2001

OPINION OF THE COMMITTEE ON LEGAL AFFAIRS AND THE INTERNAL MARKET

for the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

on the proposal for a Council directive concerning the status of third-country nationals who are long-term residents
(COM(2001) 127 – C5-0250/2001 – 2001/0074 (CNS))

Draftsman: Manuel Medina Ortega

PROCEDURE

The Committee on Legal Affairs and the Internal Market appointed Manuel Medina Ortega draftsman at its meeting of 26 June 2001.

It considered the draft opinion at its meetings of 10 September and 11 October 2001..

At the last meeting it adopted the following conclusions by 20 votes to 10, with 0 abstentions.

The following were present for the vote: Ana Palacio Vallelersundi, chairman; Ward Beysen vice-chairman; Manuel Medina Ortega, draftsman; Paolo Bartolozzi, Luis Berenguer Fuster (for Jean-Maurice Dehousse), Maria Berger, Willy C.E.H.De Clercq (for Toine Manders), Bert Doorn, Raina A. Mercedes Echerer, Enrico Ferri (for Janelly Fourtou), Marie.Françoise Garaud, Evelyne Gebhardt, Fiorella Ghilardotti (for Arlene McCarthy, pursuant to Rule 153(2)), Neena Gill (for Carlos Candal, pursuant to Rule 153(2)), Françoise Grossetête (for Hans-Peer Mayer), Gerhard Hager, Malcolm Harbour, Heidi Anneli Hautala, The Lord Inglewood, Kurt Lechner, Klaus-Heiner Lehne, Neil MacCormick, Luís Marinho, Angelika Niebler (for Antonio Tajani), Ria G.H.C. Oomen-Ruijten (for Rainer Wieland), Barbara O'Toole (for Bill Miller, pursuant to Rule 153(2)), Fernando Pérez Royo (for Enrico Boselli, pursuant to Rule 153(2)), Helle Thorning-Schmidt (for Will Rothley, pursuant to Rule 153(2)), Joachim Wuermeling and Stefano Zappalà.

SHORT JUSTIFICATION

The Commission proposal for a directive of 13 March 2001 (COM(2001) 127 final) seeks to enforce the provisions of Article 63(3) and (4) of the EC Treaty. Article 63(3) obliges the Council, on a proposal from the Commission or on the initiative of a Member State, and after consulting the European Parliament, to adopt unanimously, within a period of five years after the entry into force of the Treaty of Amsterdam, measures on immigration policy that include conditions of entry and residence and standards on procedures for the issue by Member States of long-term visas and residence permits. Article 63(4) deals with the measures defining the rights and conditions under which nationals of third countries who are legally resident in a Member State may reside in other Member States.

The Commission proposal for a directive is fully in keeping with the legal basis mentioned above, i.e. Article 63(3) and (4). The subsidiarity principle need not be brought into play here, since by definition these common measures need only be adopted at Community level.

Furthermore, the proposal abides by the proportionality principle, in that the measures proposed are a necessary means of harmonising a set of already binding rules - some of them national and others international in nature - to which uniform regulations must apply.

In offering a balanced approach to the status of third-country nationals who are long-term residents the proposal deserves to earn Parliament's approval. Parliament would be ill-advised to adopt partial amendments to the legislative text that might disrupt the balance struck between the defence of Community interests, respect for Member States' responsibilities and compliance with the international obligations contracted by the Community with regard to human rights in general, and to the treatment of refugees, asylum seekers and other displaced persons in particular.

CONCLUSIONS

The Committee on Legal Affairs and the Internal Market hereby requests the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, as the committee responsible, to include the following amendments in its report.

Text proposed by the Commission

Amendment by Parliament

Amendment 1 Recital 5

(5) The integration of third-country nationals who are long-term residents in the Member States is a **key** element in promoting economic and social cohesion, a fundamental objective of the Community declared by Articles 2 and 3(1)(k) of the Treaty.

The integration of third-country nationals who are long-term residents in the Member States is **an** element in promoting economic and social cohesion, a fundamental objective of the Community declared by Articles 2 and 3(1)(k) of the Treaty.

Justification

In acknowledging the significance of third-country nationals it is important to retain a sense of proportion.

