



FRA

EUROPEAN UNION AGENCY
FOR FUNDAMENTAL RIGHTS

PROMOTING MIGRANT INTEGRATION

STRENGTHENING EU LAW ON LONG-TERM RESIDENCE

REPORT



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Key findings and FRA opinions

The integration and social inclusion of legally residing immigrants and international protection beneficiaries in the EU Member States are key components of EU migration and asylum policy. The rights these groups enjoy are linked to the type of residence permit they hold.

Third-country nationals who reside in an EU Member State on a permanent or long-term basis are often referred to as permanent residents. They may hold different types of residence permits. They can obtain EU long-term resident status after five years of regular residence in a Member State if they fulfil certain requirements.

The **Long-Term Residence Directive (2003/109/EC)** sets the conditions for conferring and losing EU long-term resident status, and the rights attached to it. The directive also provides enhanced protection against expulsion, and the right to intra-EU mobility. The directive brings the legal status of long-term residents closer to the status of nationals and that of EU citizens living in a Member State other than their own.

As recitals 25 and 26 of the directive clarify, the directive applies to all Member States except Denmark and Ireland.

Third-country nationals holding EU long-term resident status are issued a residence permit valid for at least five years: an EU long-term residence (LTR) permit. This can be either a separate permit or a national LTR permit that mentions being a “long-term resident – EC/EU”. National long-term or permanent residence permits are referred to as national LTR permits in this report.

Unlike national long-term resident status, EU long-term resident status establishes the rights to move and reside in other EU Member States. This is one of the cornerstones of the European Union. It also confers additional rights, including in the area of equal treatment.

The proper functioning of the Long-Term Residence Directive is key to promoting the integration of third-country nationals.

In 2019, after evaluating the **effectiveness of the EU law on legal migration**, the European Commission published a report on the **implementation of the Long-Term Residence Directive**. The Commission identified a number of issues and gaps, including the low uptake of EU long-term resident status, with most immigrants holding national LTR permits, including permanent residence permits; the incorrect implementation of the equal treatment principle; and the limited use of the right to intra-EU mobility as a result of this right having a number of conditions and the competent national administrations not being sufficiently familiar with the procedures.

The 2020 Pact on Migration and Asylum highlighted the necessity of attracting skills and talent according to EU needs. It announced a proposed recast of the Long-Term Residence Directive. The recast will seek to reinforce the status of long-term residents of the EU, regarding their rights to move and work in other Member States.

The European Commission tabled **amendments to the directive** on 27 April 2022. At the time of writing, these were still under negotiation. Key amendments include:

- ★ the possibility of accumulating the five years of residence in multiple Member States;
- ★ strengthened equal treatment rights for long-term residents and their families;
- ★ the alignment of the EU and national LTR permits in terms of procedures, equal treatment rights and access to information;
- ★ the possibility for EU long-term residents to leave the EU for longer periods of time without losing their EU LTR permit.

This report examines the fundamental rights of long-term residents in the EU and the reasons behind the low uptake of EU LTR permits, despite them typically giving more rights than national LTR permits. The findings of this report can inform discussions of the revision of the EU legal framework regulating long-term residence, and the framework's implementation.

The report is based on desktop research conducted in the 25 EU Member States bound by the Long-Term Residence Directive. It draws on qualitative fieldwork with 51 experts, including experts from migration authorities, migration lawyers and experts from organisations supporting migrants applying for residence permits. This fieldwork also involved 267 third-country nationals who either had long-term resident status or had resided in the EU for more than five years but still had temporary residence permits.

The European Union Agency for Fundamental Rights (FRA) identified priority areas for future action based on the research findings. These actions will further the social inclusion and integration of long-term residents in the EU, and could improve the application of the Long-Term Residence Directive. The priority areas are detailed below.

Making European Union long-term resident status more attractive

The Long-Term Residence Directive promotes the fundamental rights of third-country nationals. Unlike legislation regarding national long-term resident status, it establishes a right to move and reside in other EU Member States. It also provides for more protection against expulsion and, in some Member States, further equal treatment rights.

Article 13 of the directive allows Member States to issue national LTR permits under more favourable conditions. The permits, however, must not confer the right to intra-EU mobility. Nevertheless, national LTR permits are issued under more favourable conditions than EU LTR permits in several Member States, FRA research finds. More favourable conditions may apply to issues such as the years of residence required, income and integration requirements, the type of residence permits needed to apply for LTR, and the rights of family members.

For example, in some Member States, obtaining a national LTR permit, including a permanent residence permit, is possible after **less than five years of residence**. Five years is the minimum necessary for EU long-term resident status. In some Member States, beneficiaries of international protection can access national LTR as soon as they obtain international protection, or after three years. In at least two Member States, years spent in the country as a **student** count towards national LTR, but not EU LTR.



In contrast to EU LTR, some national long-term or permanent residence permits do not have an **income requirement**. Member States have integration requirements for EU LTR permits more often than for national LTR permits.

In some Member States, for example Greece, Poland and Spain, third-country nationals cannot hold national LTR and EU LTR permits at the same time. This means that third-country nationals must choose between the two permits. They tend to choose the permit of which they are better informed.



FRA OPINION 1

To enable long-term residents to enjoy the full set of rights that goes with EU long-term resident status, the EU legislator should set rules for the procedure, fees, information and rights of long-term resident status holders, as the European Commission proposes. These rules should not be stricter than those applicable to national long-term or permanent residence permits.

However, to avoid the risk of precarious resident status and further the fundamental rights of migrants in the EU, Member States without income requirements for some of their national long-term or permanent residence permits should not be required to introduce them.

To facilitate acquisition of EU long-term resident status, the EU legislator should also allow applicants to accumulate years of residence in different EU Member States.

Migration authorities in EU Member States should assess of their own motion (*ex officio*) whether applicants for any residence permit meet the requirements for EU long-term resident status. If they do, migration authorities should grant EU long-term resident status, if the applicant agrees. If the applicant does not meet the requirements for an EU LTR permit, migration authorities could assess *ex officio* if the applicant meets the requirements for a national LTR permit. If they do, migration authorities should grant national long-term resident status, if the applicant agrees.

All this promotes the acquisition of national rather than EU LTR permits. This means that permit holders do not enjoy intra-EU mobility, or the full set of rights associated with EU long-term resident status.

Finding long-term residence solutions for those with international and temporary protection status

FRA OPINION 2

Integration in the host country is the most common durable solution for international protection beneficiaries. Therefore, the EU legislator could consider lowering the residence requirements to three years for international protection beneficiaries, as the European Commission envisages in the Pact on Migration and Asylum.

The EU legislator should take the same approach for temporary protection status holders, allowing them to apply for EU long-term resident status after three years.



As part of the Pact on Migration and Asylum, the European Commission proposed reducing the residence requirements for international protection beneficiaries to three years. In some Member States, international protection beneficiaries do not need to show five years of lawful residence to apply for a national LTR permit. This simplified access to LTR enables their integration, considering their specific needs and integration challenges, as recital 41 of the **Qualification Directive (2011/95/EU)** highlights.

In February 2022, the EU activated the temporary protection mechanism for the first time, following Russia's war of aggression against Ukraine. This granted displaced people arriving from Ukraine a set of rights under the **Temporary Protection Directive (2001/55/EC)**. By the end of 2022, 4.2 million people – mainly women and children – had registered for temporary protection in the EU.

Many displaced people from Ukraine may not be able to return home soon. In 2022, **FRA surveyed refugees from Ukraine**. About one third of those displaced from Ukraine due to the conflict intend to stay in the EU, the survey

shows. Some of them have previously lived or worked in an EU Member State for prolonged periods.



Years spent with temporary protection count towards the calculation of years of residence required for EU long-term resident status. However, the Long-Term Residence Directive bans those with temporary protection status from applying for EU long-term resident status. Temporary protection is not a permanent measure and can only be extended up to a maximum of three years.

Improving provision of information on European Union long-term resident status

Article 7 of the Long-Term Residence Directive establishes that people must be informed about their rights and obligations under the directive. There is, however, no explicit duty to provide information on the existence and availability of EU long-term resident status and its requirements.

Very limited information on EU long-term resident status is available to third-country nationals, research finds. Information is usually only provided on request. Only one third of the third-country respondents holding permits other than the EU LTR one had heard of the EU LTR permit prior to their participation in the research. Provision of information on EU long-term resident status is legally mandatory in only two of the 10 Member States covered: Greece and Poland.

Information is rarely provided in languages other than that of the Member State, research indicates.

Several respondents also mention not being provided with information on their rights under the directive. This was especially the case regarding their rights to equal treatment and to move to other EU Member States.

Migration authority staff are not always aware of the requirements and the rights associated with EU long-term resident status, according to the experts and third-country respondents interviewed. This sometimes leads to inaccurate information provision, for example on how to calculate the five years of residence required to apply for EU long-term resident status, and on which supporting documents to submit. In some Member States, third-country respondents who applied for long-term resident status report migration authority staff treating them in a disrespectful and discriminatory manner. Applicants in several Member States report resorting to using migration lawyers to increase their chances of success with the LTR procedure.



FRA OPINION 3

Member States should inform third-country nationals of the existence and conditions of EU long-term resident status, and promote the issuance of corresponding permits. This could be done in different ways, for instance by introducing an explicit obligation in EU law to inform all third-country nationals applying for a residence permit of the existence, rights and requirements of EU long-term resident status. The information provided must be clear, accurate and comprehensive.

Member States should provide information on their national websites in various languages, and offer interpretation services at migration offices.

Member States should systematically train migration authority staff in the requirements for EU long-term resident status, including the supporting documents needed, how to calculate the required five years of continuous legal residence, and how to clearly explain it to applicants. Training should also include non-discriminatory behaviour, intercultural communication and how to avoid racist stereotyping and bias.

Simplifying the residence requirement for European Union long-term resident status



FRA OPINION 4

The EU legislator should consider revising the Long-Term Residence Directive to include a more flexible approach to the calculation of the years of continuous legal residence required. It could clarify that breaks in the right to stay, for example due to delays in the renewal or change of a residence permit, do not mean having to start the five-year period again.

All duly documented periods spent as a student should count towards EU long-term resident status, as the European Commission proposes.

The Long-Term Residence Directive requires five years of continuous legal stay in the Member State of application. However, certain situations may interrupt the required residence, for example delays in renewing temporary residence permits or authorities making administrative mistakes. This may result in the calculation of the five years restarting from the last interruption. Many third-country nationals participating in the research obtained EU long-term resident status well after the five years of legal residence required by law.

The Long-Term Residence Directive establishes the type of resident status that counts in the application for EU long-term resident status. Only half of the periods of residence for study purposes or vocational training may be counted, according to Article 4 (2). In the proposed recast of the directive, the European Commission proposes counting the full period. Two of the 10 Member States examined do not count years spent as students towards accrual of EU long-term resident status, FRA finds. The remaining Member States count half of these years.

There is a need to make EU long-term resident status more accessible to students, the experts interviewed highlight. Students are particularly interested in intra-EU mobility and are more likely to have the necessary stability of resources. Some of the interviews conducted with long-term residents confirm this. They needed eight to nine years to obtain long-term resident status because their time as students did not count.

Simplifying income requirements for European Union long-term resident status

Article 5 of the Long-Term Residence Directive requires third-country nationals to provide proof of stable and regular resources sufficient to maintain themselves and their family members.

The need to prove stable and regular resources is the most challenging requirement for applicants to meet, FRA finds. This often prevents third-country nationals from successfully applying for EU long-term resident status. Some third-country respondents who obtained national long-term resident status because of its more relaxed requirements would not have met the income requirement for EU long-term resident status, research reveals.

The 10 Member States covered interpret the income requirement differently, findings show. The Long-Term Residence Directive does not establish exact parameters for “stable and regular resources”, or for how long the income requirement should be proven. The duration for which this requirement applies, by law or in practice, ranges between one and five years.

The Court of Justice of the European Union (CJEU) covered a similar provision of the **Family Reunification Directive (2003/86/EC)** in *Mimoun Khachab v. Subdelegación del Gobierno en Álava*. The CJEU confirmed that Member States may refuse an application for family reunification if the sponsor will not have sufficient stable and regular resources in the year following the date of application submission. This assessment may be based on the pattern of the sponsor’s income in the **six months** preceding the date of application submission.

Some Member States adopt a restrictive approach and require applicants to hold a permanent work contract, meaning one with no end date. This is a challenge for third-country nationals, who are more often in non-standard forms of employment. Proving the income requirement is particularly difficult in countries where work under fixed-term contracts and undeclared work is common.



FRA OPINION 5

The EU legislator could clarify for how long a stable and regular income must be proven. Following the CJEU’s approach, this could refer to the pattern of the sponsor’s income in the six months preceding the date of application submission. In light of the EU strategy to promote decent work worldwide, and considering the impact of undeclared work on the possibility of proving stable and regular income, the European Commission and EU Member States should strengthen their efforts to tackle undeclared work and labour exploitation.

The EU legislator should also consider lowering or waiving the income requirement for individuals belonging to vulnerable groups, such as unaccompanied children, international protection beneficiaries, older people and people with disabilities. Some national LTR permits currently have a reduced/no requirement for vulnerable groups.

FRA OPINION 6

To remove barriers to the acquisition of long-term resident status, the EU legislator should remove the accommodation requirement aspect of the application for EU long-term resident status, as the European Commission proposes.

If Member States continue to ask applicants to meet language requirements, they should create conditions conducive to meeting these. They could offer free language courses, with childcare options to ensure women's participation; facilitate access to language exams; and establish, where a language requirement is in place, that applicants should meet the A2 language level, rather than the higher minimum used in two of the 10 EU Member States FRA reviewed.

Removing the accommodation requirement and easing the language requirement

According to the Long-Term Residence Directive, Member States may require third-country nationals to comply with integration measures (Article 5 (2)) and to present evidence of appropriate accommodation (Article 7 (1)).

Meeting the accommodation requirement is a challenge because of the difficulty of obtaining a regular rental contract or owning accommodation. Local authorities' suitability criteria for assessing an apartment as appropriate also make this difficult.

Seven out of the 10 Member States examined have introduced integration requirements when applying for EU long-term resident status. These include language and/or proof of civic and cultural knowledge. Fulfilling the language requirement is a challenge for acquiring EU long-term resident status due to, for example, overly high requirements, few exam sessions, high exam fees and lack of free language courses.

FRA OPINION 7

The European Commission could consider issuing operational guidelines to support a more harmonised, just and proportionate way of proving that applicants meet the requirements for EU long-term resident status.

Facilitating documentary evidence

What applicants are asked to submit as documentary proof of meeting income, residence and other requirements for LTR differs significantly between Member States, and sometimes between regions and federal states within Member States. This raises equality issues as it is more difficult to successfully apply in some places than in others.

Enhancing equal treatment in employment and education

Article 11 of the Long-Term Residence Directive establishes equal treatment of EU long-term resident status holders and Member State nationals in a wide range of economic and social matters. Member States may impose restrictions on equal treatment in certain cases. One of these restrictions concerns jobs that entail the occasional exercise of public authority. Some third-country respondents mention applying or planning to apply for citizenship to access public sector jobs, such as firefighters or police officers.

The directive also establishes equal treatment in education and vocational training, including study grants. However, university tuition fees may differ significantly between students who are EU nationals and students with other nationalities. This is a significant practical obstacle to accessing education, some long-term residents note.

Many long-term residents work in jobs for which they are overqualified. A lack of information and complex, long and costly procedures are serious obstacles to having qualifications obtained abroad recognised. Of the 71 participants with EU long-term resident status or a national LTR permit who had a degree obtained abroad, only 13 tried to get their professional qualifications recognised in the EU country of residence. Only seven of them managed to do so, and not without difficulties.

Experts highlight that third-country nationals who have studied in an EU Member State are particularly likely to benefit from intra-EU mobility, provided obstacles are removed.

Employment (especially access to employment), housing and access to financial credit (especially bank loans and credit cards) are the main areas where the equal treatment provided for in the Long-Term Residence Directive is not realised, long-term residents say. However, challenges to enjoying equal treatment in practice are not linked to the type of residence permit, according to respondents. Rather, they are related to the residents' racial and ethnic origin, nationality, religion and lack of language skills.



FRA OPINION 8

The EU legislator could consider revising Article 11 of the Long-Term Residence Directive to approximate the legal status of third-country nationals to that of EU citizens exercising the right to free movement within the EU. In particular, it could allow third-country nationals with LTR permits to access public sector jobs that do not involve director indirect participation in the exercise of powers that presume a special relationship of allegiance to the state.

Building on the Commission's *Action Plan on integration and inclusion 2021–2027*, effective steps should be undertaken to facilitate recognition of professional qualifications. These could include the following actions.

- EU legislation could be proposed to promote quick, fair, transparent and affordable systems of recognition for qualifications obtained abroad. This could be based partly on the **Commission recommendation on the recognition of qualifications** for people fleeing Russia's war of aggression against Ukraine.
- The costs for recognition could be reduced and recognition procedures simplified. For instance, alternatives to the requirement to submit physical copies of original documents from the country of origin could be introduced.
- One-stop shops could be set up in each Member State to inform and advise third-country nationals regarding the procedures for the recognition of professional qualifications, diplomas and other certificates. This information should be provided in various languages.
- The length of the procedure could be reduced. The competent national bodies should be equipped with adequate resources and capacity to process applications.

- It could be clarified that **Directive 2005/36/EC** on the recognition of professional qualifications obtained in another EU Member State also applies to long-term residents.

EU Member States should significantly improve the effectiveness of their measures and institutional arrangements for fully applying the provisions of the Racial Equality Directive. This particularly applies to imposing effective, proportionate and dissuasive sanctions when the applicable obligations under the Racial Equality Directive are breached.

As a cross-cutting legal imperative, the Charter of Fundamental Rights of the European Union (Article 21) and secondary EU law, in particular the **Racial Equality Directive (2000/43/EC)**, protect against discrimination on the grounds of race and ethnic origin in all areas. These areas include employment and access to goods and services.

Facilitating access to long-term residence for children, including unaccompanied children

FRA OPINION 9

The EU legislator should consider allowing children with at least one parent with an EU LTR permit to acquire EU long-term resident status automatically on birth, adoption or family reunification, without being subject to residence, income or other requirements.



Article 3 (3) of the Treaty on European Union establishes the EU's objective to promote the protection of the rights of the child. The United Nations Convention on the Rights of the Child and the Charter of Fundamental Rights of the European Union require respect for family life and giving primary consideration to the child's best interests. The Long-Term Residence Directive does not cover the legal status of children of third-country nationals with EU long-term resident status.

The rules applying to children and other family members of those with EU long-term resident status vary greatly across Member States based on factors such as age and place of birth. Children who are born in a Member State and whose parents have EU long-term resident status usually get a national temporary residence or LTR permit.

However, parents must meet additional income and other requirements for the child to gain EU long-term resident status. This results in members of the same family having different residence permits and, hence, different rights. This particularly affects children.

Facilitating and bolstering intra-European Union mobility

Article 14 of the Long-Term Residence Directive provides that holders of EU long-term resident status enjoy the right to move freely and reside in another Member State. The specific conditions are laid down in the national legislation of the receiving Member State. Holders of national LTR permits do not enjoy this right.

