



**COUNCIL OF
THE EUROPEAN UNION**

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MIGR 84

PRESIDENCY NOTE

to :	Coreper/Council
No. prev. doc.:	11932/02 MIGR 80
No.Cion prop.:	8237/01 MIGR 33 - COM(2001) 127 final
Subject :	Proposal for a Council Directive concerning the status of third-country nationals who are long-term residents

On 23 July and 25 September 2002 the Strategic Committee on Immigration, Frontiers and Asylum examined some questions regarding the proposal for a Council Directive on the status of third-country nationals who are long-term residents which are still outstanding. These questions are outlined in document 10462/02 MIGR 62 and the outcome of the discussions are outlined in document 11360/02 MIGR 72. A German, Dutch and Austrian proposal regarding article 6 and 16 is outlined in document 12217/02 MIGR 82.

The questions discussed in the Strategic Committee is the following:

- Should the scope of the directive cover refugees? (article 3)
- Should the duration of residence in a Member State that is required with a view to acquiring status as a long-term resident be five years? (Article 5(1))
- Should it be possible to set other conditions for acquiring status as a long-term resident than the one outlined in Article 6 and 7 such as integration?

- Should long-term resident enjoy the same rights as the Member States own citizens
- Should the Directive facilitate the mobility of long-term residents? (Chapter III)
- Should there be any restrictions on a long-term residents right to exercise an economic activity in a second Member State? (Article 16 (1) (a))

Bearing in mind that June 2003 is the deadline for the adoption of this proposal, as set in the conclusions of the European Council in Seville of 21 and 22 June 2002, the **Presidency** finds it important to seek political agreement on some of the above mentioned questions.

On the basis of the discussions in the Strategic Committee and the main views expressed by Member States the Council is asked whether it can agree on the following:

- The scope of the directive shall cover refugees, eventually in a separate chapter of the directive.
- The duration of residence in a Member State that is required with a view to acquiring status as a long-term resident shall be five years.
- It shall be possible for a Member States to set as a condition for acquiring status as long-term resident according to Article 6 that the third-country national comply with integration measures in accordance with national law. Meanwhile, a similar condition should not be set out in connection with the question regarding mobility in article 16.
- The Directive shall in principle regulate and facilitate the mobility of long-term residents.

The questions regarding the rights to be granted to long-term residents (Article 12), the conditions for the mobility of long-term residents and regarding long-term residents access to the labour market in a second Member State (Article 16 (1)) will not at this stage be addressed in the Council due to negotiations still pending in the Strategic Committee.