Amendment 2
Article 2(e)

(e) "family members" means the applicant's spouse or unmarried partner, minor children and relatives in the ascending line and adult dependant children admitted to the Member State concerned and residing there in accordance with Council Directive .../.../EC on the right to family reunification¹ The family members of citizens of the Union are defined by the Community legislation relating to free movement of persons in accordance with Article 4 of that Directive;

(e) "family members" means the applicant's spouse or, ***provided that the first Member States has placed unmarried couples on an equal footing with married couples in its legislation,*** unmarried partner, minor children and relatives in the ascending line and adult dependant children admitted to the Member State concerned and residing there in accordance with Council Directive .../.../EC on the right to family reunification¹ The family members of citizens of the Union are defined by the Community legislation relating to free movement of persons in accordance with Article 4 of that Directive;

Justification

The directive should regulated freedom of movement for third-country nationals resident long term in the Community, but not create additional residence entitlements.

Amendment 3
Article 7

1. Member States may refuse to grant long-term resident status where ***the personal conduct of the person concerned*** constitutes an actual threat to public order or domestic security.

1. Member States may refuse to grant long-term resident status where the ***applicant*** constitutes an actual threat to public order or domestic security.

Justification

Clarification.

Amendment 4
Article 9.3

3. A long-term resident's EC residence permit shall be issued **free of charge or** against payment of a sum not exceeding the charges required of nationals for the issuance of identity cards.

3. A long-term resident's EC residence permit shall be issued against payment of a sum not exceeding **the administrative costs, which should not exceed** the charges required of nationals for the issuance of identity cards. **Member States may provide for issue free of charge.**

Justification

The principle should apply that claims on administrative services should be charged for only at the administrative costs actually incurred.

Amendment 5
Article 10.5

5. Member States shall issue to the person concerned a residence permit other than a long-term resident's EC residence permit if:
(a) long-term resident status is withdrawn pursuant to paragraph 1(a) **or (b)**; or
(b) an expulsion measure cannot be executed against a long-term resident.

5. Member States shall issue to the person concerned a residence permit other than a long-term resident's EC residence permit if:
(a) long-term resident status is withdrawn pursuant to paragraph 1(a); or
(b) an expulsion measure cannot be executed against a long-term resident.

Justification

Where an EU residence permit has been acquired fraudulently, it should be withdrawn. The legal provisions for other third-country nationals should then once again become applicable. In especially serious cases residence restriction measures should be possible. That does not in itself constitute a reason for inclusion in the directive.

Amendment 6
Article 12.1.c

(c) recognition of diplomas, certificates and other qualifications issued by a competent authority;

(c) recognition of diplomas, certificates and other qualifications issued by a competent authority **in the first Member State**;

Justification

(a) In the matter of recognition of diplomas, etc, equal treatment with nationals of the first Member State is sought, as should be made clear in the wording. What is not intended is automatic recognition of third-country diplomas.

Amendment 7 Article 13.1. and 13.2

1. Member States may take a decision to expel a long-term resident ***solely*** where ***his personal conduct*** constitutes ***an actual and sufficiently serious*** threat to public order or domestic security ***that affects a fundamental interest of society***.
2. Personal conduct shall not be considered a sufficiently serious threat if the Member State does not take severe enforcement measures against its own nationals who commit the same type of offence.

1. Member States may take a decision to expel a long-term resident where ***he*** constitutes ***a*** threat to public order or domestic security.

Justification

The threat to public security and order is a sufficiently specific legal concept that needs no further elaboration, which would serve only make the concept more indeterminate.

Amendment 8 Article 18.3

3. Where the family was not already constituted in the first Member State, Directive .../.../EC [on the right to family reunification]¹ shall apply.

3. Where the family was not already constituted in the first Member State ***in accordance with Article...***, Directive .../.../EC [on the right to family reunification]¹ shall ***not*** apply.

Justification

The decision incumbent in accordance with Article 2 on the first Member State to extend family reunification rights also to unmarried partners must not be circumvented in this way.

Amendment 9
Article 19.1

1. Member States may refuse applications for residence from long-term residents or family members where ***the personal conduct of*** the person concerned constitutes ***an actual*** threat to public order or domestic security.

1. Member States may refuse applications for residence from long-term residents or family members where ***they constitute a*** threat to public order or domestic security.