The right to intra-EU mobility is the main advantage of EU LTR permits compared with national LTR permits, according to several experts. In practice, however, intra-EU mobility is almost non-existent. Very few of those interviewed were aware of this right.

The additional labour market requirements that some Member States set discourage those with EU long-term resident status from moving to another Member State, findings show. These include restricting the employment of those with EU long-term resident status to specific occupations, checking if EU nationals could be recruited before employing those with EU long-term resident status, and establishing quotas for employees with EU long-term resident status.

Since family members, including children, of those with EU long-term resident status do not automatically get EU long-term resident status, family members can have different permits. For example, parents can have EU long-term resident status and children can have temporary residence permits. Member States sometimes require all family members of the EU LTR permit holder to have EU long-term resident status for them to benefit from intra-EU mobility, migration authorities in one Member State mention.

A final barrier to intra-EU mobility is the stability of residence in the second Member State. EU LTR permit holders wishing to move to another EU Member State must apply for a temporary residence permit or a national LTR permit, depending on the Member State. Under Article 23 of the Long-Term Residence Directive, long-term residents making use of intra-EU mobility must reside in the second Member State for five years before applying for EU long-term resident status again. Trading EU long-term resident status for a temporary residence permit in the second EU Member State is not an attractive option, migrants interviewed say.



FRA OPINION 10

To improve the intra-EU mobility of EU LTR permit holders, Member States should provide more information on the right to move to other EU Member States and its requirements. The European Labour Authority could facilitate this by publishing relevant information on the EURES European Job Mobility Portal. The portal publishes vacancies and other employment-related information for the European Economic Area and Switzerland.

The EU legislator should also consider measures to facilitate intra-EU mobility. Examples of such measures include:

- removing labour market tests when examining EU long-term residents' applications for the exercise of economic activity in an employed or self-employed capacity;
- abolishing quotas for EU long-term residents;
- allowing EU LTR permit holders to immediately apply for an EU LTR permit in the receiving Member State;
- simplifying the procedures for intra-EU mobility, for example by streamlining the documentary evidence that applicants must submit to obtain a residence permit in the receiving Member State;
- allowing family members of those with EU long-term resident status to move to the receiving Member State irrespective of the type of resident status they hold in the first Member State.



Introduction

WHY THIS REPORT?

About 12.2 million third-country nationals were living in the EU with an LTR permit in 2021, the most recent year with data available for all EU Member States. This amounts to some 55 % of third-country nationals residing legally in the EU. However, only 24 % of those enjoyed a residence permit based on the Long-Term Residence Directive (2003/109/EC),¹ that is, an EU LTR permit.

A small number of Member States account for a high percentage of the EU LTR permits issued. Italy does not have a national LTR permit so, as a result, it issued 16 % of the EU LTR permits in 2021 (see Table 1).² Article 13 of the directive establishes that Member States may issue residence permits of permanent or unlimited validity on terms more favourable than those in the directive provided that they do not confer intra-EU mobility rights.

TABLE 1. LTR PERMITS ISSUED IN THE EU27 IN 2021

Member State	LTR permits issued (total)	EU LTR permits issued	Domestic LTR permits issued	EU LTR permits issued (percentage of total)	Domestic LTR permits issued (percentage of total)
EU27	12,194,958	2,968,734	9,226,224	24.3	75.7
Austria	311,309	306,068	5,241	98.7	1.3
Belgium	221,170	2,884	218,286	1.3	98.7
Bulgaria	59,803	3,561	56,242	47.7	52.3
Cyprus	29,477	201	29,276	0.7	99.3
Czechia	217,560	103,685	113,875	47.7	52.3
Germany	2,426,560	15,633	2,410,927	0.6	99.4
Denmark*	34,091	n.a.	34,091	0	100
Estonia	150,969	149,649	1,320	99.1	0.9
Greece	198,082	39,421	158,661	19.9	80.1
Spain	2,802,243	87,101	2,715,142	3.1	96.9
Finland	124,500	1,127	123,373	0.9	99.1
France	2,373,778	76,044	2,297,734	3.2	96.8
Croatia	11,297	4,924	6,373	43.6	56.4
Hungary	82,576	2,579	79,997	3.1	96.9
Ireland*	1,219	0	1,219	0	100
Italy	2,003,931	2,003,931	n.a.	100	0
Lithuania	18,756	15,777	2,979	84.1	15.9
Luxembourg	15,376	5,007	10,369	32.6	67.4
Latvia	247,718	1,086	246,632	0.4	99.6
Malta	13,183	698	12,485	5.3	94.7
Netherlands	170,296	43,477	126,819	25.5	74.5
Poland	154,729	23,004	131,725	14.9	85.1
Portugal	81,130	2,309	78,821	2.8	97.2
Romania	14,876	14,876	n.a.	100	0
Sweden	309,488	1,111	308,377	0.4	99.6
Slovenia	98,390	52,904	45,486	53.8	46.2
Slovakia	22,451	11,677	10,774	52.0	48.0

Notes: n.a., not applicable.

* Denmark and Ireland are not bound by the Long-Term Residence Directive.

Source: FRA, based on Eurostat, valid for 2021

Most Member States have not actively promoted the use of EU long-term resident status. The European Commission's March 2019 *Fitness check on EU legislation on legal migration*³ and the implementation report of the Long-Term Residence Directive⁴ highlighted this issue. Member States continue to almost exclusively issue national LTR permits, unless third-country nationals explicitly ask for the EU LTR permit. The main advantages of the EU LTR permit over national LTR permits are the right to intra-EU mobility, which is only granted to EU LTR permit holders; the reinforced protection against expulsion; and the ability to spend up to 12 months outside the EU Member State and six years outside the territory of the EU without losing the EU LTR permit.

The fitness check identified several issues. Among them was the need to improve data collection on the implementation of the EU *acquis*. FRA conducted a project on the fundamental rights situation of LTR permit holders in the EU in 2020 and 2021. This provided evidence on the situation of long-term residents.

WHOM AND WHAT DOES THE REPORT COVER?

The legal status and residence permits of third-country nationals and the rights derived from those affect their integration and social inclusion. The EU has adopted legislation to facilitate integration. The Long-Term Residence Directive is an important instrument for this.

The directive defines the rights that long-term residents can enjoy, establishes their equal treatment with nationals in several areas, provides enhanced protection against expulsion and offers intra-EU mobility. However, the Commission's 2019 implementation report highlighted several issues. It raised concerns about the incorporation and correct implementation of the directive at national level. The issues highlighted include low uptake of EU LTR permits compared with national residence permits; the incorrect implementation of the equal treatment principle in practice; and the underused right to intra-EU mobility of EU LTR permit holders.

On 27 April 2022, the European Commission proposed amending the Long-Term Residence Directive. The proposal makes it easier to acquire EU long-term resident status, in particular by allowing third-country nationals to accumulate residence periods in different Member States in order to fulfil the requirement for duration of residence; and by clarifying that all periods of legal residence should be fully counted, including residence periods as students or beneficiaries of temporary protection, or residence periods initially based on temporary grounds. The proposal strengthens the rights of EU long-term residents and their family members and it removes some barriers to intra-EU mobility.

This report explores the challenges that third-country nationals who are long-term residents in the EU face. The report contributes to the discussion on the revision of the Long-Term Residence Directive.

The report covers third-country nationals with different legal status. For example, it covers those with:

- LTR permits issued by an EU Member State under the Long-Term Residence Directive (EU long-term permits);
- LTR permits issued under national law (national long-term permits);
- short-term permits or other types of status, despite residence of at least five years.

Thematically, the report explores the:

- reasons behind the limited uptake of EU LTR permits;
- provision of information to long-term residents;
- challenges for meeting the requirements for LTR permits;
- equal treatment of long-term residents and nationals;
- situations of children and family members of long-term residents;
- barriers to intra-EU mobility.

The report describes experiences of long-term residents and the views of experts in the 10 Member States covered.

THE LONG-TERM RESIDENCE DIRECTIVE AND ITS PROPOSED RECAST

The integration of third-country nationals who are long-term residents is one of the cornerstones of the EU's policy of promoting economic and social cohesion.⁵ It is, furthermore, in line with one of the primary aims of the Treaty on European Union, as shown in its Article 3. Article 79 (1) of the Treaty on the Functioning of the European Union (TFEU) states that the EU must "develop a common immigration policy" that ensures "fair treatment of third-country nationals residing legally in Member States".

The Long-Term Residence Directive governs the legal status of third-country nationals who have been living in an EU Member State continuously for at least five years. It regulates the general conditions regarding the acquisition and loss of long-term resident status based on EU law. In this context, the Long-Term Residence Directive provides a range of fundamental rights to third-country nationals who are long-term residents.

The directive lays down the **eligibility conditions for long-term resident status**. The main requirement is that the third-country national has lived legally and continuously in an EU Member State for five years.⁶ Furthermore, the third-country national must provide evidence of stable and regular resources sufficient to maintain themselves and their family members without recourse to the social assistance system of the Member State concerned.⁷ Health insurance, in respect of all risks that a Member State normally covers for its own nationals, is an additional requirement.⁸ Member States may also require third-country nationals to comply with integration conditions, such as proof of a certain level of competency in the national language, or civic and/or cultural knowledge.⁹

National authorities have six months to notify the applicant about the decision on their EU LTR application.¹⁰ The permit must be valid for at least five years and must, on application if required, be automatically renewable on expiry.¹¹ Authorities may refuse to grant long-term resident status on the grounds of public policy or public security.¹² Long-term residents may lose their status in the case of fraudulent acquisition, expulsion, or absence from the territory of a Member State for six consecutive years and from the EU territory for 12 consecutive months.¹³

People with long-term resident status shall **enjoy equal treatment** with country nationals in several areas. These include employment, education, social security, taxation, access to goods and services, freedom of association and free access to the entire territory of the Member State concerned.¹⁴ However, Member States may impose restrictions on equal treatment in certain cases.¹⁵ This is explained further in Chapter 4.



Long-term resident status also provides holders with the right to move, live, work or study in another EU Member State for more than three months. This applies provided they satisfy certain conditions.¹⁶

In 2019, following its *Fitness check on EU legislation on legal migration*, the European Commission published a report on the implementation of the Long-Term Residence Directive. The Commission highlighted several concerns relating to the implementation of the directive at national level.

- The uptake of EU LTR permits was low compared with national LTR permits. This revealed a sort of competition between the EU and national LTR schemes.
- The non-specific measures for incorporating the equal treatment principle into national legislation left space for incorrect implementation in practice. For example, national legislation in several Member States relies on general provisions regulating different fields, often in combination with the principle of non-discrimination.
- The provisions concerning the right to intra-EU mobility of those with EU long-term resident status are rarely used.

The European Commission states that all these issues “continue to undermine the full achievement of the Directive’s main objectives, which are to: constitute a genuine instrument for the integration of third-country nationals who are settled on a long-term basis in the Member States; and contribute to the effective attainment of an internal market”.¹⁷

On 27 April 2022, the European Commission proposed amending the Long-Term Residence Directive.¹⁸ The proposal makes it easier to acquire EU long-term resident status, and to strengthen the rights of long-term residents and their family members to equal treatment with EU citizens. In addition, the proposal aligns the EU LTR permit and national permanent residence permits in terms of procedures, equal treatment rights and access to information. It also makes it easier for long-term residents to travel to their country of origin without losing their rights under the EU LTR permit.

Several rights enshrined in the Charter of Fundamental Rights of the European Union (the Charter) apply to everyone living in the EU, regardless of nationality and migration status. Hence long-term residents enjoy these rights, specific rights designed to protect all third-country nationals and additional rights that only apply to lawfully residing third-country nationals.¹⁹ The Charter rights most relevant to this report are respect for private and family life (Article 7); the right to education (Article 14); freedom to choose an occupation and right to engage in work (Article 15); protection in the event of removal, expulsion or extradition (Article 19); equality before the law and non-discrimination (Articles 20 and 21); the rights of the child (Article 24); family and professional life (Article 33); social security and social assistance (Article 34); right to good administration (Article 41); and freedom of movement and of residence (Article 45).

METHODOLOGY AND SAMPLE DESCRIPTION

The report draws on the findings of qualitative research conducted in 2021 and 2022. It is based on online focus groups and online semi-structured interviews conducted with experts and long-term residents in 10 EU Member States. The use of these multiple sources of evidence underpins the research findings.

Interviews and focus groups were conducted online due to the coronavirus disease 2019 (COVID-19) pandemic. This helped to reduce public health risks and to increase the likelihood of respondents agreeing to participate in the research.

The project covered 10 Member States: Belgium, Czechia, France, Germany, Greece, Italy, Poland, Portugal, Spain and Sweden. These EU Member States were selected according to the following criteria: high number of long-term residents (calculated on the basis of Eurostat LTR statistics – see Table 1), presence of national and EU LTR permits, and geographical distribution.

FRA's multidisciplinary research network, Franet, conducted desktop research and social fieldwork for FRA.

The project is based on the following methodology.

- FRA conducted desktop research in 2020. This enabled FRA to map national LTR permits in the 25 EU Member States bound by the Long-Term Residence Directive. This covers all EU Member States except Denmark and Ireland. The desktop research also allowed FRA to identify countries in which to conduct more in-depth fieldwork research.
- In 2021, fieldwork started in 10 EU Member States: Belgium, Czechia, France, Germany, Greece, Italy, Poland, Portugal, Spain and Sweden. The fieldwork involved the following.
 - FRA conducted 51 online interviews with experts. Numbers ranged between four and seven per Member State. Experts included national authorities in charge of migration and residence permits, migration lawyers, representatives of non-governmental organisations (NGOs) and trade unions supporting migrants applying for LTR permits, and academics.
 - 267 third-country nationals who have lived in the EU for a prolonged period of time took part in the research. This included 169 individual online interviews, and 29 online focus groups with the remaining 98 third-country nationals.

This report presents the findings of the fieldwork conducted in 10 Member States. However, Section 1.1.6 compares permit fees in all 25 EU Member States bound by the Long-Term Residence Directive.

Table 2 shows the resident status of the third-country respondents in each Member State covered. Overall, the sample includes 60 respondents with EU long-term resident status; 112 respondents holding a national LTR permit; nine EU citizens who had previously had either national or EU long-term resident status; 56 respondents holding temporary residence permits; 18 respondents with international protection status – refugee status, subsidiary protection or humanitarian status; and 12 respondents with 'other' statuses.

Given the qualitative and non-representative nature of the research, the results cannot be said to be representative of a situation in a given Member State. Rather, they paint a picture of a reality based on respondents' comments.

TABLE 2. RESIDENT STATUS OF THIRD-COUNTRY RESPONDENTS, INCLUDING INTERVIEWEES AND FOCUS GROUP PARTICIPANTS, IN THE 10 MEMBER STATES COVERED

Member State	Total number of respondents	Long-term resident status/EU citizenship			Temporary status		
		EU long-term resident	National long-term resident	EU citizen	Temporary permit	International protection status	Other*
Belgium	26	1	15	2	6	0	2
Czechia	27	10	8	1	4	1	3
Germany	26	1	16	0	5	1	3
Greece	22	5	7	1	4	4	1
Spain	26	4	18	0	3	0	1
France	27	5	12	2	8	0	0
Italy	29	19	n.a.	1	7	1	1
Poland	29	13	10	1	4	0	1
Portugal	27	2	14	1	10	0	0
Sweden	28	0	12	0	5	11	0
Total	267	60	112	9	56	18	12

Notes: *n.a.*, not applicable.

* The category 'other' refers to respondents with an LTR permit obtained in another EU Member State than that of the interview; visa holders, comprising those with bridge visas, visas for work or for the purpose of looking for employment, and study visas; and people with expired residence permits.

Source: FRA, 2022

FRA carried out the fieldwork before Russia's war against Ukraine in February 2022, and has since conducted extensive work relating to displaced people from Ukraine. FRA published two bulletins in 2022,²⁰ and ran an online survey, the results of which were published in early 2023.²¹ This report includes the findings of this work, where relevant.



Endnotes

- 1 **Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents**, OJ 2004 L 016 (*Long-Term Residence Directive*).
- 2 Eurostat provided the data for the EU27.
- 3 European Commission (2019), *Fitness check on the EU legislation on legal migration*, 29 March 2019.
- 4 European Commission (2019), *Report from the Commission to the European Parliament and the Council on the implementation of Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents*, COM(2019) 161 final, Brussels, 29 March 2019.
- 5 European Commission (2016), *Action Plan on the integration of third-country nationals*, COM(2016) 377 final, Brussels, 7 June 2016, p. 2.
- 6 **Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents**, OJ 2004 L 016 (*Long-Term Residence Directive*), Art. 4 (1).
- 7 *Ibid.*, Art. 5 (1).
- 8 *Ibid.*, Art. 5 (1).
- 9 *Ibid.*, Art. 5 (2).
- 10 *Ibid.*, Art. 7 (2).
- 11 *Ibid.*, Art. 8 (2).
- 12 *Ibid.*, Art. 6.
- 13 *Ibid.*, Art. 9 (1) and (4).
- 14 *Ibid.*, Art. 11. See also Chapter 4 of this report.
- 15 **Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents**, OJ 2004 L 016 (*Long-Term Residence Directive*), Art. 11 (2), (3) and (4).
- 16 *Ibid.*, Art. 14.
- 17 European Commission (2019), *Report from the Commission to the European Parliament and the Council on the implementation of Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents*, COM(2019) 161 final, Brussels, 29 March 2019.
- 18 European Commission (2022), *Proposal for a directive of the European Parliament and of the Council concerning the status of third-country nationals who are long-term residents (recast)*, COM(2022) 650 final, Brussels, 27 April 2022.
- 19 See also FRA (2011), *Fundamental rights of migrants in an irregular situation in the European Union*, Luxembourg, Publications Office, p. 24.
- 20 FRA (2022), *Bulletin 1: The war in Ukraine – Fundamental rights implications within the EU*, Luxembourg, Publications Office; FRA (2022), *Bulletin 2: The Russian war of aggression against Ukraine – The broad fundamental rights impact in the EU*, Luxembourg, Publications Office.
- 21 FRA (2023), *Fleeing Ukraine: Displaced people's experiences in the EU*, Luxembourg, Publications Office.

1

MAKING EUROPEAN UNION LONG-TERM RESIDENT STATUS MORE ATTRACTIVE

Third-country nationals can apply for EU long-term resident status as well as other legal forms of long-term stay in most Member States covered. Applicants are encouraged to apply for national LTR permits in those Member States where these permits are easier to obtain. Individuals tend to apply for host country nationality if acquiring it is not significantly more complex than obtaining long-term resident status.

This chapter reviews first the differences between EU and national LTR permits, and then the differences between EU LTR permits and citizenship. The latter comparison helps to explain the lower uptake of EU long-term resident status in countries where there are lower requirements for obtaining nationality.

