

Immigration: status of third-country nationals who are long-term residents. Extension to beneficiaries of international protection

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The Committee on Civil Liberties, Justice and Home Affairs adopted the report drawn up by Claud MORAES (S&D, UK) on the proposal for a regulation of the European Parliament and of the Council amending Directive 2003/109/EC to extend its scope to beneficiaries of international protection. It recommended that the European Parliament's position at first reading under the ordinary legislative procedure (formerly known as the codecision procedure) should be to amend the Commission proposal.

Following negotiations with the Council, the main amendments may be summarised as follows:

Geneva Convention: the report states that the equality of treatment of beneficiaries of international protection in the Member State which granted them international protection should be without prejudice to the rights and benefits guaranteed under the Geneva Convention Relating to the Status of Refugees.

Duration of residence: Members specify that, regarding persons to whom international protection status has been granted, at least half of the period between the date on which the application for international protection was lodged, and on the basis of which that status was granted, and the date on which the residence permit is granted, or the whole period, if it exceeds 18 months, shall be taken into account in the calculation of the five year period.

Long-term residence permit: with regard to the remark relating to international protection in the residence permit, a second Member State must consult the Member State mentioned in the remark as to whether the long term resident no longer qualifies for international protection. The Member State mentioned in the remark shall reply to the consultation no later than one month after receiving the request from the second Member State. Where the international protection has been withdrawn by a final decision, the second Member State shall not enter the remark.

Transfer of the responsibility of international protection: furthermore, Members state that where the international protection of the long-term resident was transferred to the second Member State after the permit was issued, the second Member State shall modify accordingly the not later than three months after the transfer of responsibility

Withdrawal or loss of status: the report stipulates that Member States may withdraw the long-term resident status in the event of the revocation, ending or refusal to renew international protection status as prescribed by Directive 2004/83/EC if the long-term resident status was obtained on the basis of international protection status.

Protection against expulsion and non-refoulement: where a Member State decides to expel a long-term resident whose long-term resident's EU residence permit contains the remark concerning international protection, it shall request the Member State mentioned in the remark to confirm whether the person concerned is still a beneficiary of international protection in that Member State. The Member State mentioned in the remark shall reply not later than one month after receiving the request for information. If the long-term resident is still a beneficiary of international protection in the consulted Member State, he shall be expelled to that Member State, which shall, without prejudice to applicable Union or national legislative provisions and without prejudice to the principle of family unity, immediately readmit without formalities the beneficiary of international protection and his/her family members.. By way of derogation, the Member State which took the expulsion decision shall retain the right to remove the long-term resident to a country other than the Member State which granted international protection when the long term resident fulfils the conditions specified in Directive 2004/83/EC. .? The same safeguards should apply to a beneficiary of international protection who has taken up residence but has not yet obtained long-term resident status in a second Member State.

Examination of applications and issue of a residence permit: where the long-term resident's EU residence permit contains the remark referred to above), and where the international protection of the long-term resident was transferred to the second Member State before the permit was issued, the second Member State shall ask the Member State which issued the long-term resident's EU residence permit to modify accordingly the remark. Where the long-term resident is granted international protection in the second Member State before the permit was issued, the second Member State shall ask the Member State which issued the long-term resident's EU residence permit to modify it in order to enter the remark. Following the request, the Member State which issued the long-term resident's EU residence permit shall issue the modified permit no later than three months after receiving the request from the second Member State.

Additional safeguards: where the expulsion of a beneficiary of international protection outside the EU territory is permitted under the provisions of Directive 2004/83/EC, Member States shall ensure that all information is obtained from relevant sources including, where appropriate, from the Member State that granted international protection, and is thoroughly assessed with a view to guaranteeing that the decision to expel him/her is in line with the Charter of Fundamental Rights of the European Union.