Justification

In accordance with the subsidiarity principle, Member States should be responsible for regulating the administrative procedure so as to ensure consistency.

Amendment 10
Article 21.4

4. Permits shall be issued ***free of charge or*** against payment of a sum not exceeding the charges required of nationals for the issuance of identity cards.

4. Permits shall be issued against payment of a sum not exceeding ***the administrative costs, which should not exceed*** the charges required of nationals for the issuance of identity cards. ***Member States may provide for issue free of charge.***

Justification

In accordance with the subsidiarity principle, Member States should be responsible for regulating the administrative procedure so as to ensure consistency.

17 October 2001

OPINION OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS

for the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

on the proposal for a Council directive on concerning the status of third-country nationals who are long-term residents
(COM(2001) 127 – C5-0250/2001 – 2001/0074(CNS))

Draftsman: Toine Manders

PROCEDURE

The Committee on Employment and Social Affairs appointed Toine Manders draftsman at its meeting of 17 May 2001.

It considered the draft opinion at its meetings of 20 September and 8–9 October 2001.

At the latter meeting it adopted the following amendments by 25 votes to 0, with 2 abstentions.

The following were present for the vote: Winfried Menrad, acting chairman; Toine Manders, draftsman; Jan Andersson, Regina Bastos, Theodorus J.J. Bouwman (for Hélène Flautre), Alejandro Cercas, Den Dover (for Philip Bushill-Matthews), Ilda Figueiredo, Fiorella Ghilardotti, Marie-Hélène Gillig, Anne-Karin Glase, Koldo Gorostiaga Atxalandabaso, Richard Howitt (for Proinsias De Rossa), Stephen Hughes, Ioannis Koukiadis, Jean Lambert, Elizabeth Lynne, Thomas Mann, Manuel Medina Ortega (for Elisa Maria Damião), Claude Moraes, Mauro Nobilia, Manuel Pérez Álvarez, Bartho Pronk, Herman Schmid, Helle Thorning-Schmidt, Ieke van den Burg and Barbara Weiler.

AMENDMENTS

The Committee on Employment and Social Affairs calls on the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission¹

Amendments by Parliament

Amendment 1 Recital 7

(7) To acquire long-term resident status, third-country nationals should prove that they have adequate resources and sickness insurance cover, **to avoid becoming a burden for the Member State**. The level of such resources should not be disproportionate and should be set uniformly for all the Member States. A further condition for acquiring the status is that third-country nationals should not constitute an actual threat to public order and domestic security.

(7) To acquire long-term resident status, third-country nationals should prove that they have adequate resources and sickness insurance cover **while seeking employment**. The level of such resources should not be disproportionate and should be set uniformly for all the Member States. A further condition for acquiring the status is that third-country nationals should not constitute an actual threat to public order and domestic security.

Justification

It is recognised that the majority of migrants come to seek employment and will then contribute to the tax and social security systems.

Amendment 2 Recital 8

(8) A set of rules governing the procedures for the examination of applications for long-term resident status should be laid down. Those procedures should be effective and manageable, taking account of the normal workload of the Member States' administrations, as well as transparent and fair in order to offer appropriate legal certainty to those concerned.

(8) A set of rules governing the procedures for the examination of applications for long-term resident status should be laid down. Those procedures should be effective, **streamlined** and manageable, taking account of the normal workload of the Member States' administrations, as well as transparent and fair in order to offer appropriate legal certainty to those concerned.

¹ OJ C 240 E, 28.8.2001, p. 79–87

Justification

In order to achieve the desired legal certainty, the administrations need to work using streamlined procedures.

Amendment 3

Recital 11

(11) Long-term residents should enjoy maximum protection against expulsion. This protection is based on Community law relating to free movement of persons and criteria determined by the decisions of the European Court of Human Rights. Protection against expulsion entails provision in the applicable procedures for effective judicial redress procedures.

(11) Long-term residents should enjoy maximum protection against expulsion. This protection is based on Community law relating to free movement of persons and criteria determined by the decisions of the European Court of Human Rights. Protection against expulsion entails provision in the applicable procedures for effective judicial redress procedures.

Individuals who have lived for a significant part of their lives, and also those with dependent status, should be accorded special protection.