1.1. DIFFERENCES BETWEEN EUROPEAN UNION AND NATIONAL LONG-TERM RESIDENCE

Article 13 of the Long-Term Residence Directive allows Member States to issue national residence permits of permanent or unlimited validity on more favourable terms than those laid down in the directive. The 2022 European Commission recast proposal to amend the directive (hereinafter 'the 2022 recast proposal') suggests several changes. These are intended to create a level playing field between EU and national LTR permits. The suggested changes include the following.

- The integration and resource requirements for acquiring EU long-term resident status must not be stricter than the requirements to acquire national long-term resident status.
- Application fees must be the same for EU and national LTR permits.
- The same procedural guarantees must apply to EU and national LTR permits. This includes the time limits to decide the outcome of applications.
- Member States must guarantee the same level of information in respect of national and EU LTR permits.
- The right to equal treatment must be the same for both EU and national LTR permits.
- Holders of national residence permits of permanent or unlimited validity who apply for EU LTR permits must benefit from a simplified procedure.

EU LTR permits differ from national long-term or permanent residence permits in seven out of the 10 Member States covered. This applies to Belgium, France, Germany, Greece, Poland, Portugal and Spain. In Czechia, Italy and Sweden, the following apply.

- In Czechia, EU long-term resident status is tied to certain types of residence permits. EU long-term resident status is automatically granted to any

person who obtains a permanent residence permit and meets the conditions for EU LTR.²

- In Italy, there is only one LTR permit. This is the EU LTR permit provided for in the Long-Term Residence Directive. The previous national permit has been abolished.³
- In Sweden, there is only the national permanent residence permit.⁴ Those who meet the conditions for EU LTR are granted long-term resident status (*ställning som varaktigt bosatt*).⁵ This entitles them to a national permanent residence permit and an EU residence permit card (*EU-uppehållstillstånd*) when staying in another Member State.

Three Member States – Belgium, France and Greece – have more than one national LTR permit in addition to EU LTR permits.

For example, France has 15 types of national LTR permit, all of which are granted for 10 years. The criteria differ for each permit, but only one of them requires a proof of a stable income. Moreover, some French LTR permits do not have a minimum number of years of residence and others require fewer years of residence than the EU LTR permit. Only the national permanent permit requires more years of residence than the EU LTR permit, requiring 10 years.

In Greece, a recent law reinstated the 10-year residence permit and extended its application to third-country nationals born in Greece who have attended six years of school in Greece before reaching 23 years of age and adults who arrived in Greece as unaccompanied children who have successfully completed three classes of secondary education in Greek schools before reaching 23 years of age.⁶

Germany, Poland, Portugal and Spain provide EU LTR permits, and also grant national permits based on various grounds.

Table 1 in Annex I provides an overview of national LTR permits.

In this report, except where otherwise stated, references to national LTR permits relate to the most common national LTR permit. This is the permanent residence permit in Czechia, France, Germany, Poland, Portugal, Spain and Sweden. It is the B Card in Belgium and the 10-year national residence permit in Greece.

The legal requirements for EU long-term resident status and national LTR permits differ, as do the rights they grant. There are more extensive rights associated with the EU LTR permit than the national ones.

However, in some Member States national LTR permits are more attractive because applicants need to meet fewer requirements. For example, requirements differ in terms of years of legal residence or proof of sufficient income. In half of the Member States reviewed, applying for some of the national LTR permits is easier than applying for the EU LTR permit, as the former do not have a resource requirement. This is the case in Belgium, France, Greece, Poland and Spain.

More national LTR permits are issued because the requirements of some national LTR permits are lower than those for the EU LTR permit. Experts working in various migration fields and national authorities in France, Greece, Poland and Spain confirm this.

For example, none of the 15 national LTR permits requires proof of income, an expert working at the French Ministry of the Interior says. In addition, some national LTR permits are valid for 10 years. The EU LTR permit is only valid for five years.

PROMISING PRACTICE

Automatic consideration of national LTR permits if application for EU long-term resident status is rejected in Belgium

In Belgium, if an application for an EU LTR permit is rejected, migration authorities automatically assess it under the criteria for national long-term resident status. This means considering granting a permanent residence permit. If the applicants meet the criteria, a national LTR permit K Card is issued. This replaces the C Card.

Source: Belgium, interview with migration authorities, 9 March 2021

Similarly, in Spain, national LTR permits do not require proof of stable and regular income, experts report. In some instances, they can be obtained after less than five years of residence.

In Belgium, third-country nationals are usually automatically granted a national LTR permit after living there with temporary permits for five years, an NGO expert and a migration lawyer confirm. Sometimes the LTR permit is granted without need to prove sufficient income, depending on the previous residence permit.

1.1.1. Duration of long-term residence permits

Long-term resident status is permanent, according to Article 8 of the Long-Term Residence Directive. The permit certifying this status must be valid for at least five years and be automatically renewable, on application if required.

Eight Member States reviewed have both national and EU LTR permits. In five of these, the duration of the two permits is the same. The duration of both permits is five years in Czechia,⁷ Portugal⁸ and Spain.⁹ It is 10 years in France¹⁰ and Germany.¹¹

In Greece and Poland, there is a difference in the duration of the two permits. In Greece, the main LTR permit (*Άδεια διαμονής δεκαετούς διάρκειας*) lasts 10 years while the EU LTR permit lasts five years.¹² In Poland, the national LTR permit lasts 10 years and the EU LTR permit lasts five years.¹³

In Belgium, the EU LTR permit lasts 10 years. However, the duration of the national LTR permit depends on the type of permit. The duration is five years for the B Card and 10 years for the K Card.¹⁴

In Italy and Sweden, there is only one long-term permit. This is the EU LTR permit in Italy, which lasts five years.¹⁵ Sweden has the permanent residence permit of unlimited duration. This is granted to people with EU long-term resident status and those who meet the requirements under national law.¹⁶

There are no significant differences in the duration of national and EU LTR permits in eight of the 10 Member States reviewed. The exceptions are Greece and Poland. The differences in duration make the EU LTR permit less attractive.

1.1.2. People entitled to long-term resident status

Not all third-country nationals residing legally in a Member State are entitled to EU long-term resident status under Article 3 of the Long-Term Residence Directive. The following groups are excluded:

- students and people in vocational training,
- temporary protection status holders or those granted forms of protection other than international protection (e.g. humanitarian status),¹⁷
- asylum applicants,
- people residing solely on temporary grounds (au pairs, seasonal workers),
- diplomats.

The directive was amended in 2011 so that refugees or stateless people who enjoy international protection are entitled to long-term resident status.

All Member States selected have incorporated this article into their national legislation. The 2022 recast proposal also retains these exceptions.

This means that EU long-term resident status will not apply to students or to individuals under temporary protection.¹⁸ Therefore, it will not apply to

the millions of people displaced from Ukraine. Many of them wish to stay in the EU after the war, according to a recent FRA survey.¹⁹ To apply for EU long-term resident status, they would first need to find a way to change the ground on which they are residing in a Member State.

Holders of a residence permit for third-country nationals under Article 20 TFEU issued to a family member of an EU citizen are not residing in the EU “solely on temporary grounds”, the CJEU clarifies. Article 3 (2) of the Long-Term Residence Directive does not exclude them from long-term resident status. The specific case concerned a Ghanaian mother who had resided in the Netherlands with her Dutch son for many years.²⁰

Some of the groups excluded under Article 3 of the Long-Term Residence Directive, however, are not excluded from national long-term resident status. For example, in Portugal, students can apply for a national LTR permit as long as they can prove five years of legal residence.²¹ Third-country nationals who are registered at the employment centre also have the right to apply for the permanent residence permit, an NGO representative mentions. However, they cannot apply for EU long-term resident status.

In France, refugees and their family members can obtain national LTR permits without proving that they have resided in the country for a certain amount of time.²² In Belgium, those who are granted resident status due to exceptional circumstances can apply for a national LTR permit after five years of legal residence.²³ This applies, for example, to those granted resident status for humanitarian or medical reasons.

In Czechia, students and temporary protection holders can apply for the national LTR permit.²⁴ In Sweden, Doctor of Philosophy students can apply for the national LTR permit.

1.1.3. Length of residence required

Long-term resident status can be granted to third-country nationals who have resided legally and continuously within the territory of a Member State for five years immediately prior to application submission, according to Article 4 of the Long-Term Residence Directive.

The 2022 recast proposal makes it easier to acquire EU long-term resident status. It clarifies that all periods of legal residence should be fully counted. This includes residence periods as students, as beneficiaries of temporary protection or initially based on temporary grounds. This could make the EU LTR permit more attractive.

In some Member States reviewed, significant differences make it easier – for certain categories of people – to fulfil the criteria for a national LTR permit than the EU LTR permit. Five years of residence are required for the national LTR permit as well as the EU LTR permit in six of the 10 Member States reviewed. However, in France,²⁵ Greece²⁶ and Poland,²⁷ national LTR permits require fewer years of legal residence for certain categories of people. In Sweden, a permanent residence permit of unlimited duration is granted both to persons with EU LTR status and to others who are granted national LTR status.²⁸ In Italy, there is only the EU LTR permit.

For example, in France, the national LTR permit for spouses of French citizens²⁹ or for family reunion³⁰ require only three years of legal residence. In Greece, there are no residence requirements to apply for a second-generation residence permit.³¹



In Poland, some groups do not need any prior period of legal residence to obtain a national LTR permit.³² These groups include children of a Polish citizen and a foreigner with national or EU long-term resident status. It also covers beneficiaries of national asylum status. This is a separate, national form of protection.

In Sweden, people who are working or doing Doctor of Philosophy degrees can apply for a permanent residence permit after four years of legal residence. This includes people who have had residence permits for work or EU blue cards issued by Sweden; intra-corporate transfer permits; intra-corporate transfer permits for mobility for longer stays or permits for seasonal work; and residence permits for postgraduate education. The applicants must have had these permits for four of the last seven years.³³

Most differences were found in how time spent as **students** and as **asylum applicants** is counted, according to FRA research. Article 4 (2) of the Long-Term Residence Directive stipulates that only half of the periods of residence for study purposes or vocational training count towards EU long-term resident status. For asylum applicants, at least half of the period spent in the asylum procedure must be counted. The whole period is counted if it exceeds 18 months.³⁴

Table 3 shows that seven out of the 10 EU Member States covered have different rules for counting the time spent as a student or as an asylum applicant. These are more favourable for national LTR permits, except in Greece and Spain.

In Belgium, all the time spent in the asylum procedure is counted for national LTR permits. Only half is counted for EU LTR permits. However, the whole period is counted if it exceeds 18 months.

In France, all the years spent as a student count for third-country nationals applying for national LTR permits. However, none of them count when applying for EU LTR permits.

TABLE 3. COUNTING PERIODS SPENT AS STUDENTS AND AS ASYLUM APPLICANTS IN THE 10 MEMBER STATES COVERED

Member State	Portion of time counted as students/in vocational training		Portion of time counted for asylum applicants	
	EU LTR permit	National LTR permit	EU LTR permit*	National LTR permit
Belgium	Half (L and D Cards**)	None (B Card) or all (K and C Cards)	Half (L and D Cards)	All (K and C Cards**)
Czechia	Half	Half	Half	Half
France	None	All	All	n.a.
Germany	Half	Half	All	All
Greece	Half	None	Half	None
Italy	All	n.a.	All	n.a.
Poland	Half	None	Half	All (for beneficiaries of international protection)
Portugal	Half	All	All	All
Spain	Half	None	Half	None
Sweden	None	None	All	None

Notes: n.a., not applicable.

* The information reported applies when the time spent in the asylum procedure is less than 18 months. If it is more than 18 months, all the time spent in the asylum procedures is counted towards EU LTR permits.

** The L Card replaced the D Card; the K Card replaced the C Card.

Sources: Belgium, Act of 15 December 1980 on the entry, stay, settlement and removal of foreign nationals (**Loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers/Wet van 15 December 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen**), 31 December 1980, Articles 15bis, and 49 (2), paragraph 3; Czechia, Act No. 326/1999 Coll., on the residence of foreign nationals in the Czech Republic (**zákon o pobytu cizinců na území České republiky**), 23 December 1999, Article 68 (2) (3); Germany, Act on the residence, economic activity and integration of foreigners in the federal territory (**Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet**), 25 February 2008, Section 9b (1) and 9 (4) (3); Greece, Law 4251/2014: Immigration and Social Integration Code and other provisions (**Νόμος 4251/2014: Κώδικας Μετανάστευσης και Κοινωνικής Ένταξης και άλλες διατάξεις**), Φύλλα Εφημερίδας της Κυβέρνησης Α80/01-04-2014, 1 April 2014, Articles 89 (2) and 41; Spain, Royal Decree 557/2011, of 20 April, approving the regulation of Organic Law 4/2000, on the rights and freedoms of foreigners in Spain and their social integration, after its reform by Organic Law 2/2009 (**Real Decreto 557/2011, de 20 de abril, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social, tras su reforma por Ley Orgánica 2/2009**), 20 April 2011, Articles 152 (a) and 148; France, Code on the entry and residence of foreigners and the right of asylum (**Code de l'entrée et du séjour des étrangers et du droit d'asile**), 24 November 2004, Articles L412-5, L413-7, L424-1 to L424-8, and L426-17; Italy, Legislative Decree of 25 July 1998, No. 286: Consolidated text of provisions governing immigration and rules on the status of foreigners (**Decreto legislativo 25 luglio 1998, n. 286 Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero**), 25 July 1998, Articles 9 (5) and 9 (5)bis; Poland, Act on Foreigners (**Ustawa o cudzoziemcach**), 8 November 2013, Articles 212 (1) and 195 (1); Portugal, Law No. 23/2007 establishes the conditions and procedures on the entry, stay, exit and removal of foreign citizens from Portuguese territory (**Lei n.º 23/2007, de 4 de julho – Aprova o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional**), 4 July 2007, Article 126 (3) and (1) (a); Portugal, Law No. 27/2008 of 30 June 2008 – Establishing the conditions and procedures for granting asylum or subsidiary protection and the asylum seeker, refugee and subsidiary protection status (**Lei n.º 27/2008, de 30 de junho – Estabelece as condições e procedimentos de concessão de asilo ou protecção subsidiária e os estatutos de requerente de asilo, de refugiado e de protecção subsidiária**), 30 June 2008, Article 11 (2); Sweden, Aliens Act (**Utlänningslag** (2005:716), September 2009, Chapter 5a, Section 1

Automatic issuance also facilitates the acquisition of national long-term resident status.

For example, in Belgium, a national LTR permit (K Card) will sometimes be granted almost automatically, with some possible requirements depending on the previous residence permit. This applies after third-country nationals spend five years in Belgium under the same procedure. For example, they could spend five years under family reunification procedures, five years as a worker or five years as a beneficiary of international protection. The counting of years of residence may restart if beneficiaries shift between statuses, for example from worker to being there for family reunification.

1.1.4. Income requirement

Article 5 (1) (a) of the Long-Term Residence Directive requires third-country nationals to provide proof of stable and regular resources sufficient to maintain themselves and the members of their family. This cannot rely on recourse to the social assistance system of the Member State concerned.

In half of the Member States reviewed, applicants do not need to prove stable and regular resources for certain types of national LTR permits. This is the case in Belgium,³⁵ France,³⁶ Greece,³⁷ Poland³⁸ and Spain. In Belgium, for example, no proof of stable and regular resources is required for the K Card, which has replaced the C Card. Proof is required for the B Card.

In Poland, income is considered sufficient if it was higher than the income threshold for social assistance for the three years prior to application submission, according to the legal amendment.³⁹

In Spain, in general terms, the traditional financial means are calculated based on an annual basis indicator. Article 47 of Royal Decree 557/2011 refers to the indicator as the Public Income Indicator for Multiple Effects (*Indicador Público de Renta para Efectos Múltiples*, IPREM). This index is used as a reference for the granting of aid, public allowances or unemployment benefits.⁴⁰

Table 6 provides an overview of the income requirements in each country.

1.1.5. Health insurance

Member States must require third-country nationals to provide evidence of health insurance in respect to all health risks normally covered for their own nationals, according to Article 5 (1) (b) of the Long-Term Residence Directive.

The majority of Member States require those applying for EU long-term resident status to provide proof of health insurance. This applies in Belgium,⁴¹ France,⁴² Germany,⁴³ Greece,⁴⁴ Poland,⁴⁵ Portugal⁴⁶ and Spain.⁴⁷ However, only Germany⁴⁸ and Greece⁴⁹ require it for national long-term resident status. Czechia,⁵⁰ Italy⁵¹ and Sweden⁵² do not require health insurance for either national or EU long-term resident status.

1.1.6. Fees for permits

Fees for permits do not seem to have an impact on the choice of permit, FRA's research in the 25 EU Member States bound by the Long-Term Residence Directive shows.

- National and EU LTR permits cost the same in 12 Member States. This is the case in Belgium, Croatia, Estonia, Finland, France, Hungary, Lithuania, the Netherlands, Poland, Slovakia, Slovenia and Spain.
- National permits are more expensive than EU LTR permits in six Member States. This applies in Bulgaria, Cyprus, Czechia, Germany, Greece and Malta.

- The EU LTR permit is more expensive in two Member States: Latvia and Portugal.
- Sweden does not have a separate EU LTR permit. Austria, Italy, Luxembourg and Romania do not have national LTR permits.

1.1.7. Security of residence

Article 9 of the Long-Term Residence Directive limits Member States' discretion to withdraw EU long-term resident status. The status may be revoked if the person concerned acquired it fraudulently, receives an expulsion decision, constitutes an actual and sufficiently serious threat to public policy or public security, or has been absent from the EU for 12 consecutive months. The 2022 recast proposal suggests amending Article 9 to extend the period of absence from the EU to 24 months.

The Long-Term Residence Directive further establishes that after six years of absence from the territory of the Member State that granted long-term resident status the person concerned is no longer entitled to that status. Where long-term resident status is lost due to absence, a Member State must provide a facilitated procedure to regain the status. This particularly applies when people have moved to another Member State to study.⁵³

Member States may also withdraw long-term resident status from those who lose their international protection status under EU asylum law.⁵⁴

In Germany, Greece and Portugal, those with EU long-term resident status are entitled to longer absences from the national territory than national LTR permit holders. In the remaining Member States, EU and national LTR holders are entitled to reside out of the national territory for six years before losing long-term resident status (see Annex I, Table 2).

Being allowed to study in their country of origin or in another third country for more than 12 months would significantly improve the quality of their lives, third-country respondents in some Member States claim. This finding strongly supports the European Commission's proposed revision of the directive.

Concerning protection against expulsion, FRA did not identify significant differences between EU and national LTR that would make national LTR permits more attractive. Articles 9 and 12 of the Long-Term Residence Directive set measures limiting expulsions. They allow it solely where the long-term resident constitutes an actual and sufficiently serious threat to public policy or public security. These measures also concern, broadly speaking, national long-term or permanent residence permit holders.

However, in Germany⁵⁵ and Portugal,⁵⁶ the legislation is more protective of those with EU long-term resident status than those with national LTR permits. In the remaining eight Member States, the same layer of protection is granted to holders of EU and national LTR permits (see Annex I, Table 3).

