

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

2007/0112(COD) - 14/12/2010 - Text adopted by Parliament after reconsultation

The European Parliament adopted by 561 votes to 29, with 61 abstentions, a legislative resolution 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 adopted its position at first reading under the ordinary legislative procedure (formerly known as the codecision procedure). The amendments adopted in plenary are the result of a compromise negotiated between the European Parliament and the Council. They amend the Commission proposal as follows:

Equality of treatment: beneficiaries of international protection who are long-term residents should enjoy equality of treatment with citizens of the Member State of residence in a wide range of economic and social matters, under certain conditions, so that long-term resident status constitutes a genuine instrument for the integration of long-term residents in the society in which they live. This 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 Directive 2004/83/EC and under the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as amended by the Protocol signed in New York on 31 January 1967 (the Geneva Convention).

Calculation of the duration of legal residence: new technical provisions have been added to clarify this issue. 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 referred to in Directive 2004/83/EC is granted, or the whole period if it exceeds 18 months, shall be taken into account in the calculation of the period (5 years according to the proposal).

Long-stay residence permits: 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: the transfer of responsibility for protection of beneficiaries of international protection is outside the scope of this Directive.

Withdrawal or loss of status: it is provided 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 intends to expel a beneficiary of international protection who has acquired long-term resident status in that Member State, the person concerned should enjoy the protection against refoulement guaranteed by Directive 2004/83/EC and the Geneva Convention. For that purpose, where the person concerned enjoys an international protection status in another Member State, it is necessary to provide, unless refoulement is permitted under the provisions of Directive 2004/83/EC, that he/she may be expelled only to the Member State which granted the international protection status and that that Member State is obliged to readmit him/her. 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.

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.