Justification

It is unreasonable to expel, for example, those with little experience of their parents' countries.

Amendment 4

Recital 17

(17) To avoid rendering the right of residence nugatory, long-term residents should enjoy in the second Member State the rights they enjoy in the Member State in which they acquired the status. Exceptions from this principle should be provided for as regards social security benefits to ensure that the persons concerned do not become a burden on the Member State in which they exercise the right of residence. The rights enjoyed by the persons concerned in the second Member State should be similar to those enjoyed by citizens of the Union when they exercise their right of free movement.

(17) To avoid rendering the right of residence nugatory, long-term residents should enjoy in the second Member State the rights they enjoy in the Member State in which they acquired the status. Exceptions from this principle should be provided for as regards social security benefits to ensure that the persons concerned do not become a burden on the Member State in which they exercise the right of residence ***until Regulation 1408/71 is amended to include third-country nationals***. The rights enjoyed by the persons concerned in the second Member State should be similar to those enjoyed by citizens of the Union when they exercise their right of free movement.

Justification

The Commission proposal on coordination of social security systems (COM(1998) 779) currently on the table foresees that eventuality.

Amendment 5
Article 3, paragraph 2, point d

(d) reside in order to pursue studies, with the exception of studies for a doctorate, or vocational training, or as *au pair* or seasonal worker, or as workers posted by a service provider for the purposes of cross-border provision of services, or as cross-border providers of services;

(d) reside ***exclusively*** in order to pursue ***officially recognised*** studies, with the exception of studies for a doctorate ***or equivalent level of studies***, or vocational training, or as *au pair* or seasonal worker, or as workers posted by a service provider for the purposes of cross-border provision of services, or as cross-border providers of services;

Justification

If a student had resided and worked beforehand for over five years in a Member State or entered it on the basis of family reunion rules, there is no reason to exclude him/her from long-term residents' status.

This closes the loophole of potential fraudulent use being made of 'studies'. It also encompasses situations such as Master's studies, etc.

Amendment 6
Article 3, paragraph 6 (new)

6. The principles contained in the Charter of Fundamental Rights of the European Union shall be taken into account in applying this Directive.

Justification

In applying the directive clear criteria and priorities are needed, and the Charter must be taken into account.

Amendment 7
Article 4

The Member States shall give effect to the

The Member States shall give effect to the

provisions of this Directive without discrimination on the basis of sex, race, colour, ethnic or social origin, genetic characteristics, language, religion or beliefs, political or other opinions, membership of a national minority, fortune, birth, disabilities, age or sexual orientation.

provisions of this Directive without discrimination on the basis of ***nationality***, sex, race, colour, ethnic or social origin, genetic characteristics, language, religion or beliefs, political or other opinions, membership of a national minority, fortune, birth, disabilities, age or sexual orientation.

Justification

Nationality should be included among the prohibited grounds if the rights conferred to third country nationals are to be compared with the EU citizens according to the Tampere conclusions.

Moreover, discrimination between different national groups of third-country nationals residing legally in the Community should be avoided.

Amendment 8

Article 5, paragraph 2, point b

(b) periods of residence for study purposes, with the exception of study towards a doctorate, shall be taken into account as to half only. ***deleted***

Justification

There is no well-established reason for this provision.

Amendment 9

Article 6, paragraph 1, point a

(a) stable resources corresponding to the level of resources ***below*** which social assistance may be granted in the Member State concerned. Where this provision cannot be applied, the resources shall be considered to be adequate where they are equal to the level of the minimum social security pension paid by the Member State concerned. The criterion of stability of resources shall be evaluated by reference to the nature and regularity of the resources enjoyed prior to the application for long-term residence status.

(a) stable resources corresponding to the level of resources ***above*** which social assistance may be granted in the Member State concerned. Where this provision cannot be applied, the resources shall be considered to be adequate where they are equal to the level of the minimum social security pension paid by the Member State concerned. The criterion of stability of resources shall be evaluated by reference to the nature and regularity of the resources enjoyed prior to the application for long-term residence status.

Justification

In order that the third country national does not become a burden on the social assistance system in the host country, the level of resources should be higher than the social assistance level.