The CJEU clarified how to calculate absence from the EU that could entail loss of long-term resident status

The Administrative Court of Vienna sent a request for a preliminary ruling. The CJEU concluded that any physical presence of a long-term resident in the territory of the EU restarts the counting of the 12 consecutive months of absence from EU territory. This applies even if the person is there for only a few days.

Source: CJEU, C-432/20, ZK v. Landeshauptmann von Wien, 20 January 2022

The CJEU said that not all criminal convictions lead to loss of EU long-term resident status

The CJEU clarified that the existence of a criminal conviction is not sufficient to refuse long-term resident status to a third-country national and that other factors must be taken into account including for instance the severity or type of the offence or the dangerousness of the person.

Source: CJEU, *Joined Cases C-503/19 and C-592/19, UQ, SI v. Subdelegación del Gobierno en Barcelona*, 3 September 2020

1.2. CHOICE BETWEEN EUROPEAN UNION LONG-TERM RESIDENCE AND CITIZENSHIP

To better understand the opportunities third-country nationals have to secure their status, it should be noted that some Member States' requirements for obtaining citizenship (by naturalisation) are similar to those for EU long-term resident status. A national has more rights than a long-term resident. Therefore, when they qualify, third-country nationals might apply directly for nationality, according to the experts interviewed.

Five of the 10 Member States selected (Belgium, Czechia, France, Portugal and Sweden) require only five years of residence to apply for nationality (Table 4; see Table 2 of Annex II for more detail). This is the same requirement as for EU long-term resident status.

In three Member States (Portugal, Spain and Sweden) proof of income is not required when applying for citizenship. However, it is required for EU long-term resident status. This facilitates the acquisition of nationality instead of EU long-term resident status.

Three Member States (Belgium, Czechia and Spain) apply integration requirements for citizenship but not for EU long-term resident status. This facilitates the acquisition of EU long-term resident status instead of nationality.

For example, in Spain, applicants for the EU LTR permit do not need to comply with any integration requirements. Spain does demand a language test, good civic conduct and a sufficient degree of integration into Spanish society to achieve citizenship. However, people coming from Latin American countries do not need to complete the language test.

TABLE 4. REQUIREMENTS FOR OBTAINING CITIZENSHIP BY NATURALISATION AND EU LONG-TERM RESIDENT STATUS IN THE 10 MEMBER STATES COVERED

Member State	Years of residence		Proof of income		Integration requirements (language and/or civic test)	
	Naturalisation	EU long-term resident	Naturalisation	EU long-term resident	Naturalisation	EU long-term resident
Belgium	5		Yes		Yes	No
Czechia	5		Yes		Yes	No
Germany	8		Yes		Yes	Yes
Greece	7		Yes		Yes	Yes
Spain	10		No		Yes	No
France	5	5	Yes	Yes	Yes	Yes
Italy	10		Yes		Yes	Yes
Poland	10		Yes		Yes	Yes
Portugal	5		No		Yes	Yes
Sweden	5		No		No	No

Note: Bold indicates that requirements for naturalisation are less than (or, for years of residence, the same as) those for EU long-term resident status.

Sources: See Table 4 in Annex I



In 2020, the 25 Member States bound by the Long-Term Residence Directive issued 2,633,206 EU LTR permits and approved 716,462 citizenship applications.⁵⁷

When the requirements for citizenship and EU long-term resident status are similar, third-country nationals prefer to apply for nationality. Experts in several Member States confirm this, including in Belgium, Portugal, Spain and Sweden. For example, many third-country nationals aim to obtain citizenship to gain more rights, a more secure status in the territory – including better protection against expulsion – and the facilitated mobility beyond the EU that is associated with a European passport, according to a trade union representative in Spain. In Sweden, until recently, it has been rather easy to acquire citizenship, a representative of the Ministry of Justice reports.

Third-country respondents confirm this preference for nationality.

In Belgium, almost four fifths of the 26 third-country respondents either have applied (five) or express their wish to apply (15) for Belgian nationality. In Czechia, all but one of the 17 respondents with permanent permits and about half of the participants with temporary residence permits want to apply for citizenship.

In France, Greece, Italy and Portugal, approximately two thirds of respondents either have already applied or are planning to apply for citizenship. This includes people with EU long-term resident status.

In Poland and Sweden, the vast majority of respondents have already applied or wish to apply for citizenship. This accounts for 26 out of 29 respondents in Poland and 27 out of 28 in Sweden.

The main reasons to apply for nationality are to obtain a more secure status, to travel more freely, to acquire the right to vote, to access jobs reserved for nationals, to secure a better resident status for their children and to save the time taken doing all the required paperwork to renew residence permits, according to interviewees. Another reason is to facilitate family reunification. In some Member States, such as France, easier requirements apply to nationals than for long-term residents.

“Already after five years of residence you are qualified for Swedish citizenship and all freedom of movement that it entails. It’s almost easier to get citizenship than to get the EU [long-term resident] status and the benefits are so much more [...] With all the security that it provides.”

(Sweden, national authority representative)

Respondents who do not want to apply for nationality report many reasons for this. These include fear of losing their current nationality, the feeling that they already have the same rights as citizens, and the long and bureaucratic administrative procedures for obtaining citizenship. These procedures can take three to four years in Italy, Spain and Sweden, according to experts.

In Greece, a 2020 legislative reform reduced the length of citizenship procedures, which previously took up to 10 years. Greek citizenship is now granted within eight to 10 months of filing the naturalisation application, according to national authorities' estimations in March 2023.

Nationals from high-income countries are also less interested in acquiring citizenship, as one American and one Canadian citizen living in Czechia mention. This is illustrated in the quotation to the left from a female American national who has lived in Czechia with a permanent residence permit for over 25 years.

“I would vote if I had citizenship [...] But I’m just not sure I’m interested in going through all that to get citizenship [...] Is [the right to vote] the only benefit I would have from it? Because I feel really secure with my long-term residency.”

(Czechia, United States national, national LTR permit, focus group participant)



Endnotes

- 1 European Commission (2022), *Proposal for a directive of the European Parliament and of the Council concerning the status of third-country nationals who are long-term residents (recast)*, COM(2022) 650 final, Brussels, 27 April 2022.
- 2 Czechia, Act No. 326/1999 Coll., on the residence of foreign nationals in the Czech Republic (*Zákon č. 326/1999 Sb. o pobytu cizinců na území České republiky*), 23 December 1999, Art. 83 (1).
- 3 Italy, Legislative Decree of 25 July 1998, No. 286: Consolidated text of provisions governing immigration and rules on the status of foreigners (*Decreto Legislativo 25 luglio 1998, n. 286: Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero*), 25 July 1998, Art. 9.
- 4 Sweden, Aliens Act (2005:716) (*Utlänningslag (2005:716)*), 29 September 2005, Chapter 5, Art. 2b.
- 5 *Ibid.*, Chapter 5a.
- 6 Greece, **Law 5038/2023**: Migration Code (*Κώδικας Μετανάστευσης*), 1 April 2023.
- 7 For EU LTR permits: Czechia, Act No. 326/1999 Coll., on the residence of foreign nationals in the Czech Republic (*Zákon č. 326/1999 Sb. o pobytu cizinců na území České republiky*), 23 December 1999, Arts 83 and 85. For national LTR permits: Czechia, Act No. 326/1999 Coll., on the residence of foreign nationals in the Czech Republic (*Zákon č. 326/1999 Sb. o pobytu cizinců na území České republiky*), 23 December 1999, Art. 76.
- 8 For EU LTR permits: Portugal, Foreigners Act (*Lei n.º 23/2007, de 4 de julho – Aprova o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional*), 4 July 2007, Art. 129 (9). For national LTR permits: Portugal, Foreigners Act (*Lei n.º 23/2007, de 4 de julho – Aprova o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional*), 4 July 2007, Art. 76.
- 9 For EU LTR permits: Spain, Royal Decree 557/2011, of 20 April, approving the regulation of Organic Law 4/2000, on the rights and freedoms of foreigners in Spain and their social integration, after its reform by Organic Law 2/2009 (*Real Decreto 557/2011, de 20 de abril, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social, tras su reforma por Ley Orgánica 2/2009*), 20 April 2011, Art. 151. For national LTR permits: Spain, Royal Decree 557/2011 of 20 April, approving the regulation of Organic Law 4/2000, on the rights and freedoms of foreigners in Spain and their social integration, after its reform by Organic Law 2/2009 (*Real Decreto 557/2011, de 20 de abril, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social, tras su reforma por Ley Orgánica 2/2009*), 20 April 2011, Art. 147.
- 10 For EU LTR permits: France, Code on the entry and residence of foreigners and the right of asylum (*Code de l'entrée et du séjour des étrangers et du droit d'asile*), 24 November 2004, Art. L426-17. For national LTR permits: France, Code on the entry and residence of foreigners and the right of asylum (*Code de l'entrée et du séjour des étrangers et du droit d'asile*), 24 November 2004, Arts L420-1 to L426-23.
- 11 For EU LTR permits: Germany, Act on the residence, economic activity and integration of foreigners in the federal territory (*Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet*), 25 February 2008, Art. 9a. For national LTR permits: Germany, Act on the residence, economic activity and integration of foreigners in the federal territory (*Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet*), 25 February 2008, Art. 9.
- 12 For EU LTR permits: Greece, Law 4251/2014: Immigration and Social Integration Code and other provisions (*Νόμος 4251/2014: Κώδικας Μετανάστευσης και Κοινωνικής Ένταξης και άλλες διατάξεις*), *Φύλλα Εφημερίδας της Κυβέρνησης* Α80/01-04-2014, 1 April 2014, Art. 90 (7). For national LTR (10-year) permits: Greece, Law 4251/2014: Immigration and Social Integration Code and other provisions (*Νόμος 4251/2014: Κώδικας Μετανάστευσης και Κοινωνικής Ένταξης και άλλες διατάξεις*), *Φύλλα Εφημερίδας της Κυβέρνησης* Α80/01-04-2014, 1 April 2014, Art. 138.
- 13 Poland, Act on Foreigners (*Ustawa o cudzoziemcach*), 12 December 2013, Art. 243 (1), (2) and (3).
- 14 For EU LTR permits: Belgium, Royal decree of 11 October 1981 (*Arrêté royal sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers*), 11 October 1981. For national LTR permits: Belgium, Act of 15 December 1980 on the entry, stay, settlement and removal of foreign nationals (*Loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers/Wet van 15 December 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen*), 31 December 1980, Art. 13. See also Immigration Office, *Residence permits not subject to the visa issued by Belgium (Titres de séjour non soumis au visa délivré par la Belgique)*.
- 15 Italy, Legislative Decree of 25 July 1998, No. 286: Consolidated text of provisions governing immigration and rules on the status of foreigners (*Decreto Legislativo 25 luglio 1998, n. 286: Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero*), 25 July 1998, Art. 9.
- 16 Sweden, Aliens Act (*Utlänningslag*), September 2009, Chapter 5a and Chapter 5, Art. 2b.
- 17 See **Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection**, OJ 2011 L 132.
- 18 **Council Directive 2003/109/EC of the Council of 25 November 2003 concerning the status of third-country nationals who are long-term residents**, OJ 2004 L 16, Art. 3 (2) (b).
- 19 FRA (2023), 'Online survey on persons displaced from Ukraine'.
- 20 CJEU, C-624/20, *E.K. v. Staatssecretaris van Justitie en Veiligheid*, 7 September 2022.
- 21 Portugal, Foreigners Act (*Lei n.º 23/2007, de 4 de julho – Aprova o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional*), 4 July 2007, Art. 80.
- 22 France, Code on the entry and residence of foreigners and the right of asylum (*Code de l'entrée et du séjour des étrangers et du droit d'asile*), 24 November 2004, Arts L424-1 to L424-8.
- 23 Belgium, Act of 15 December 1980 on the entry, stay, settlement and removal of foreign nationals (*Loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers/Wet van 15 December 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen*), 31 December 1980, Arts 9, 9bis and 9ter.
- 24 Czechia, Act No. 326/1999 Coll., on the residence of foreign nationals in the Czech Republic (*Zákon č. 326/1999 Sb. o pobytu cizinců na území České republiky*), 23 December 1999, Art. 83. See also Czechia, Act No. 325/1999 Coll., on asylum (*Zákon č. 325/1999 Sb., o azylu*), 23 December 1999, Art. 53d.
- 25 France, Code on the entry and residence of foreigners and the right of asylum (*Code de l'entrée et du séjour des étrangers et du droit d'asile*), 24 November 2004, Arts L426-17, and L420-1 to L426-23.
- 26 Greece, Law 4251/2014: Immigration and Social Integration Code and other provisions (*Νόμος 4251/2014: Κώδικας Μετανάστευσης και Κοινωνικής Ένταξης και άλλες διατάξεις*), *Φύλλα Εφημερίδας της Κυβέρνησης* Α80/01-04-2014, 1 April 2014, Arts 89 (1), 83, 108 and 138.
- 27 Poland, Act on Foreigners (*Ustawa o cudzoziemcach*), 12 December 2013, Arts 211 and 195.
- 28 Sweden, Aliens Act (2005:716) (*Utlänningslag (2005:716)*), 29 September 2005, Chapter 5a, Art. 1, and Chapter 5, Arts 1-6.
- 29 France, Code on the entry and residence of foreigners and the right of asylum (*Code de l'entrée et du séjour des étrangers et du droit d'asile*), 24 November 2004, Art. L423-6.
- 30 *Ibid.*, Art. L423-16.
- 31 Greece, Law 4251/2014: Immigration and Social Integration Code and other provisions (*Νόμος 4251/2014: Κώδικας Μετανάστευσης και Κοινωνικής Ένταξης και άλλες διατάξεις*), *Φύλλα Εφημερίδας της Κυβέρνησης* Α80/01-04-2014, 1 April 2014, Art. 108.
- 32 Poland, Act on Foreigners (*Ustawa o cudzoziemcach*), 12 December 2013, Art. 195 (1), (2), (3), (8) and (9).
- 33 Sweden, Aliens Act (2005:716) (*Utlänningslag (2005:716)*), 29 September 2005, Chapter 5, Section 5.
- 34 Long-Term Residence Directive, Art. 4 (2), as amended by Directive 2011/51/EU.
- 35 Belgium, Act of 15 December 1980 on the entry, stay, settlement and removal of foreign nationals (*Loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers/Wet van 15 December 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen*), 31 December 1980, Arts 15bis and 10bis; see also Belgium, Director General of the Immigration Office (*Directeur général de l'Office des Etrangers*) (2021), *Opinion of the Director General of the Immigration Office on the indexation of various amounts provided for by the legislation relating to access to the territory, stay, establishment and removal of foreigners (Avis du*

- Directeur général de l'Office des Etrangers relatif à l'indexation de différents montants prévue par la législation relative à l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers*), Brussels, Federal Ministry of the Interior (*Service Public Fédéral Intérieur*).
- 36 France, Code on the entry and residence of foreigners and the right of asylum (*Code de l'entrée et du séjour des étrangers et du droit d'asile*), 24 November 2004, Art. L426-17.
- 37 Greece, Law 4251/2014: Immigration and Social Integration Code and other provisions (*Νόμος 4251/2014: Κώδικας Μετανάστευσης και Κοινωνικής Ένταξης και άλλες διατάξεις*), Φύλλα Εφημερίδας της Κυβέρνησης Α80/01-04-2014, 1 April 2014.
- 38 Poland, Act on Foreigners (*Ustawa o cudzoziemcach*), 12 December 2013, Art. 140 (2).
- 39 Poland, Act amending the Act on Foreigners and some other legal acts (*Ustawa o zmianie ustawy o cudzoziemcach oraz niektórych innych ustaw*), 24 November 2017, Art. 1 (27).
- 40 See Spain, Royal Decree 557/2011, of 20 April 2011, approving the regulation of Organic Law 4/2000, on the rights and freedoms of foreigners in Spain and their social integration, after its reform by Organic Law 2/2009 (*Real Decreto 557/2011, de 20 de abril, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social, tras su reforma por Ley Orgánica 2/2009*), 20 April 2011, Art. 4.
- 41 Belgium, Act of 15 December 1980 on the entry, stay, settlement and removal of foreign nationals (*Loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers/Wet van 15 December 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen*), 31 December 1980, Art. 15bis.
- 42 France, Code on the entry and residence of foreigners and the right of asylum (*Code de l'entrée et du séjour des étrangers et du droit d'asile*), 24 November 2004, Art. L426-17.
- 43 Germany, Act on the residence, economic activity and integration of foreigners in the federal territory (*Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet*), 25 February 2008, Art. 9c.
- 44 Greece, Law 4251/2014: Immigration and Social Integration Code and other provisions (*Νόμος 4251/2014: Κώδικας Μετανάστευσης και Κοινωνικής Ένταξης και άλλες διατάξεις*), Φύλλα Εφημερίδας της Κυβέρνησης Α80/01-04-2014, 1 April 2014, Art. 89.
- 45 Poland, Law on health insurance services funded by public sources (*Ustawa o świadczeniach opieki zdrowotnej finansowanych ze środków publicznych*), 27 August 2004.
- 46 Portugal, Foreigners Act (*Lei n.º 23/2007, de 4 de julho – Aprova o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional*), 4 July 2007, Art. 126 (1).
- 47 Spain, Royal Decree 557/2011, of 20 April, approving the regulation of Organic Law 4/2000, on the rights and freedoms of foreigners in Spain and their social integration, after its reform by Organic Law 2/2009 (*Real Decreto 557/2011, de 20 de abril, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social, tras su reforma por Ley Orgánica 2/2009*), 20 April 2011, Art. 152.
- 48 Germany, Act on the residence, economic activity and integration of foreigners in the federal territory (*Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet*), 25 February 2008, Section 9.
- 49 Greece, Law 4251/2014: Immigration and Social Integration Code and other provisions (*Νόμος 4251/2014: Κώδικας Μετανάστευσης και Κοινωνικής Ένταξης και άλλες διατάξεις*), Φύλλα Εφημερίδας της Κυβέρνησης Α80/01-04-2014, 1 April 2014, Art. 138 (1).
- 50 Czechia, Act No. 326/1999 Coll., on the residence of foreign nationals in the Czech Republic (*Zákon č. 326/1999 Sb. o pobytu cizinců na území České republiky*), 23 December 1999, Art. 68.
- 51 Italy, Legislative Decree No. 3 of 8 January 2007, "Implementation of the Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents" (*Decreto Legislativo 8 gennaio 2007, n. 3, "Attuazione della direttiva 2003/109/CE relativa allo status di cittadini di Paesi terzi soggiornanti di lungo periodo"*), 8 January 2007.
- 52 Sweden, Aliens Act (2005:716) (*Utlänningslag (2005:716)*), 29 September 2005, Chapter 5.
- 53 Long-Term Residence Directive, Art. 9 (5).
- 54 *Ibid.*, Art. 9 (3a), as amended in 2011.
- 55 Germany, Act on the residence, economic activity and integration of foreigners in the federal territory (*Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet*), 25 February 2008, Section 53 (3).
- 56 Portugal, Foreigners Act (*Lei n.º 23/2007, de 4 de julho – Aprova o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional*), 4 July 2007, Art. 136.
- 57 Eurostat (n.d.), 'Acquisition of citizenship by age group, sex and former citizenship'.