Amendment 10
Article 6, paragraph 1, point b

(b) sickness insurance covering **all** risks in the Member State concerned

(b) sickness insurance covering **the usual** risks in the Member State concerned

Justification

Since the long-term residents shall enjoy free access to social security and public health-care system the requirement for sickness insurance is already covered.

It is not necessary for all risks to be covered. It is sufficient if the major risks covered by state insurance schemes are covered.

Amendment 11
Article 7, paragraph 1

1. Member States may refuse to grant long-term resident status where the personal conduct of the person concerned constitutes **an actual** threat to public order or domestic security.

1. Member States may refuse to grant long-term resident status where the personal conduct of the person concerned constitutes **a** threat to public order or domestic security.

Justification

A third-country national should not constitute any threat to the country where he/she is resident.

Amendment 12
Article 8, paragraph 2

2. The competent national authorities shall examine the application within six months after it is lodged. If the application is not accompanied by all the documentary evidence that the applicant meets the conditions provided for by Articles 5 and 6, the competent national authorities shall inform the third country national concerned

2. The competent national authorities shall examine **and determine** the application within six months after it is lodged. If the application is not accompanied by all the documentary evidence that the applicant meets the conditions provided for by Articles 5 and 6, the competent national authorities shall inform the third country

and allow additional time. In this event the six-month period shall be suspended and shall run again from the time when the additional documentary evidence is provided.

national concerned and allow additional time. In this event the six-month period shall be suspended and shall run again from the time when the additional documentary evidence is provided.

Justification

This is to ensure that decisions would be taken within a reasonable length of time.

Amendment 13
Article 10, paragraph 1, point a

(a) absence from the territory for a period of two consecutive years. Member States **may provide for** derogations in the event of absence related to the discharge of military obligations, detachment for employment purposes, studies or research, serious illness, pregnancy or maternity;

(a) absence from the territory for a period of two consecutive years. Member States **shall expressly lay down** derogations in the event of absence related to the discharge of military obligations, detachment for employment purposes, studies or research, serious illness, pregnancy or maternity;

Justification

This amendment aims to create legal certainty.

The derogations must be made expressly, and must comply with the directive's spirit.

Amendment 14
Article 10, paragraph 1, point e (new)

(e) where the conditions laid down in Article 6 are no longer able to be met.

Justification

The residence permit should also be withdrawn if the conditions laid down in Article 6 are no longer met.

Amendment 15
Article 10, paragraph 5, point a

(a) long-term resident status is withdrawn **pursuant to paragraph 1(a) or (b)**; or

(a) long-term resident status is withdrawn; or

Justification

There are several possibilities for withdrawing the residence permit.

Amendment 16
Article 11, paragraph 1

1. **Reasons** shall be given for any decision rejecting an application for long-term resident status or withdrawing that status. It shall be notified in writing to the third-country national concerned. The notification shall specify the redress procedures available and the time within which he may act.

1. **Full reasons** shall be given for any decision rejecting an application for long-term resident status or withdrawing that status. It shall be notified in writing to the third-country national concerned. The notification shall specify the redress procedures available and the time within which he may act.

Justification

Procedural rights should be enhanced and clarified.

Amendment 17
Article 12, paragraph 1, point a

(a) access to employment and self-employed activity, provided such activities do not entail ***even occasional*** involvement in the exercise of public authority, and conditions of employment and working conditions, including conditions regarding dismissal and remuneration;

(a) access to employment and self-employed activity, provided such activities do not entail involvement in the exercise of public authority, and conditions of employment and working conditions, including ***safe and healthy*** conditions ***as defined by Community legislation and conditions*** regarding dismissal and remuneration ***as defined inter alia by Community legislation***;

Justification

The question of involvement in the exercise of public authority should be dealt according to Community legislation.

Health and safety at work should be expressively noted.

Amendment 18
Article 12, paragraph 1, point c

(c) recognition of diplomas, certificates and other qualifications issued **by a competent authority**;

(c) recognition of diplomas, certificates and other qualifications issued **in one of the Member States**;

Justification

In accordance with the subsidiarity principle, recognition of diplomas from third countries is solely the responsibility of the Member States.

Amendment 19
Article 12 a (new)

Article 12 a

Member States shall take measures to supervise that there is no discrimination in practice and to remedy cases of discrimination.

Justification

Equality in law does not always ensure equality in practice. Therefore additional action becomes necessary due to the different situation of migrant workers as compared with EU nationals.

Amendment 20
Article 13, paragraph 1

1. Member States may take a decision to expel a long-term resident solely where his personal conduct constitutes **an actual and** sufficiently serious threat to public order or domestic security that affects a fundamental interest of society.

1. Member States may take a decision to expel a long-term resident solely where his personal conduct constitutes **a** sufficiently serious threat to public order or domestic security that affects a fundamental interest of society.

Justification

A third-country national should not constitute any threat to the country where he/she is resident.

Amendment 21
Article 13, paragraph 5

5. Where an expulsion decision has been adopted, a judicial redress procedure shall be

5. Where an expulsion decision has been adopted, a judicial redress procedure shall be

available to the long-term resident in the Member State concerned. Member States shall **provide that such procedures may have** suspensory effect.

available to the long-term resident in the Member State concerned. Member States shall **define the circumstances in which the initiation of such a procedure has** suspensory effect, **provided that there is no abuse of the judicial system.**

Justification

If the third-country national is found to be deliberately attempting to slow down the legal procedure, the suspensory effect should be able to be lifted.

In order to achieve legal certainty and prevent abuse of the judicial redress procedure.

Amendment 22
Article 13, paragraph 6

6. Legal aid shall be given to long-term residents lacking adequate resources, on the same terms as apply to nationals of the State where they reside.

6. Legal aid shall be given to long-term residents lacking adequate resources, on the same terms as apply to nationals of the State where they reside. **The possibility of the assistance of an interpreter will be provided.**

Justification

Treatment not less favourable than that of an EU citizen.

Amendment 23
Article 16, paragraph 1, point b

(b) pursuit of studies or vocational training, and possession of adequate resources available **to avoid becoming a burden on the second Member State during the period of residence** and sickness insurance covering **all** risks in the second Member State; or

(b) pursuit of studies or vocational training, and possession of adequate resources available and sickness insurance covering **the usual** risks in the second Member State; or

Justification

It is recognised that the majority of students are scholarship holders and are covered by health insurance.

It is not necessary for all risks to be covered. It is sufficient if the major risks covered by state insurance schemes are covered.

Amendment 24
Article 16, paragraph 1, point c

(c) possession of adequate resources available ***to avoid becoming a burden on the second Member State during the period of residence*** and sickness insurance covering ***all*** risks in the second Member State.

(c) possession of adequate resources available and sickness insurance covering ***the usual*** risks in the second Member State.

Justification

It is recognised that the majority of migrants come to seek employment and will then contribute to the tax and social security systems.

Amendment 25
Article 16, paragraph 2, point c

(c) they embark on vocational training. Unless they are in a state of involuntary unemployment, the retention of worker status depends on the existence of a relation between the previous occupational activity and the training concerned.

deleted

Justification

Third-country nationals requesting a residence permit should already have undergone vocational training and should not only just be embarking on such training.

Amendment 26
Article 17, paragraph 3, point c

(c) evidence that they have adequate resources and sickness insurance covering ***all*** risks in the second Member State.

(c) evidence that they have adequate resources and sickness insurance covering ***the usual*** risks in the second Member State.

Justification

It is not necessary for all risks to be covered. It is sufficient if the major risks covered by state insurance schemes are covered.

It is recognised that the majority of migrants come to seek employment and will then contribute to the tax and social security systems.

Amendment 27
Article 17, paragraph 4, point b

(b) evidence that they have adequate resources and sickness insurance covering **all** risks in the second Member State.

(b) evidence that they have adequate resources and sickness insurance covering **the usual** risks in the second Member State.

Justification

It is not necessary for all risks to be covered. It is sufficient if the major risks covered by state insurance schemes are covered.

It is recognised that the majority of migrants come to seek employment and will then contribute to the tax and social security systems.

Amendment 28
Article 18, paragraph 1

1. Members of the family, as already constituted in the first Member State, shall have the right to accompany or join a long-term resident who has exercised his right of residence in a second Member State. No later than three months after entering the territory of the second Member State, the family members shall apply to the competent authorities of that Member State for a residence permit.