2

INFORMATION ON EUROPEAN UNION LONG-TERM RESIDENCE

Providing proper and accessible information about the availability of EU long-term resident status and the benefits it entails stems from the right to a good administration. The right to a good administration is a well-established general principle of EU law. The CJEU has also reinforced this principle in migration and asylum issues. Thus it is binding on all Member States.¹ The principle includes every person's right to have their affairs handled impartially, fairly and within a reasonable time, as Article 41 of the Charter echoes.

Most third-country nationals report drawing on multiple sources to better understand the residence permits and their requirements. This section examines evidence from experts and third-country nationals concerning the adequacy of the information that national authorities provide on EU LTR permits. This evidence could explain the more limited uptake of EU LTR permits compared with national LTR schemes.

2.1. LOW AWARENESS OF EUROPEAN UNION LONG-TERM RESIDENCE PERMITS

The right to be informed is part of the right to a good administration. Third-country nationals have a low level of awareness of EU long-term resident status, FRA research confirms. Third-country nationals also sometimes receive incomplete, inaccurate and inconsistent information.

Approximately one third of those interviewed (67/207) who held permits other than the EU LTR one had never heard of the EU LTR permit prior to participating in the research. Exceptions include Poland, where almost all third-country respondents were aware of the EU LTR permit. In France, 18 out of 22 respondents knew about it.

In Italy, the EU LTR permit is the only long-term permit available. Therefore, all but one of the respondents knew of it. The one respondent who did not know of it had a temporary permit.

Several respondents expressed frustration about being unaware of EU LTR permits. This includes people who would have met the requirements. The lack of information also led to poor choices and, reportedly, even an expulsion.

In Czechia, France, Germany, Greece and Spain, even some interviewees with EU long-term resident status were unaware that their permit was an EU LTR permit.

Personal story from Sweden

A Ukrainian woman faced particularly harsh consequences of finding out about the EU LTR permit too late.

The woman received an expulsion order after her application to renew her work-related temporary residence permit was rejected. She then applied for EU long-term resident status (*ställning som varaktigt bosatt*), as her lawyer advised. She had been living in Sweden with temporary work and residence permits for the required time. However, her application was

rejected since she should have applied for the status before receiving her expulsion decision.

In the end, the respondent had to leave for Ukraine and stayed there for 10 months. During that time, her new application for a temporary work and residence permit was processed. She returned to Sweden in 2019. The woman still holds a temporary permit despite having resided in Sweden for the last 20 years.

2.2. DUTY TO PROVIDE INFORMATION

Article 7 of the Long-Term Residence Directive establishes that the people concerned must be informed about their rights and obligations under the directive. However, there is no legal obligation to provide information on the existence of EU long-term resident status.

Out of the 10 Member States examined, only Greece and Poland require public authorities to inform potential applicants for long-term resident status of the option to apply for EU long-term resident status.

PROMISING PRACTICE

Duty to inform applicants of EU LTR permits in Greece and Poland

In Greece, the law establishes that national authorities must inform applicants for LTR permits of the requirements, procedure, rights and obligations deriving from EU long-term resident status. Authorities inform applicants through, among other things, informational leaflets and information uploaded on the authorities' websites.

In Poland, the Act on Foreigners obliges the authorities to provide information on EU and national LTR permits to applicants. They must advise third-country nationals about the rules, the procedure, and their rights and obligations in writing and in a language they understand. More generally, the Code of Administrative Procedure requires public administration bodies to ensure that the individuals participating in the procedures do not suffer any loss or harm due to ignorance of the law and, therefore, provide them with necessary explanations and instructions.

Sources: Greece, Law 4251/2014: *Immigration and Social Integration Code and other provisions* (Νόμος 4251/2014: Κώδικας Μετανάστευσης και Κοινωνικής Ένταξης και άλλες διατάξεις), Φύλλα Εφημερίδας της Κυβέρνησης Α80/01-04-2014, 1 April 2014, Article 89 (4); Poland, *Act on Foreigners* (Ustawa o cudzoziemcach), 12 December 2013, Article 7 (1); Poland, *Code of Administrative Procedures* (Kodeks postępowania administracyjnego), 14 June 1960 (as amended), Article 9

2.3. SOURCES OF INFORMATION

Most third-country nationals interviewed report drawing on multiple sources to get information about residence permits and their requirements. These include migration authorities, official websites, personal networks, lawyers, NGO counsellors, employers and social media. Social media sources include Facebook groups run by third-country nationals of various nationalities and YouTube channels. Local services, fiscal assistance centres, local police or municipalities are other important direct sources.



2.3.1. Migration authorities

Authorities in all Member States must inform people of their rights and obligations arising in the procedures that apply to them, as experts point out. This falls under the authorities' legal obligation to exercise transparency in administrative proceedings.

In practice, there are gaps in information on residence permits, experts in Belgium, Czechia, France, Germany, Italy and Sweden highlight.

As an illustrative example, in Belgium, the authorities in the Flemish Region are obliged "to actively inform, on their own initiative, about their policy, regulations and services, whenever this is useful, important or necessary".² However, this information is not actively provided, according to a professor of administrative law. Municipality staff did not provide migrants with information on the existence of EU long-term resident status, migrants report. This may explain the relatively low number of EU LTR permit holders in the Flemish Region in Belgium.

The authority should provide information on LTR permits, according to national authority representatives in France. The authority should propose this permit option if it realises that applicants requesting renewal of their temporary permit meet the legal residence duration requirement for an LTR permit. However, only one of the five respondents with EU LTR permits interviewed in France recalls receiving information about the permit from authority staff, and only following a specific request.

When assessing the requirements for the national long-term permit, the authorities should also be obliged to assess whether the EU LTR permit can be granted, national authorities in Belgium and Germany suggest.

Three main challenges emerge in relation to the availability of information on LTR options.

Lack of proactive information from migration authority staff

Only a few third-country nationals interviewed received information on LTR options for which they qualified or could in future qualify when they were in contact with migration authorities and service providers. This includes not receiving information on EU LTR permits. The following quotations illustrate the lack of information authorities provided.

Authorities do not devote much attention to EU long-term resident status, an attorney at the Department of Justice, Migration and Finance in Czechia and a lawyer specialised in migration in Germany report. They mostly provide information on national permits.

In Member States such as Poland, respondents had a relatively high level of awareness of EU LTR permits. However, only two thirds of respondents in these countries report receiving information on the EU LTR permit from public authorities. The remaining third rely on national communities, families or civil society organisations for information. It is primarily NGOs that provide the bulk of information and awareness raising on EU or national LTR permits, according to the Polish Ombudsman's office.

In Spain, third-country nationals report having to find out information on LTR options themselves. Any official information provided is always in Spanish, without translation or interpretation. Interpreters are not usually present.

In Greece and Spain, public agencies generally have a low level of knowledge of EU long-term resident status compared with standard types of national permits, NGO representatives note.

Incomplete, inaccurate and inconsistent information

Applicants can receive incomplete or inaccurate information on the supporting documents required for EU long-term resident status applications, interviewees in several Member States mention. Interviewees report this in Czechia, France, Germany, Poland, Portugal and Sweden. In some cases this led to applicants making wrong or uninformed choices.

Of the 207 respondents with a permit other than those conferring EU long-term resident status, only 140 had some information on the existence of EU long-term resident status. Their understanding was often inaccurate or incomplete. In Portugal, for example, three experts mentioned a lack of knowledge and proper training among legal aid providers of several entities. Providers including the immigration authorities, lawyers and associations that support immigrants frequently give wrong or insufficient information.

Third-country respondents confirm this issue. Migration authority officials were uninformed or had wrong information, according to the majority of those holding national or EU LTR permits.

In one case, the authorities wanted to reject a man's application for an LTR permit for not meeting the income requirement, he reported. This was despite his income being more than € 10,000 a year. He insisted this was wrong. Thanks to the intervention of the line manager, he was finally granted EU long-term resident status.

In Sweden, one third of respondents with permanent residence permits state that the Migration Agency (Migrationsverket) did not provide sufficient information about what kind of documentation one should submit when applying for the national permanent residence permit.

In some Member States, respondents specifically refer to the lack of information provided to unaccompanied children and on family reunification rules. This is the case in France, Germany, Italy and Poland.

"I was not given any information after I received [the permanent permit], no one explained my rights to me after that [...] Mostly the information was from friends who had [the permanent permit] already."

(Czechia, Russian national, EU and national LTR permit, focus group participant)

"At the prefecture when you have questions, instead of answering calmly and saying 'It goes like that.' They say: 'Everything is on the internet, go find it.' But the information on [the] internet is not very clear, there is not really the answer to the specific question you are looking for."

(France, Turkish national, temporary residence permit, interviewee)

"The complaints we receive show that these requirements under the act are displayed on the offices' websites but there are no information points in offices, any customer advice services. This work is carried out by NGOs."

(Poland, representative of the Polish Ombudsman's office, interviewee)

"However, I have a law book, a code for lawyers containing all the laws about immigrants, so I showed it to him [the migration officer]."

(Portugal, Ukrainian national, national LTR permit, focus group participant)

There are inconsistent practices among front-line staff, according to experts interviewed. This issue is due to a lack of uniform instructions at municipal level in, for example, Belgium, or a lack of training for contracted service providers in, for example, Portugal. The Portuguese authorities have produced written information material to distribute to possible applicants in an attempt to address the misinformation, according to a migration authority representative. In Belgium, in 2022, the staff of migration authorities trained the staff of municipalities on the granting of EU long-term resident status, national authority representatives report.

In Italy, the third-country nationals interviewed relied strongly on national communities, families or civil society organisations to get information on residence permits. Only two respondents report receiving information on EU LTR permits from the staff of migration authorities. Local police migration officers did proactively engage in providing this kind of information in the case of one EU LTR permit holder.

Language difficulties

Language difficulties, the lack of interpreters at migration offices and migration authority staff's reluctance to speak English with applicants were reported in Czechia and Germany. In these countries, half of interviewees mention difficulties communicating with immigration authorities.

The technical language used can also cause issues. This was the case in Czechia for an American man with a temporary residence permit who had been living in the country for 10 years. His Czech friends also had difficulties understanding the written communication from the immigration authorities due to the technical administrative language used, he reports.

2.3.2. Information available online

The authorities' websites are key sources of information concerning residence permit options, according to third-country respondents in nine of the Member States covered. Greece is the exception. Only in Czechia are leaflets containing information on immigration requirements available in various languages at the regional offices, experts mention.

"I went to the police headquarters then, the Ferrara police station, I went to renew the two-year permit and they told me you can apply for a (long-term) residence card, and I immediately applied and changed the permit."

(Italy, Moroccan national, EU LTR permit, focus group participant)



Authorities' websites in nine of the Member States include some information on EU LTR permits. The exception is Belgium. The Belgian Immigration Office's website and municipal websites do not cover the L Card, previously called the D Card. This card corresponds to the EU LTR permit. Information on the EU LTR permit will soon be provided on the Belgian Immigration Office's website, according to a representative of the migration authorities in Belgium.³

Table 5 provides the main official websites with information on EU and national LTR permits. It also covers the languages in which information on EU long-term resident status is available.

Official websites in Poland, Portugal, Spain and Sweden mention all key elements of EU long-term resident status. This includes the rights attached to the permit, the application requirements and the supporting documents and/or eligibility criteria. In other Member States, the information is more limited in scope. In Czechia, for example, the website of the Ministry of the Interior lists the conditions but not the advantages of EU long-term resident status.⁴

TABLE 5. MAIN OFFICIAL WEBSITES AND WEB PAGES WITH INFORMATION ON EU LONG-TERM RESIDENT STATUS AND THE AVAILABLE TRANSLATIONS IN THE 10 MEMBER STATES COVERED

Member State	Website/web page	Language
Belgium	Foreigners Office (<i>Office des Etrangers</i>) (n.d.), 'Third-country nationals' (<i>'Ressortissants d'un pays tiers'</i>)	English, French, Dutch
Czechia	Ministry of the Interior (<i>Ministerstvo vnitra České republiky</i>) (2022), 'Permanent residence' (<i>'Trvalý pobyt'</i>)	Czech, English
Germany	German Federal Government (<i>Die Bundesregierung</i>) (n.d.), 'Make it in Germany'	German, English, Spanish, French
	Land-level websites, for example for Schwerin and Saarland	German
Greece	Website of the Ministry of Migration and Asylum (Υπουργείο Μετανάστευσης και Ασύλου)	Greek, some information in English
Spain	Ministry of Inclusion, Social Security and Migration (<i>Ministerio de Inclusión, Seguridad Social y Migraciones</i>) (n.d.), 'Immigration portal: home page' (<i>'Portal de Inmigración: Página de Inicio'</i>)	Spanish
	Website of the French administration (<i>'l'administration française'</i>)	English, French
France	Website of the Ministry of the Interior (<i>Ministère de l'Intérieur</i>)	
	Website for all administrative procedures in France	
	The Welcome to France website	
	Aide-social.fr (n.d.), 'Residence permits in France: who must have them? What are the different residence permits?' (<i>'Titres de séjour en France: Qui doit en posséder? Quels sont les différents titres de séjour?'</i>)	French
Italy	The websites of metropolitan departments, for example Haute-Savoie and Bouches-du-Rhône	
	Italian State Police (<i>Polizia di Stato</i>) (2014), 'EU long-term resident permit (residence card for foreign citizens)' (<i>'Permesso di soggiorno UE per soggiornanti di lungo periodo. (Carta di soggiorno per cittadini stranieri)'</i>)	Italian
	Poste Italiane (n.d.), ' Permessi di soggiorno'	
Poland	Mazovian Voivodeship Office in Warsaw (<i>Mazowiecki Urząd Wojewódzki w Warszawie</i>) (n.d.), 'Long-term resident's EU residence permit' (<i>'Zezwolenie na pobyt rezydenta długoterminowego UE'</i>)	English, Polish, Russian
Portugal	Immigration and Border Service (<i>Serviço de estrangeiros e fronteiras</i>) (n.d.), 'Immigrant information portal' (<i>'Portal de Informação ao Imigrante'</i>)	English, Portuguese
Sweden	Swedish Migration Agency (<i>Migrationsverket</i>) (2022), 'Swedish residence permits for long-term residents of another EU country' (<i>'Uppehållstillstånd i Sverige för någon med ställning som varaktigt bosatt i ett annat EU-land'</i>)	English, Swedish

Source: FRA, 2023

PROMISING PRACTICE

An accessible and comprehensive website in Poland

The central government web portal contains comprehensive information on the different types of residence permits.*

The migrant.info.pl website is another solid source of information about EU long-term resident status and other forms of legalisation.**

The International Organization for Migration, the city of Poznań municipality and Wielkopolskie voivodeship administrations, and the NGO Migrant Info Point helped create the website with financial support from the EU.

The information is available in eight languages: English, French, Georgian, Polish, Russian, Ukrainian, Vietnamese and Chinese.

Sources: * See the website of the Office for Foreigners in Warsaw (**Mazovian Urząd Wojewódzki w Warszawie**)
** See the **Migrant Info website**

“From the point of view of public institutions, the State does not give information on the possibilities and advantages of the permit: it simply publishes the information on the website and that’s it. But third-country nationals do not look for information on these sites. They put themselves [...] in the hands of ‘professionals’ or various kinds of ‘fixers’ who promise permits and various things and charge a lot of money, and unfortunately this also becomes a market for sometimes not so honest earnings.”

(Italy, lawyer)

A lack of clarity, the consistency and the accessibility of online information are issues in most Member States covered, according to experts and third-country respondents. The exceptions are Belgium and Italy, where these issues did not emerge.

For example, in France, the public service website of the administration is available in English, and provides clear and comprehensive information on EU LTR permits. However, prefectures’ websites mention different documents needed to prove the income requirement for an LTR permit.

The websites of some departments do not include information on EU long-term resident status, according to experts and respondents. Some departments’ websites incorrectly refer to both national and EU LTR permits as “10-year residence permits”. These issues are found in the Prefecture of Rhône.⁵ Its website only provides information on permits for family, work and study reasons, and those for beneficiaries of international protection.

In Poland, the official websites are sources of information for most third-country respondents interviewed. However, the information provided was not comprehensive and was drafted in legalistic language that may be difficult to understand, according to at least half of respondents.

In Spain, the information that official websites provided on the EU long-term resident status was not clear and was difficult to find, most third-country nationals interviewed report. Many migrants go to appointments with the immigration service believing they can present all required documentation, according to an NGO expert. Only during the appointment do they find out that they must provide additional documents.

Almost all authorities’ websites provide information in a language other than the one of the Member State. The exceptions are Italy and Spain. However, the foreign language information available is limited in scope, according to some respondents. For example, the Russian version of the Polish website and the English version of the Greek website are not comprehensive. Translated information is difficult to find, experts and migrants interviewed in Czechia, Germany (for local-level websites) and Sweden note.

2.3.3. Expert legal advice

Seeking paid expert legal advice is often decisive for a successful application. Several third-country nationals interviewed in Czechia, France, Germany, Greece, Italy, Poland and Spain report this.

In Czechia, more than a third of research participants report paying for visa support services during their stay there.

In Germany, it is advisable to consult a specialised lawyer (*Fachanwalt für Migrationsrecht*) before applying for an LTR permit, legal experts say. This is especially the case when applying for EU long-term resident status. Germany introduced the professional status *Fachanwalt für Migrationsrecht* in 2015. It has granted this status to qualified lawyers since March 2016.⁶

In Poland, a man reported that all third-country nationals in his company benefit from a lawyer’s support with EU long-term resident status applications.

The lack of a specific obligation for migration authorities to provide official guidance to third-country nationals on the different residence options bears the risk that applicants may seek guidance from other sources, which may not be reliable.

2.4. UNPROFESSIONAL BEHAVIOUR

Migration authority staff in some Member States display unfriendly, disrespectful behaviour and negative attitudes when asked for information or when people are applying for or renewing LTR permits, according to third-country respondents. This includes racist incidents. In one case, such attitudes discouraged a third-country national from applying for LTR.



The quotations to the right are examples of respondents' unpleasant experiences at the migration office.

In Poland, dealing with the staff of the regional departments for foreigners can be a negative experience, some respondents say. Their experiences include staff being rude, unhelpful and unwilling to speak English even if able to do so.

There was general unfriendliness and an intimidating atmosphere at the office, one American man with a Polish national LTR permit mentions. His Polish wife had to help him collect all the necessary documents and submit the application, he reports. Dealing with Polish administrative institutions while applying for EU long-term resident status often made one Vietnamese woman feel like crying, she reports.

The disrespectful behaviour of migration authority staff was also mentioned in France and Spain. In Sweden, the Migration Agency's case officers seemed reluctant to share information with those applying for permanent residence permits, according to three respondents.

In Czechia, one respondent was the owner of a visa agency who says they accompany clients to the immigration offices almost every day. Another was a migrants' rights NGO worker. Immigration officials often make racist comments in front of third-country applicants, according to these respondents. The officials also discriminate against applicants of certain nationalities when assessing their residence permit applications.