1. Members of the family, as already constituted in the first Member State, shall have the right to accompany or join a long-term resident who has exercised his right of residence in a second Member State. No later than three months after entering the territory of the second Member State, the family members shall apply to the competent authorities of that Member State for a residence permit. **Member States will ensure that administrative procedures do not impede family reunification in practice.**

Justification

This amendment aims to create security and promote social integration.

Amendment 29
Article 18, paragraph 2, point c

(c) evidence that they have adequate resources and sickness insurance covering **all** risks in the *Second* Member State or that the long-term resident has such resources and insurance for them.

(c) evidence that they have adequate resources and sickness insurance covering **the usual** risks in the *second* Member State or that the long-term resident has such resources and insurance for them.

Justification

It is not necessary for all risks to be covered. It is sufficient if the major risks covered by state insurance schemes are covered.

It is recognised that the majority of migrants come to seek employment and will then contribute to the tax and social security systems.

Amendment 30 Article 19, paragraph 1

1. Member States may refuse applications for residence from long-term residents or family members where the personal conduct of the person concerned constitutes **an actual** threat to public order or domestic security.

1. Member States may refuse applications for residence from long-term residents or family members where the personal conduct of the person concerned constitutes **a** threat to public order or domestic security.

Justification

A third-country national should not constitute any threat to the domestic security of the country where he/she is resident.

Amendment 31 Article 20, paragraph 1

1. The only diseases or infirmities that may justify a refusal to allow entry or the right of residence in the territory of a Member State shall be the quarantinable diseases referred to by the World Health Organisation's International Health Regulation No 2 of 25 May 1951 and such other infectious or contagious parasite-based diseases as are the subject of protective provisions in relation to nationals in the host country. Member States may not introduce new more restrictive provisions or practices.

1. The only diseases or infirmities that may justify a refusal to allow entry or the right of residence in the territory of a Member State shall be the quarantinable diseases referred to by the World Health Organisation's International Health Regulation No 2 of 25 May 1951 and such other infectious or contagious parasite-based diseases as are the subject of protective provisions in relation to nationals in the host country. **Medical opinions in this regard may be challenged before an independent authority.** Member States may not introduce new more restrictive provisions or practices.

Justification

An appeal against a health authority decision could be made possible in order to avoid arbitrary interpretation of the concept "public health".

Amendment 32
Article 21, paragraph 1

1. The competent national authorities shall **examine** applications within three months after they are lodged. If an application is not accompanied by the documentary evidence listed in Article 17(2), (3) and (4) and Article 18(2), the competent national authorities shall inform the third-country national concerned and allow additional time. In this event the three-month period shall be suspended and shall run again from the time when the additional documentary evidence is provided.

1. The competent national authorities shall **take a decision on** applications within three months after they are lodged. If an application is not accompanied by the documentary evidence listed in Article 17(2), (3) and (4) and Article 18(2), the competent national authorities shall inform the third-country national concerned and allow additional time. In this event the three-month period shall be suspended and shall run again from the time when the additional documentary evidence is provided.

Justification

This is to ensure that decisions would be taken within a reasonable length of time.

Amendment 33
Article 22, paragraph 1

1. **Reasons** shall be given for any decision rejecting an application for a residence permit. It shall be notified in writing to the third-country national concerned. The notification shall specify the redress procedures available and the time within which he may act.

1. **Full reasons** shall be given for any decision rejecting an application for a residence permit. It shall be notified in writing to the third-country national concerned. The notification shall specify the redress procedures available and the time within which he may act.

Justification

Procedural rights should be enhanced and clarified.

Amendment 34
Article 24, paragraph 1

1. As soon as they have received the residence permit provided for by Article 21 in the second Member State, long-term residents shall in that Member State enjoy the rights enumerated in Article 12, **with the exception of social assistance and**

1. As soon as they have received the residence permit provided for by Article 21 in the second Member State, long-term residents shall in that Member State enjoy the rights **acquired** enumerated in Article 12.

study grants.

Justification

The maintenance in the second Member State of acquired rights in the host Member State meets the objective of equal treatment with the EU citizens according to the Tampere Conclusions.