"Depending on the mood of the person [at the municipality] where you go to apply [for a residence permit], if that person is having a good day, you get a good reply. The person is having a bad day, you'll get a bad reply."

(Belgium, Albanian national, national LTR permit, focus group participant)

"I think that the problem of the 'prefecture' is that there are too many people who want to have documents, and well, as they say, it seems that they cannot cope [...] The treatment is very ugly, and even if one does not have any kind of [criminal] record, they are treated like animals. That is the type of feeling that I have of that 'prefecture'."

(France, Cuban national, national LTR permit, focus group participant)

"It happens literally every day, every time [my colleagues and I] are there. People cry there, they are being humiliated [...] [Officials] also have a lot of appearance-related racial comments, but among themselves, you know? [For instance] there was a [man of] Vietnamese [descent], he had Slovak citizenship, and he came to apply for permanent residency as an EU citizen. [The officials] were making so much fun of him that 'of course he's Slovak, of course', and they were talking about it for 10 minutes – just humiliating the poor guy."

(Czechia, owner of a visa agency)

Endnotes

- 1 See, for example, CJEU, C-604/12, *H.N. v. Minister for Justice, Equality and Law Reform and Others*, 8 May 2014, para. 49; and CJEU, C-166/13, *Sophie Mukarubega v. Préfet de police and Préfet de la Seine-Saint-Denis*, 5 November 2014.
- 2 Belgium, Flemish Region, Administrative decree of 7 December 2018 (*Bestuurdecreet van 7 december 2018*), 7 December 2018.
- 3 Belgium, information provided by national authorities, March 2023.
- 4 Czechia, Ministry of the Interior of the Czech Republic (*Ministerstvo vnitra České republiky*) (2022), 'Permanent residence'.
- 5 See the website of the Prefecture of Rhone (*Préfete du Rhône*).
- 6 See Germany, **Specialist Attorney Regulations** (*Fachanwaltsordnung*), 1 July 2019, § 14p.

3

CHALLENGES IN MEETING THE REQUIREMENTS

The Long-Term Residence Directive requires Member States to grant EU long-term resident status to third-country nationals who have resided legally and continuously in their territory for five years before submitting an application. This applies if the third-country nationals have stable and regular resources, and health insurance. It also gives Member States the option to require compliance with integration conditions. Some of these requirements and the way they are interpreted can be a significant barrier to obtaining EU long-term resident status, FRA finds.

3.1. PROVING FIVE YEARS OF RESIDENCE

Member States must grant applicants long-term resident status if their legal residence covers the five years immediately prior to their application, according to Article 4 of the Long-Term Residence Directive. However, not all lawful residence counts when calculating the five years.

- Time spent in the Member State concerned on temporary grounds is not taken into account. This includes temporary work such as au pair or seasonal work, or work as a diplomat.
- Only half of the periods of residence for study purposes or vocational training is counted.
- At least half of the time between lodging an application for international protection and granting of a residence permit is taken into account. The whole period is counted if it exceeds 18 months.

As part of the Pact on Migration and Asylum, the European Commission proposed reducing the residence requirements for international protection beneficiaries to three years.¹ This would create an incentive to remain in the Member State that granted international protection and would prevent secondary movement, according to the Commission. It would also help beneficiaries' integration into local communities.²



Proving five years of residence may be challenging. Respondents face several challenges when trying to meet the five years of continuous legal residence required to apply for EU long-term resident status, experts and third-country nationals note. Interruptions of legal residence are a recurrent issue in several Member States. These interruptions lead to restarting the counting of years of residence.

In Germany, the only applicant with an EU LTR permit received it after six years of legal residence. In Greece, it took five years for respondents to get EU LTR permits.

However, in the other Member States studied, many third-country respondents obtained EU long-term resident status well after the five years of legal residence required by law. In Belgium and Czechia, it took 5–12 years to obtain national or EU long-term resident status. In Spain, it took respondents between seven and 10 years to get EU long-term resident status. In Italy, it took respondents between five and 13 years to get EU long-term resident status.

These numbers should be interpreted with caution, as they are not based on a representative sample.

Applicants face difficulties in meeting requirements on housing and income, and in obtaining regular employment contracts. They struggle with a lack of or incomplete information about the existence of the permit or of the procedure to obtain it. Their previous resident status, for example as a student, may not count or may only partially count towards EU long-term resident status. These issues explain the delays in the accounts of the third-country nationals interviewed.

A specific challenge may emerge in future with regard to displaced people from Ukraine who stay in the EU. Some of them had spent extensive periods in the EU prior to being displaced as a result of the invasion, mainly as migrant workers. In some situations, they may have returned to Ukraine just a few weeks or months before the military aggression.

Depending on developments on the ground, some of them may not be willing or able to return. They may apply for asylum in the host Member State with a view to settling there. A flexible approach to calculating the five years of continuous residence required could offer other legal pathways to this group.

3.1.1. Interruptions of residence due to gaps in renewing residence permits

Interruptions of legal residence are frequent, according to the experts and third-country respondents interviewed. The interruptions are often linked to difficulties in renewing a residence permit. As a result, third-country residents may have to restart the process of accumulating the required five years of continuous residence.

In Czechia, interruptions in the five-year stay usually happen because a temporary permit expires or a temporary permit is not extended on time, the national authority representative reports. Interruptions also happen when third-country nationals change the purpose of their residence before applying for national or EU residence permits, an NGO representative notes.

In Spain, many third-country nationals lose their temporary residence permits, a national authority representative mentions. If they later recover their legal residence permit, they are often unable to show the continuous legal residence required for the LTR permit, the representative notes.

“I lived in Poland for eight years [...] During those years, I obviously had several visas, several residence cards, and it turned out that if there is a one-day break between visas or residence cards, it does not count as a continuous stay in Poland.”

(Poland, Belarusian national, EU LTR permit, focus group participant)

In Poland, there were a few days of interruption between one of an applicant's temporary residence permits and the other. As a result, she decided to apply for the renewal of the temporary residence permit instead of applying for EU long-term resident status (which she obtained later, after eight years of residence in Poland).

Mistakes on the side of visa agents, employers or migration authorities result in rejected applications for renewals of temporary residence permits, interviewees note.

In Czechia, visa agents' mistakes when handling the applications of three American respondents were thought to have resulted in the denial of their temporary permits, and their subsequent illegal stay.

Similarly, in Sweden, employers made mistakes in the applications of four out of 17 third-country respondents who had applied for extensions of temporary residence permits. These mistakes resulted in the denial of the extension.

3.1.2. Time spent abroad

Under Article 4 (3) of the Long-Term Residence Directive, short absences from the territory of the Member State concerned count towards the five-year period. This applies provided the absences are shorter than six months. They cannot cumulatively exceed 10 months. Longer absences only count in exceptional circumstances.

In Poland, certifying the required five years of continuous residence is a problem, according to reports. It is particularly an issue for people travelling extensively for professional or personal reasons. Information on the calculation of the uninterrupted years of residence is available on various official websites. However, it is not easy to understand, according to some interviewees.

3.1.3. Difficulties in calculating the years of stay

A lack of clarity on how to calculate the five years of continuous stay emerged in some countries. For example, in Czechia, a woman could not find on the national authorities' website whether the five years starts from the application for residence or issue of the first temporary permit. This is key information because it can take months or even years to receive the temporary residence permit after applying. As a result, people who apply for EU long-term resident status tend to reside in the country for much longer than five years to meet the requirement, focus group respondents note. A Ukrainian woman residing in Poland had to withdraw her application for EU LTR because the migration authority staff she communicated with did not inform her which periods of stay are considered and which are not. As a result, she renewed her temporary residence permit for two more years and applied for EU LTR after seven years of legal stay.

In Italy, some applicants are unaware that the five years of continuous residence are not counted from the day they obtained the first temporary residence permit. Rather, they are counted from the day the applicant registered with the municipality where they reside. This can be why EU LTR applications are rejected, a migration lawyer notes.

To apply for national LTR permits – more specifically the B Card in Belgium – the applicant must have had the same type of temporary permit continuously, a representative of the migration authorities in Belgium and an NGO staff member in Sweden note. For example, they must have been there for family reunification or work purposes for five years. The count may restart for those who shift between statuses.

3.1.4. Students

Overly long periods of residence to obtain long-term resident status were especially common among students. As mentioned in Chapter 1 (see Table 3), most Member States only count half of the time spent as a student. In Belgium, many third-country students leave after completing their studies due to the difficulties they face in trying to secure their status, one lawyer mentions.

There is a need to enhance the ability to grant EU long-term resident status to students, a representative of the French Ministry of the Interior notes. Students are particularly interested in intra-EU mobility and are more likely to move to other EU Member States. They are also more likely to have the necessary stability of resources to acquire EU long-term resident status.

3.2. PROOF OF STABLE AND REGULAR RESOURCES

Article 5 of the Long-Term Residence Directive requires third-country nationals to provide proof of stable and regular resources sufficient to maintain themselves and the members of their family. This cannot rely on recourse to the social assistance system of the Member State concerned. Member States must evaluate these resources based on their nature and regularity. Member States may consider the level of minimum wages and pensions applicable prior to the application for long-term resident status.

The 2022 recast proposal establishes that Member States may indicate a certain sum as a reference amount. However, they cannot impose a minimum income level below which all applications for EU long-term resident status will be refused. They must examine the situation of each applicant.

Proving they meet the income requirements is one of the main challenges in third-country nationals successfully applying for an EU long-term resident status in all Member States covered. It is also an issue for national LTR permits that require applicants to show that they have sufficient resources. This is the case in Czechia, Germany, Portugal and Sweden. For many migrants, income is neither constant nor significant, experts mention.

Table 6 illustrates the amounts required to qualify for EU and national LTR permits under national law in the 10 Member States examined. In Belgium, Czechia, France, Greece, Italy, Portugal and Spain, the amount needed to qualify for EU long-term resident status corresponds to the minimum income.

In Germany, the law does not establish a specific income requirement. Instead, national administrative regulations lay down the criteria for the assessment of “livelihood security” (*Lebensunterhaltssicherung*).³ This administrative provision explicitly states that these national rules also apply to EU long-term resident status issued on the basis of § 9a of the Residence Act.⁴

Long-term residence applicants in Germany must prove that they will have “appropriate pension contributions” when they retire. This creates some interpretative discretion and the possibility of restrictive interpretations, according to the experts interviewed.

Chapter 6 provides details on how the amounts required by national law are calculated for family members.



TABLE 6. PROOF OF STABLE AND REGULAR RESOURCES REQUIRED FOR THE MAIN APPLICANT IN THE 10 MEMBER STATES COVERED

Member State	EU LTR permit		National LTR permit (general rule)
	Required monthly amount in 2021	Duration required by the law	Required monthly amount in 2021
Belgium*	€ 861.22 (€ 963 in 2023)	Not specified	Not required for the K Card, which replaces the C Card
Czechia	CZK 4,250 (€ 173)	For the last three months	For the permanent residence permit, it is the same as for the EU LTR permit
Germany**	Not defined by law	For the last five years, according to administrative regulations for the assessment of "livelihood security"	Not defined by law for the permanent settlement permit (<i>Niederlassungserlaubnis</i>)
Greece	€ 638	For the last year	Not required for the 10-year residence permit
Spain***	€ 564	For at least one year	Not required for the LTR permit
France	€ 1,589.47	For the last five years	Not required for any of the national LTR permits
Italy	€ 459.83	Not specified, one to three years according to experts	Not applicable
Poland****	PLN 701 (€ 153) (PLN 776 - € 169 in 2022)	For the last three years	Not required for the permanent residence permit
Portugal	€ 665	For at least one year	For the permanent residence permit, it is the same as for the EU LTR permit
Sweden	Not specified	Not specified	The maintenance requirement is met if the income per month covers housing costs and the so-called normal amount for a single adult (for 2021 the normal amount is SEK 5,016 (€ 492) for a single adult)

Notes: * These values correspond to the amount that may be granted through social assistance programmes.
 ** Foreigners have a secure subsistence if they are able to earn a living, including having sufficient health insurance coverage, without recourse to public funds. Drawing the following benefits does not constitute recourse to public funds: (1) child benefits, (2) children's allowances, (3) child-raising benefits, (4) parental allowances, (5) educational and training assistance, (6) public funds based on own contributions or granted in order to enable residence in Germany and (7) payments made in accordance with the Act on advance maintenance payments.
 *** In Spain, the financial means are based on the IPREM (see Section 1.1.4).
 **** Income is considered sufficient if it was higher than the income threshold for social assistance in Poland for three years prior to application submission, according to the Act on Foreigners.

Sources: Belgium, Act of 15 December 1980 on the entry, stay, settlement and removal of foreign nationals (**Loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers/Wet van 15 December 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen**), 31 December 1980, Articles 15bis (3) and 10, § 1er, 40 (1) and (4); see also Belgium, Director General of the Immigration Office (*Directeur général de l'Office des Etrangers*) (2021), Opinion of the Director General of the Immigration Office on the indexation of various amounts provided for by the legislation relating to access to the territory, stay, establishment and removal of foreigners (**Avis du Directeur général de l'Office des Etrangers relatif à l'indexation de différents montants prévue par la législation relative à l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers**), Brussels, Federal Ministry of the Interior (*Service Public Fédéral Intérieur*); and see the **website of the Immigration Office** (*Office des Etrangers*) for information on the proof of stable income in cases of family reunification; Czechia, Act No. 326/1999 Coll., on the residence of foreign nationals in the Czech Republic (**Zákon č. 326/1999 Sb. O pobytu cizinců na území České republiky**), 23 December 1999, Articles 70 (2) (d) and 71 (1); Germany, Act on the residence, economic activity and integration of foreigners in the federal territory (**Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet**), 25 February 2008, Articles 2 (3) and 9; Germany, Act on advance maintenance payments (**Unterhaltsvorschussgesetz**), 23 July 1979; Greece, Law 4251/2014: Immigration and Social Integration Code and other provisions (**Νόμος 4251/2014: Κώδικας Μετανάστευσης και Κοινωνικής Ένταξης και άλλες διατάξεις/διατάξεις**), Φύλλα Εφημερίδας της Κυβέρνησης Α80/01-04-2014, 1 April 2014, Article 89; Greece, Amendment of 30825/4.6.2014 (1528 B) Joint Ministerial Decision "Determination of required supporting documents for the issuance of national entry visas and for the issue and renewal of a residence permit in accordance with the provisions of Law 4251/2014" (**Τροποποίηση της 30825/4.6.2014 (1528 Β') Κοινής Υπουργικής Απόφασης "Καθορισμός απαιτούμενων δικαιολογητικών για τη χορήγηση εθνικών θεωρήσεων εισόδου και για τη χορήγηση και ανανέωση τίτλου διαμονής σύμφωνα με τις διατάξεις του 54 ν. 4251/2014" όπως ισχύει**), JMD 31399/18, 18 September 2018; Spain, Ministry of the

Presidency (Ministerio de la Presidencia), Royal Decree 557/2011, of 20 April 2011, approving the regulation of Organic Law 4/2000, on the rights and freedoms of foreigners in Spain and their social integration, after its reform by Organic Law 2/2009 (**Real Decreto 557/2011, de 20 de abril, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social, tras su reforma por Ley Orgánica 2/2009**), 20 April 2011, Articles 47 and 54; France, Code on the entry and residence of foreigners and the right of asylum (**Code de l'entrée et du séjour des étrangers et du droit d'asile**), Article L-426-17; Italy, Legislative Decree of 25 July 1998, No. 286: Consolidated text of provisions governing immigration and rules on the status of foreigners (**Decreto Legislativo 25 luglio 1998, n. 286: Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero**), 25 July 1998, Article 9 (1); Poland, Act on Foreigners (**Ustawa o cudzoziemcach**), 12 December 2013, Articles 211 (1) (1) and (2) (2), and 140 (2) (Article 114 (2) was replaced by Article 140 (on 29 January 2022)); Portugal, Foreigners Act (**Lei n.º 23/2007, de 4 de julho – Aprova o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional**), 4 July 2007, Articles 126 (1) and 80; see also Portugal, **Decree-law 109-A/2020** (Decreto-Lei n.º 109-A/2020), 31 December 2020, for the minimum monthly wage for 2021; and Portugal, Ordinance 1563/2007, of 11 July – defining the means of subsistence that third country nationals must possess to stay and reside in Portugal and their duration (**Portaria n.º 1563/2007, de 11 de dezembro – Define os meios de subsistência de que os cidadãos estrangeiros devem dispor para entrada, permanência ou residência em território nacional**), 11 December 2007, Articles 11 and 8; Sweden, Aliens Act (2005:716) (**Utlänningslag (2005:716)**), 29 September 2005, Chapter 5a, Section 2, and Chapter 5, Section 7, paragraph 1

3.2.1. Meeting high income requirements

In some Member States, EU long-term resident status appears to be difficult for third-country nationals with low professional and socio-economic statuses to achieve. For example, in France, of the five interviewees with EU long-term resident status, four have a master's degree or doctorate, and one has a bachelor's degree. All have highly skilled jobs, working as a manager of a hedge fund, an employee in an international organisation, an engineer or a staff member of a Japanese company.



In Spain, of the four EU LTR permit holders interviewed, three have a bachelor's degree, a master's degree or a doctorate, and have medium-skilled to highly skilled jobs (including a cultural mediator, a commercial assistant in an export company and a shop supervisor). The other one is unemployed.

In Czechia, the EU LTR respondents are highly educated. They have well-paid jobs as business owners and managers, or other high-income positions.

Income requirements vary widely, FRA's research shows. For example, the requirement is only € 153 per month in Czechia, but € 1,589.47 per month in France. In France, applications for EU LTR permits are often rejected because applicants cannot meet the income requirement, according to a national authority representative.

In Germany many refugees and other migrants work in low-paid jobs in construction, logistics or gastronomy. As a result, meeting the income requirement would be impossible in the case of a family, according to a migration lawyer. For example, sustaining a family with two children would require a net income of some € 2,300 per month.

Undeclared work with all or part of the salary paid informally is widespread in some countries. This results in migrants being unable to prove that they meet the income requirement. This is a problem especially reported in Greece, Italy and Portugal.

PROMISING PRACTICE

Waiving or reducing the income requirement in France and Portugal

In France, people with disabilities and people older than 65 years do not have to prove stable income and meet language requirements when applying for the EU LTR permit. These exceptions also apply for some national LTR permits. For example, they cover the LTR permits for spouses of French nationals, for family reunification and for parents of a child with French citizenship residing in France, and cover the national permanent residence permit.

In Portugal, a law passed in 2009 established that a long-term resident who is involuntary unemployed can apply for or renew an LTR permit. In such cases the income requirement is lowered to 50 % of the minimum wage, for the first adult. An additional 30 % is added for each household member.

Sources: France, Code on the entry and residence of foreigners and the right of asylum (Code de l'entrée et du séjour des étrangers et du droit d'asile), 24 November 2004, Article L426-17; Portugal, Ordinance No. 760/2009, of 16 July – Exceptional measures regarding the regime that establishes the means of subsistence that must be available to foreign citizens for entry and stay in the national territory (Portaria n.º 760/2009, de 16 de Julho – Adopção de medidas excepcionais quanto ao regime que fixa os meios de subsistência de que devem dispor os cidadãos estrangeiros para a entrada e permanência em território nacional), 16 July 2009

3.2.2. Proving sufficient income over time

The Long-Term Residence Directive does not mention for how long evidence of stable and regular resources should be provided. The duration for which this is required is defined in six of the 10 Member States covered. Czechia requires it for three months; Greece, Portugal and Spain for one year; Poland for three years; and France for five years (see Table 6).

The law in Belgium, Germany, Italy and Sweden does not specify for how long evidence of stable and regular resources should be provided. This gives national authorities a wide margin of discretion. Proof of income is requested for more than one year prior to the application in Sweden, according to experts. It is required for one to three years in Italy, depending on the migration authority (*questura*), they say. In Germany, according to experts, national administrative regulations for the assessment of “livelihood security” are often applied, which means applicants for EU LTR have to show that they have contributed for at least 60 months into the German state pension insurance system.

In Belgium, it depends on the documents submitted to prove the stability and regularity of the income, according to the Belgian migration authorities. An employment contract can be sufficient if it proves the regularity and stability of the income. This is the case for renewable contracts for example.⁵

Article 7 (1) (c) of the Family Reunification Directive (2003/86/EC) contains the same definition of “stable and regular resources” as the Long-Term Residence Directive.⁶ The CJEU’s case law developed in relation to the Family Reunification Directive should therefore also apply to long-term residents, scholars argue (see the box to the right).⁷

Precarious and atypical employment contracts are widespread in some countries. As a result, third-country nationals may have problems with proving that they have had a “stable and regular” income for several years, experts in Italy, Portugal and Spain note.

In Poland, the required minimum monthly income for EU long-term resident status is relatively low (€ 153 per month in 2022). However, some migration authorities might reject an application if the applicant has been unemployed for two months in a year, a migration lawyer notes. In Belgium, permanent resident status can be refused if the interruption in employment is too significant, according to migration authorities.

There can be issues with meeting the income requirement, some interviewees highlight. A Chilean man residing in Belgium had applied for permanent residence after five years as a migrant worker but saw his application rejected. He believes this happened because he had changed jobs and therefore did not work for five uninterrupted years.

A university researcher interviewed had resided in Italy for 21 years. His application for an EU LTR permit was rejected three times on the ground of the impossibility of fulfilling the income requirement.

In Poland, migration authority staff might deduct rent and utility costs from income when assessing fulfilment of the minimum monthly income requirement, according to women with EU long-term resident status in a focus group. This not required by law.

This is an issue according to a representative of the Polish Ombudsman’s office. Some migration offices impose the income requirement to categories of third-country nationals to which such a requirement does not apply, the representative also notes. For example, the requirement does not apply to Pole’s Card holders applying for national LTR permits. The Pole’s Card confirms that its holder is a member of the Polish nation.⁸

In Spain, providing proof of regular and fixed resources is difficult in the current economic crisis, an expert mentions. This is especially the case when also applying for family members. Each additional family member increases the income requirement by 50 %.

Case law on family reunification may guide how to prove sufficient income

In the *Mimoun Khachab v. Subdelegación del Gobierno en Álava* case, the CJEU confirmed that Member States may refuse an application for family reunification if a prospective assessment makes it clear that the sponsor will not have sufficient, stable and regular resources in the year following application submission. Such assessment may be based on the pattern of the sponsor’s income in the **six months** preceding application submission.

Source: CJEU, C-558/14, **Mimoun Khachab v. Subdelegación del Gobierno en Álava**, 21 April 2016

PROMISING PRACTICE

Guidelines for authorities receiving residence applications in France

The French Ministry of the Interior created an internal guide for civil servants receiving applications for residence permits. A work contract with no end should not be required from people working in areas in which there are no long-term engagements, the guide advises. The stable resources requirement should take into account any recent good progress on resources, it adds.

Source: France, interview with Ministry of the Interior representative, 15 March 2021

3.2.3. Proving stable employment

Migration authorities have discretionary power in interpreting the income requirement and the restrictive approach followed, experts in several Member States note.

In Germany and Sweden, applicants for LTR are sometimes expected to show proof of work contracts “with no end”. This can be difficult for third-country nationals due to current labour market conditions.

For example, in Sweden, one respondent had her application rejected on this ground, she reports. Another woman had to pause her university studies to find a full-time job. This was required for long-term resident status. She could not study and work at the same time.

Similarly, in Germany, proving means of subsistence is a particularly difficult hurdle for anyone who does not have a long-term employment contract, a migration counsellor mentions. German citizenship is sometimes easier to get than an LTR permit, she believes.

In Italy, self-employed workers are considered at risk of exclusion from long-term resident status. This especially applies to itinerant street traders. In Czechia, those who might face more challenges to meet the income requirement are considered similarly at risk.

3.2.4. Increased difficulties for women

Providing proof of stable and regular income is a greater challenge for women than men, according to experts in Belgium, Czechia and Germany. This is because men are more often employed and on average earn more than women, according to Eurostat data.⁹ These gender differences are more pronounced for third-country nationals.

In Poland, women’s applications for LTR are sometimes rejected because time spent on maternity leave is not counted, a migration lawyer claims. Presumably this is due to a lack of income during this time. This amounts to discrimination, according to the migration lawyer.



Women often have caring responsibilities for children and cannot work full time. As a result of this, they are more likely to face difficulties securing their status through an LTR permit. One woman interviewed who has been residing in Germany for 10 years still holds a temporary residence permit for this reason, she reports.

3.3. HIGH APPLICATION FEES

High application fees can be a barrier to EU long-term resident status.

For example, in Poland, the total cost of the LTR permit application is € 197–220. These costs are too high, some third-country nationals report. It is considerably higher than the fee for being granted Polish citizenship, according to a Ukrainian respondent. Polish citizenship costs approximately € 50.¹⁰

In Portugal, the fee is € 227,37 for EU long-term resident status and € 334 for the national LTR permit (including the cost of the application and the fee for using the permit).¹¹ This can represent a barrier, a national authority representative reports. Beneficiaries of international protection are exempt from these fees.¹²

Fees that Member States establish for applying for EU long-term resident status “shall not be disproportionate or excessive”, the 2022 recast proposal provides.

3.4. INTEGRATION CONDITIONS

Article 5 (2) of the Long-Term Residence Directive establishes that Member States may require third-country nationals to comply with integration conditions. The 2022 recast proposal suggests that Member States cannot require family members of those with EU long-term resident status to comply with integration requirements if they are there for family reunification purposes.

In 2020, 15 Member States required third-country nationals applying for EU long-term resident status to comply with integration conditions, according to a European Migration Network report.¹³ Language learning is an essential component of integration. However, EU Member States do not interpret this requirement in a harmonised way, FRA finds. Certain integration requirements might become obstacles for acquiring long-term resident status.

Seven of the 10 Member States examined have introduced integration requirements for applying for EU long-term resident status. These include requirements on language and/or proof of civic and cultural knowledge. Belgium, Spain and Sweden have no such requirements. Only four countries have integration requirements for national LTR permits: Czechia,¹⁴ France,¹⁵ Germany¹⁶ and Portugal.¹⁷

Table 7 shows that six out of the 10 Member States require proof of knowledge of the host country’s language to qualify for EU long-term resident status. This is a requirement in France, Germany, Greece, Italy, Poland and Portugal. Three Member States require proof of civic/cultural knowledge. This is required in France, Germany and Greece.

For example, in Germany, the Residence Act requires applicants to provide proof of basic knowledge of the legal and social system, and the way of life in the federal territory. In Greece, applicants for the EU LTR permit must

PROMISING PRACTICE

Refunding permit application fees in Poland

If an application for a national or EU LTR permit is rejected, the applicant can be refunded the application fee, on request.

Source: Poland, Act of 16 November 2006 on stamp duty (Ustawa z dnia 16 listopada 2006 r. o opłacie skarbowej), 16 November 2006

prove knowledge of elements of Greek history and culture. However, some groups are exempt from the language requirement.

There are fewer such requirements for national long-term resident status. Four out of the 10 Member States have language requirements. These apply in Czechia, France, Germany and Portugal. Two also require proof of civic/cultural knowledge: France and Germany.

TABLE 7. LANGUAGE AND CIVIC/CULTURAL KNOWLEDGE REQUIREMENTS FOR LONG-TERM RESIDENT STATUS IN THE 10 MEMBER STATES COVERED

Member State	EU long-term resident status		National long-term resident status	
	Language	Civic/cultural knowledge	Language	Civic/cultural knowledge
Belgium	No	No	No	No
Czechia	No	No	Yes (A2)	No
Germany	Yes (B1)	Yes	Yes (B1)	Yes
Greece	Yes	Yes	No	No
Spain	No	No	No	No
France	Yes (A2)	Yes	Yes (A2)	Yes
Italy	Yes (A2)	No	Not applicable	
Poland	Yes (B1)	No	No	No
Portugal	Yes (A2)	No	Yes (A2)	No
Sweden	No	No	No	No

Note: Codes in brackets indicate the language level required.

Sources: Belgium, *Act No. 326/1999 Coll., on the residence of foreign nationals in the Czech Republic (Zákon č. 326/1999 Sb. O pobytu cizinců na území České republiky)*, 23 December 1999, Article 68; Germany, *Act on the residence, economic activity and integration of foreigners in the federal territory (Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet)*, 25 February 2008, Articles 9 (2) and 9 (a) (2); Greece, *Law 4251/2014: Immigration and Social Integration Code and other provisions (Νόμος 4251/2014: Κώδικας Μετανάστευσης και Κοινωνικής Ένταξης και άλλες διατάξειδιατάξεις)*, Φύλλα Εφημερίδας της Κυβέρνησης Α80/01-04-2014, 1 April 2014, Articles 90 (2) and 107; France, *Code on the entry and residence of foreigners and the right of asylum (Code de l'entrée et du séjour des étrangers et du droit d'asile)*, Articles L413-7, L423-6, L423-10, L423-11, L423-12, L423-16, L424-1 to L424-8, L424-13, L424-18 to L424-21, L425-3, L425-8, L426-1 to L426-4, and L426-6 to L426-10; Italy, *Legislative Decree of 25 July 1998, No. 286: Consolidated text of provisions governing immigration and rules on the status of foreigners (Decreto Legislativo 25 luglio 1998, n. 286: Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero)*, 2 September 1998, Article 9 (2bis); Poland, *Act on Foreigners (Ustawa o cudzoziemcach)*, 12 December 2013, Article 203 (3) (1)–(3); Portugal, *Foreigners Act (Lei n.º 23/2007, de 4 de julho – Aprova o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional)*, 4 July 2007, Article 80

Fulfilling the language requirement was considered a challenge in some of the Member States. In Germany and Poland, reaching B1 level is considered one of the main barriers to obtaining EU long-term resident status, FRA finds. Language level B1 is the third level in the Common European Framework of Reference (CEFR). This framework is the Council of Europe's definition of language levels.

In Poland, the language exam can only be taken a few times a year, according to a legal expert. The exam's cost is also high at € 180/person.

In Greece, Greek language certification is a key obstacle for seven out of 22 respondents. This is especially because there are few free language courses. Tests were also cancelled during the pandemic.

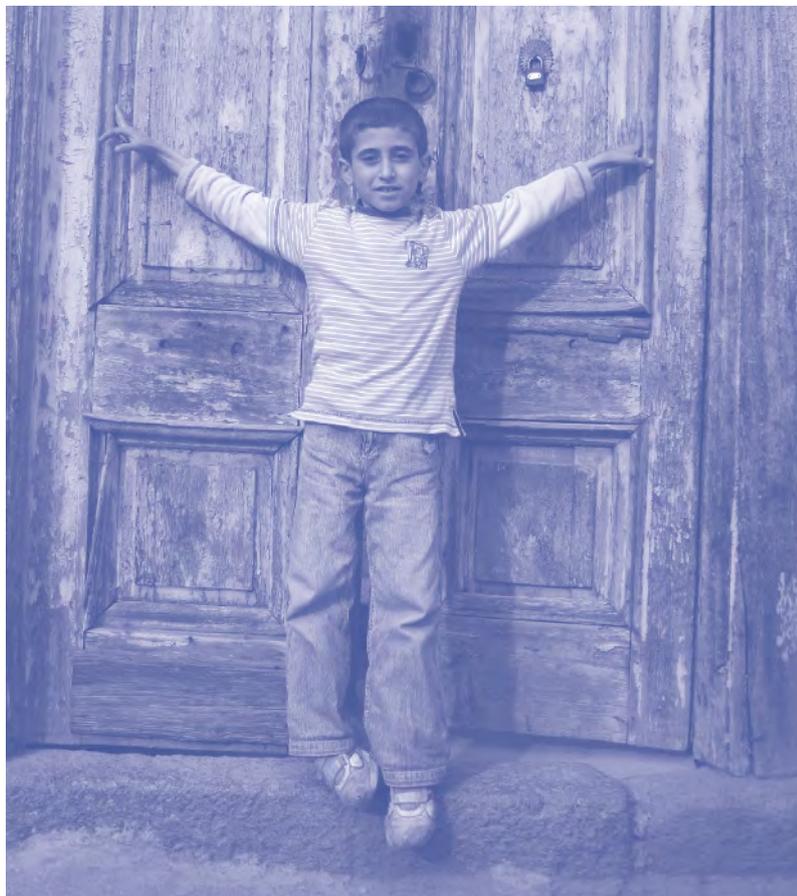
In France and Italy, third-country nationals must reach an A2 level of language competence. Fulfilling this requirement is a challenge for third-country applicants with caring responsibilities, experts mention. This mostly affects women.

Meeting language requirements is especially difficult for people with learning difficulties. Czechia, France, Germany and Italy waive language and/or integration requirements for those individuals. In France, the language requirement is also waived for people over 65 applying for EU LTR permits and for some national LTR permits.¹⁸

In Italy, foreign nationals with learning difficulties due to age, illness or disabilities are exempt from the language test.¹⁹ Italy waives language requirements for children younger than 14. It also waives them for international protection status holders and their family members.

3.5. APPROPRIATE ACCOMMODATION

Article 7 (1) of the Long-Term Residence Directive stipulates that the evidence required to show that third-country nationals fulfil the conditions for EU long-term resident status can include documentation regarding appropriate accommodation. Five out of the 10 EU Member States reviewed require this (Table 8). This applies in Germany, Greece, Italy, Poland and Portugal. The 2022 recast proposal suggests deleting the provision allowing Member States to ask applicants for EU long-term resident status for proof of appropriate accommodation.



PROMISING PRACTICE

Free language courses as part of the integration contract in France

Language training is a requirement of the integration contract that third-country nationals residing in France and wishing to reside long-term in the country sign with the French state, a national authority representative points out. National LTR permit holders also sign the contract. This training is very time-consuming. It can take up to 600 hours.

A variety of free language courses accommodate the needs of different participants. For example, lessons can take place during the week or at the weekend. Teachers can give lessons in asylum reception centres. Language lesson providers also explain to foreigners what babysitting options are available near where the training takes place.

Source: France, representative of the national authorities, 25 February 2021

TABLE 8. NEED TO SHOW APPROPRIATE ACCOMMODATION TO OBTAIN EU LONG-TERM RESIDENT STATUS IN THE 10 MEMBER STATES COVERED

Member State	EU long-term resident status
Belgium	No
Czechia	No
Germany	Yes
Greece	Yes
Spain	No
France	No
Italy	Yes
Poland	Yes
Portugal	Yes
Sweden	No

Sources: Belgium, Act of 15 December 1980 on the entry, stay, settlement and removal of foreign nationals (**Loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers/Wet van 15 December 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen**), 31 December 1980, Article 10, § 2; Czechia, Act No. 326/1999 Coll., on the residence of foreign nationals in the Czech Republic (**Zákon č. 326/1999 Sb. O pobytu cizinců na území České republiky**), 23 December 1999, Article 31 (5); Germany, Act on the residence, economic activity and integration of foreigners in the federal territory (**Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet**), 25 February 2008, Section 9a (2) and Article 9 (2); Greece, Law 4251/2014: Immigration and Social Integration Code and other provisions (**Νόμος 4251/2014: Κώδικας Μετανάστευσης και Κοινωνικής Ένταξης και άλλες διατάξεις/διατάξεις**), Φύλλα Εφημερίδας της Κυβέρνησης Α80/01-04-2014, 1 April 2014, Article 89 (1); Greece, Joint ministerial decision for the documentation required for residence permits (**Τροποποίηση της 30825/4.6.2014 (1528 Β') Κοινής Υπουργικής Απόφασης "Καθορισμός απαιτούμενων δικαιολογητικών για τη χορήγηση εθνικών θεωρήσεων εισόδου και για τη χορήγηση και ανανέωση τίτλου διαμονής σύμφωνα με τις διατάξεις του 54 ν. 4251/2014" όπως ισχύει**); Greece, Amendment of 30825/4.6.2014 (1528 Β) Joint Ministerial Decision "Determination of required supporting documents for the issuance of national entry visas and for the issue and renewal of a residence permit in accordance with the provisions of Law 4251/2014" (**Τροποποίηση της 30825/4.6.2014 (1528 Β') Κοινής Υπουργικής Απόφασης "Καθορισμός απαιτούμενων δικαιολογητικών για τη χορήγηση εθνικών θεωρήσεων εισόδου και για τη χορήγηση και ανανέωση τίτλου διαμονής σύμφωνα με τις διατάξεις του 54 ν. 4251/2014" όπως ισχύει**), JMD 31399/18, 18 September 2018; France, Code on the entry and residence of foreigners and the right of asylum (**Code de l'entrée et du séjour des étrangers et du droit d'asile**), Articles L413-7, L423-6, L423-10, L423-11, L423-12, L423-16, L424-1 to L424-8, L424-13, L424-18 to L424-21, L425-3, L425-8, L426-1 to L426-4, L426-6 to L426-10; Italy, Legislative Decree of 25 July 1998, No. 286: Consolidated text of provisions governing immigration and rules on the status of foreigners (**Decreto Legislativo 25 luglio 1998, n. 286: Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero**), 25 July 1998, Article 9 (1)ter; Poland, Act on Foreigners (**Ustawa o cudzoziemcach**), 12 December 2013, Article 219, § 2; Portugal, Foreigners Act (**Lei n.º 23/2007, de 4 de julho – Aprova o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional**), 4 July 2007, Articles 126 and 77

In Czechia, Italy and Poland, the housing requirement emerged as a challenge. In Czechia, this requirement only applies to national long-term resident status.²⁰ Fulfilling this requirement is difficult, according to one third of those interviewed in Czechia. This is often because the landlord or accommodation owner refuses to sign the official papers required in the application for the residence permit.

In Italy, this requirement only applies to applicants with family members residing with them. Applicants do not always have the means to afford accommodation that meets all of the local administrations' suitability criteria. The criteria cover the sufficient size of housing and respect of minimum hygiene standards. This is particularly an issue in large urban areas.