Amendment 35

Article 25, paragraph 1

1. During a five-year transitional period, the second Member State may take a decision to expel a long-term resident and/or family members:

1. During a five-year transitional period, the second Member State may take a decision to expel a long-term resident and/or family members **only**:

Justification

The question of expulsion of third-country nationals residing legally in the territory of the European Union is one of the most important in order to create legal security and promote the integration of the population concerned.

Therefore the grounds and the procedures under which a third-country national may be deported should be as concrete as possible and also exhaustive.

13 September 2001

OPINION OF THE COMMITTEE ON PETITIONS

for the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

on the proposal for a Council Directive concerning the status of third-country nationals who are long-term residents

(COM(2001) 127 – C5-0250/2001 – 2001/0074 (CNS))

Draftsman: Laura González Álvarez

PROCEDURE

The Committee on Petitions appointed Laura González Álvarez draftsman at its meeting of 10 July 2001.

It considered the draft opinion at its meeting of 12-13 September 2001.

At that meeting it adopted the following conclusions unanimously.

The following were present for the vote: Roy Perry, acting chairman; Proinsias De Rossa, vice-chairman; Laura González Álvarez, draftsman; Glyn Ford (for Mark Francis Watts), Janelly Fourtou, Margot Keßler, Jean Lambert, Véronique Mathieu and Hans-Peter Mayer.

CONCLUSIONS

The Committee on Petitions believes that the committee responsible is better equipped to table any amendments to the proposal for a directive, and therefore prefers to submit its opinion in the form of **conclusions** which might usefully be taken into consideration in the report made by the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs.

1. The Committee on Petitions is fully convinced that as the European Union develops into *an area of freedom, security and justice*, it will be impossible in the long term for a large community of long-term immigrants to exist within it who do not enjoy the same rights as the other members of society who have the privilege of being EU citizens. From the point of view of fundamental rights, as well as social and economic rights, it would be unthinkable for the Community to adopt a twin-track approach and further enlarge the existing gap between 'the rich and the poor', the 'EU citizens and the non-EU citizens'. Legal immigrants, even those who are not the privileged information technology specialists mentioned in this directive – the nurses, unskilled workers and refuse collectors we are short of – contribute in the same way as the others to our economic prosperity and retirement systems in a Community with a falling population, and must therefore also be considered as citizens with full rights, from the point of view of both entitlements and dignity and human respect.
2. Laying down a set of rights for long-term immigrants which are almost identical to those held by EU citizens puts into practice the principle of the universality of fundamental rights of which the European Union and its Member States are justly proud, in comparison with other non-Member States who do not practise it; it seems all the more logical and morally justified to assert that these rights are universal if the European Union recognises them equally in EU nationals and nationals of third countries.
3. The approximation of the rules on status which is being attempted must constitute – as the Commission recommends – the first step towards enabling long-term immigrants to obtain nationality of the Member State in which they are resident. It is only fair to our foreign guests to enable them to integrate completely into our national societies, in the second or third generation, through acquiring nationality. This objective also seems to meet the wishes repeated on numerous occasions by Parliament to see a multiracial, multicultural society flourish within the Community, where there could be no discrimination on grounds of race, gender, ethnic origin, religion etc.
4. On this point, the Committee on Petitions draws attention to the fact that, as this status and its accompanying rights are recognised, it would be impermissible to allow the discrimination which exists in reality to continue, with the stench of racism towards individuals with skin or passports of different colours from our own, or cultural or religious practices which differ from ours. This is why there can never be too much emphasis on the need, together with the efforts to integrate immigrants fully and successfully through educational measures, to make other efforts, at all levels, and particularly through the media, to enhance the standing of immigrants and their original

cultures, in the knowledge that racism and discrimination are today attempting to legitimise themselves by alleging the inequality of cultures and, when it comes down to it, the Other.

5. Finally, although the Committee on Petitions welcomes this directive and in particular the measures on equal treatment (Article 12) and measures to protect against expulsion (Article 13), it thinks that the loss of study grants for students (provided for in Article 24(1)) when the immigrant acquires a residence permit in a second Member State, even though he keeps all the other benefits mentioned in Article 12, should be deleted. The Committee also wonders why, when long-term residence is due to study, immigrants do not benefit from the provisions of the directive even though it rightly applies to students reading for a doctorate.