Another obstacle is the cost of a housing suitability certificate. The cost rose to € 300 in some municipalities. However, courts found the raises to be discriminatory.²¹

Finding landlords who will provide rental contracts can also be difficult, one respondent notes. The respondent has resided in Naples for 12 years without a regular rental contract.

Many local administrations refuse to accept 'fictitious residences', a practice introduced by national authorities to allow people with irregular housing situations or who are homeless to register a 'fictitious residence' so as to be able to access local social services (such as enrolment in employment registers and job centres).²²

Another issue is that, in practice, the police often also consider children aged less than 14 when assessing apartment size for the housing requirement for EU long-term resident status, an NGO expert claims. The law does not require these children to be counted. As a consequence, only bigger apartments manage to meet the housing requirement.

Similarly, in Poland, it is not easy to find landlords who will provide rental contracts, interviews highlight.

3.6. ISSUES WITH SUPPORTING DOCUMENTS

Applicants often encounter other difficulties in proving that they meet the requirements for EU long-term resident status. For example, in some Member States, migration authorities in different regions and federal states may require different documentary proof to show that applicants meet income, residence, language or other requirements for EU long-term resident status. Administrative difficulties were a barrier to EU long-term resident status.

3.6.1. Difficulties obtaining supporting documents

There can be difficulties with obtaining some of the requested supporting documents, those interviewed in Germany, Italy, Poland, Portugal and Sweden note. For example, in Italy, some local police headquarters ask EU LTR applicants to provide the certificates of enrolment in local civil registries, a migration lawyer reports. These are used to show that the applicants have not spent more than six months outside the country.²³ Applicants who have lived in multiple municipalities may find it difficult to collect the required evidence from them all.

In Germany and Portugal, obtaining documents from applicants' countries of origin can be very time-consuming, several third-country respondents claim. This is especially the case for birth certificates or evidence of having no criminal record. This evidence is needed to renew national passports. Scheduling appointments at the Portuguese migration services takes a long time. As a result, the evidence regarding criminal records lost its validity for some third-country respondents.

In Sweden, one Afghan respondent and one Somali respondent had problems providing proof of their identities. Sweden does not accept either of their countries' identity documents, including passports, as proof of identity. The same holds true for identity documents from Eritrea, Iraq and Palestine. Passports from these countries do not meet security requirements, according to the Migration Agency.²⁴

In Spain, one of the documents required to apply for residence permits, including EU long-term resident status, is the local council's updated official

Proving that accommodation requirements are met in Spain

A Moroccan child arrived in Spain aged 16. He initially got a five-year temporary residence permit. This was based on family reunification, as his mother held an LTR permit.

At the end of this period, there was a two-year gap in his local council registration (*empadronamiento*). Therefore, he could not prove the five years of continuous residence required to apply for a national LTR permit.

He is currently without a permit. He is looking for a job in order to apply for a residence permit based on social roots (*arraigo social*). However, he believes it will be very difficult to get a job without a valid residence permit.

PROMISING PRACTICE

Extending the temporary residence permit for those who do not yet meet the financial requirement for LTR in Spain

In Spain, the national authorities extend the temporary residence permit for a year when an EU long-term resident status applicant does not fulfil the criteria for the LTR permit. This applies, for example, when proof of one year's payment of social security contributions is missing. If the applicant manages to comply with all the requirements in that year of extension, the national authorities can then grant them an LTR permit.

Source: Spain, interview with migration authority representative, 11 March 2021

registration (*empadronamiento*).²⁵ This is not a problem when migrants own the apartment or have valid rental contracts. However, if they do not, the landlord or the person holding the rental contract has to authorise the third-country national's registration at the local authority.²⁶

Getting this authorisation is often not easy. Landlords sometimes illegally charge third-country nationals for it. Official registration has to be provided for all the years of residence required for national or EU long-term resident status. This creates an additional barrier, as the story of a respondent from Morocco shows (see the box on proving accommodation requirements are met in Spain).

3.6.2. Lack of clarity on which documents are needed

In Poland, the exact type of supporting documents required is not always mentioned. This is especially an issue regarding the documents needed as proof of fulfilling the income and language requirements. A case officer may be satisfied with just one document or may require more, interviewees note.

The institutions responsible for issuing the supporting documents can be, for example, the tax office or social security office. They may be unaware of the exact type of document required, a Vietnamese woman with a temporary residence permit reports. At the time of the interview, this woman had already applied for EU long-term resident status and was awaiting the decision.

In Sweden, the Migration Agency does not provide enough information on the documentation required to apply for national LTR permits, one third of respondents there point out. Some respondents found additional information on the requirements every time they accessed the Migration Agency's website, they report.



3.7. ADMINISTRATIVE ARBITRARINESS

3.7.1. Request to prove requirements not in the law

In some Member States, applicants for long-term resident status were required to fulfil requirements not established by law.

For example, in Belgium, a woman from Ecuador was required to prove social integration and language skills when applying for EU long-term resident status, she claims. This is not a requirement for national or EU long-term resident status. Article 15bis of the relevant Belgian law only requires five years of residence and income sufficient to self-sustain.²⁷ It also specifies how to count the five years of residence.

In Italy, not all staff of police authorities (*questure*) in charge of processing EU LTR permit applications are aware that beneficiaries of international protection do not need to prove adequate housing, experts mention. Yet some migration authorities ask applicants to fulfil the eligibility requirements when renewing the EU LTR permit. These include proof of income and a rental agreement. Neither the Long-Term Residence Directive nor Italian law requires these.

In Poland, migration authorities sometimes require documents that the law does not, experts and third-country interviewees agree. The representative of the Polish Ombudsman's office reports similar issues.

3.7.2. Inconsistent interpretation among authorities

In several Member States, authorities interpret the requirements for EU long-term resident status differently, research participants claim. For example, in Czechia, immigration officials take an arbitrary approach to whether they accept the documents that applicants submit, many participants claim. The officials refuse to provide clear information on the exact documents needed, the participants add.

Even visa agency staff find identifying the correct documents to be submitted a challenge, the owner of a visa agency in Czechia explains. The turnover of staff at the immigration office is extremely high, the expert claims. In addition, the immigration officials are not duly trained.

In France, there are issues with inconsistent procedures and interpretation of the requirements in different prefectures, according to a third of long-term residents interviewed. For example, one prefecture staff member told a Haitian woman that she could not apply for a national LTR permit, the woman reports. However, another employee at the same prefecture later told her that the documents she submitted were sufficient. The woman now holds a national LTR permit.

In France, Germany, Greece, Italy and Poland, different interpretations of the requirements emerged in different areas of the countries. Interpretations depended on the region in France, Greece and Italy, the voivodeship in Poland, and the federal state in Germany. For example, in Poland, each voivodeship interprets the requirement for stable and regular income differently, according to a legal advisor at the District Chamber of Legal Advisors in Warsaw.

In Greece, the sufficient income is defined in the law with reference to the minimum wage per year. However, different Greek authorities also interpret this requirement differently, a migration lawyer argues. Some request proof of € 7,500 in income; others require proof of € 8,700 per year.

In Germany, different practices also apply to the assessment of language competence in each federal state, a lawyer mentions. Some require results

“I mean, it appears, at least from these complaints we receive, that the offices require documents that are not listed in the Act setting discretionary criteria.”

(Poland, representative of the Polish Ombudsman's office)

of official language tests. Others require applicants to prove their language proficiency in a mere conversation.

In Italy, local police headquarters might interpret housing requirements differently, according to an NGO expert.

3.8. DELAYS AND OTHER PROCEDURAL ISSUES

Procedural issues when applying for EU long-term resident status emerged in several countries. These included difficulties or delays in registering and processing applications.



3.8.1. Difficulty with registration of application

In one of the 10 Member States reviewed, application for EU long-term resident status is only possible online (Table 9). In seven Member States, it is only possible in person. The remaining two provide both options. In five Member States, the applicant can pre-register online.

In addition, where the procedure is online, applicants may be required to go to the migration office at some stage. This is the case, for example, in Spain.

TABLE 9. ONLINE OR IN-PERSON APPLICATION OPTIONS FOR EU LTR PERMITS IN THE 10 MEMBER STATES COVERED

Member State	Online registration of appointment	Online application	In-person application
Belgium	✓ (in some municipalities)		✓
Czechia			✓
Germany	✓		✓
Greece		✓	
Spain	✓		✓
France	✓	✓	✓
Italy			✓
Poland	✓ (in some municipalities)		✓
Portugal	✓		✓
Sweden			✓

Source: FRA, 2023

Issues with registering online appointments emerged in France, Germany, Portugal and Spain. In France, for example, this affected one third of respondents. It took one month for a Colombian man to book an online appointment to apply for a national LTR permit. Spain also struggles with long waiting times for registering applications, the National Ombudsman's representative confirms.²⁸

By contrast, in Czechia, the recent introduction of an online appointment system is a positive step, according to several third-country nationals interviewed.

In March 2020, significant difficulties with and delays of in-person applications were reported due to the COVID-19 pandemic. The issues especially affected countries that only have in-person applications, such as Portugal. Portugal decided to suspend applications as a result.

In Greece, the migration offices were closed for approximately a year and a half during the COVID-19 pandemic, a migration lawyer reports. When the offices resumed operations, they were not taking appointments for the purpose of changing residence permits. For example, they were not converting 10-year permits into EU LTR ones.

In Czechia and Spain, the migration offices are remote, respondents complain. Applicants can feel that they are being treated as second-class people, the respondents add.

In Germany, longer waiting times occur in the country capital, respondents mention.

3.8.2. Processing time

The competent national authorities must give the applicant written notification of their decision within **six** months of application submission, Article 7 (2) of the Long-Term Residence Directive establishes. This time limit may be extended in exceptional circumstances linked to the complexity of the application's examination. The 2022 recast proposal replaces the possibility of extensions in 'exceptional' cases, with a new clause. It allows the authorities to request further information if they need clarification.

"We can't renew it in all the police stations in Madrid, like an ordinary Spanish citizen. So, you have to go to a specific one, which is on the outskirts of Madrid, and I have seen people who travel for two hours or more."

(Spain, Paraguayan national, national LTR permit, focus group participant)



Waiting times of more than six months for processing EU LTR applications emerged in all Member States covered. They were particularly an issue in Germany, Greece, Italy, Poland and Portugal.

For instance, in Germany, it can generally take nine months for an applicant to get an appointment to have their fingerprints taken and submit a request for an electronic residence permit (*elektronischer Aufenthaltstitel*, eAT) card, a migration lawyer notes. The eAT card is physical proof of a residence permit. If the application is successful, the eAT card is provided within the next four to six weeks.

In Greece, there can be delays of up to one year for all LTR permits, the experts and third-country nationals interviewed report. This is often due to incomplete applications for EU LTR permits, according to national authorities.

In Italy, waiting times can range from four or five months to one year, according to a migration lawyer. The exact time depends on backlogs.

In Poland, national and EU LTR permits should be issued within three months, according to the law.²⁹ In practice, processing time can last between five and 12 months, interviewees report.

In Portugal, the processing time for EU long-term resident status can last between one and seven months, third-country respondents report. However, during the pandemic, waiting times extended to more than a year.

In Sweden, EU long-term resident status is not separate from national status. Instead, it is given on top of permanent residence. Overall, 17 respondents in Sweden have permanent residence permits. For three of them, the Migration Agency took longer than six months to make a decision.

France has shorter processing times for EU long-term resident status, according to reports. The average processing time is three months, according to the third-country respondents.

In Czechia, EU long-term resident status is issued on top of permanent residence to those who meet the requirements. The permanent residence permit is to be issued within 60 days, according to national law. However, only four out of the 17 respondents with permanent residence received their permit within this time frame. For the remaining 13, it took up to seven months.

In Spain, the processing times for EU long-term resident status depend on the Spanish province and the number of applications received. For example, the provinces of Madrid and Seville have the longest waiting lists.³⁰

Reasons must be given for any decision to reject an application for long-term resident status or withdraw that status, according to Article 10 (1) of the Long-Term Residence Directive. However, reasons are not always provided, some interviewees claim.

3.9. CHALLENGES WITH RENEWAL OF LONG-TERM RESIDENCE PERMITS

The EU LTR permit must be valid for at least five years, Article 8 (2) of the Long-Term Residence Directive stipulates. It must be automatically renewable on expiry. Nevertheless, challenges with the renewal of EU or national LTR permits were mentioned in Germany, Greece, Italy and Spain.

In Italy, prefectures often ask those renewing EU LTR permits to prove the fulfilment of the income or the housing requirement again, three experts claim. This practice should be considered unlawful, they state. See the quotation to the right in relation to this.

Permit holders could file a complaint against these requests, according to these experts. However, the judicial complaint procedure is expensive. Complainants might also fear that this will have negative consequences on their administrative status.

In Spain, third-country nationals with national and EU long-term resident status have to renew their Foreigner Identity Cards (*Tarjetas de Identidad de Extranjero*). However, authorities do not inform respondents of the need to apply for the renewal, some respondents say. Some only realise that their Foreigner Identity Card has to be renewed when it has already expired.

Finally, in Greece, two participants believed that they had to prove their income in order to renew their EU LTR permit. This gave them a great sense of insecurity.

No challenges in renewing the EU or national LTR cards were mentioned in Czechia, France, Poland or Sweden. In France, however, French authorities have recently changed their notification policy, according to third-country respondents. They no longer remind third-country nationals that their permit is about to expire.

“Holders are asked to prove the same conditions they had at the time of issuing the permit, including the income, and, in many cases, this can be a problem because a person might be unemployed at that moment or might not have a regular income because, perhaps, they are self-employed [...].”

(Italy, NGO representative)

Endnotes

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- 2 *Ibid.*, p. 6.
- 3 See Germany, Federal Ministry of the Interior (*Bundesministerium des Innern*), General Administrative Regulation relating to the Residence Act (*Allgemeine Verwaltungsvorschrift zum Aufenthaltsgesetz vom 26. Oktober 2009*), *Amtlicher Teil*, 26 October 2009, Section 9c.0.1 ('*Lebensunterhalt*').
- 4 Germany, Act on the residence, economic activity and integration of foreigners in the federal territory (*Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet*), 25 February 2008, § 9a.
- 5 Belgian national authorities provided written information in March 2023.
- 6 Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, OJ 2003 L 251 (*Family Reunification Directive*).
- 7 Groenendijk, K. (2018), *Long-term residents – Safeguarding equal treatment and promoting integration?*, presentation given at the Annual Conference on European Migration Law 2018, Academy of European Law and Radboud University Nijmegen, 3–4 May 2018, at 9.45 minutes.
- 8 See Poland, Ministry of Foreign Affairs (2022), '*Pole's Card – Recipients and benefits. Information for interested Poles from Ukraine*', press release, 28 March 2022.
- 9 Eurostat (n.d.), '*Activity rates by sex, age and citizenship (%)*'; Eurostat (n.d.), '*Gender pay gap statistics*'.
- 10 For more information, see migrant.info.pl (n.d.), '*Recognition as a Polish citizen*'.
- 11 Portugal, *Ordinance on setting the administrative fees n.º 204/2020, of 24 of August 2020* (*Portaria n.º 204/2020, de 24 de agosto – Adequação quantitativa das taxas e os demais encargos devidos pelos procedimentos inerentes a atos relacionados com a entrada e permanência de estrangeiros no País*), 24 August 2020, Part IV Art. (1) (a) and 1 (e) and Part VII Art. (1) (a) and 1 (c).
- 12 *Ibid.*, Part I Art. (1) (b).
- 13 European Migrant Network (2020), *Long-term resident status in the EU*, p. 8.
- 14 Czechia, Act No. 326/1999 Coll., on the residence of foreign nationals in the Czech Republic (*Zákon č. 326/1999 Sb. o pobytu cizinců na území České republiky*), 23 December 1999, Art. 68.
- 15 France, Code on the entry and residence of foreigners and the right of asylum (*Code de l'entrée et du séjour des étrangers et du droit d'asile*), 24 November 2004, Arts L413-7, L423-6, L423-10, L423-11, L423-12, L423-16, L424-1 to L424-8, L424-13, L424-18 to L424-21, L425-3, L425-8, L426-1 to L426-4, and L426-6 to L426-10.
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- 17 Portugal, Foreigners Act (*Lei n.º 23/2007, de 4 de julho – Aprova o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional*), 4 July 2007, Art. 8o.
- 18 France, Code on the entry and residence of foreigners and the right of asylum (*Code de l'entrée et du séjour des étrangers et du droit d'asile*), 24 November 2005, Art. L413-5.
- 19 Italy, Decree of the Ministry of the Interior of 4 June 2010 (*Decreto del Ministero dell'Interno 4 giugno 2010*), 4 June 2010, Art. 1.
- 20 Czechia, Act No. 326/1999 Coll., on the residence of foreign nationals in the Czech Republic (*Zákon č. 326/1999 Sb. o pobytu cizinců na území České republiky*), 23 December 1999, Art. 71 (2).
- 21 For more information on the increase from € 100 to € 300 in one municipality, see Association for Juridical Studies on Immigration (*Associazione per gli Studi Giuridici sull'Immigrazione*), 'Once again, the court of Bergamo declares the unjustified increase of the housing tax discriminatory' ('*Ancora una volta il tribunale di Bergamo dichiara discriminatorio l'aumento immotivato della tassa sull'idoneità alloggiativa*'), 1 September 2015. For more information on the increase from € 30 to € 210 elsewhere, see Association for Juridical Studies on Immigration (*Associazione per gli Studi Giuridici sull'Immigrazione*), 'Housing eligibility certificate: The increase in the amount decided by the municipality is discriminatory' ('*Certificato di idoneità alloggiativa: Discriminatorio l'aumento dell'importo deciso dal Comune*'), 24 March 2021.
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- 26 Spain, Law 7/1985, of 2 April, regulating the bases of local regime (*Ley 7/1985, de 2 de abril, Reguladora de las Bases de Régimen Local*), 2 April 1985; Spain, Law 4/1996, of 10 January, which modifies the Law 7/1985, of 2 April, regulating the bases of the local regime, in relation to the Municipal Register (*Ley 4/1996, de 10 de enero, por la que se modifica la Ley 7/1985, de 2 de abril, reguladora de las Bases del Régimen Local, en relación con el Padrón Municipal*), 10 January 1996; Spain, Organic Law 14/2003, of 20 November, which modifies Law 7/1985, of 2 April, in order to improve the information contained in the Municipal Register relating to foreigners registered (*Ley Orgánica 14/2003, de 20 de Noviembre, de Reforma de la Ley orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social, modificada por la Ley Orgánica 8/2000, de 22 de diciembre; de la Ley 7/1985, de 2 de abril, Reguladora de las Bases del Régimen Local; de la Ley 30/1992, de 26 de noviembre, de Régimen Jurídico de las Administraciones Públicas y del Procedimiento Administrativo Común, y de la Ley 3/1991, de 10 de enero, de Competencia Desleal*), 21 November 2003; Spain, Royal Decree 2612/1996, of 20 December, which modifies the regulation of population and territorial demarcation of local entities approved by Royal Decree 1690/1986, of 11 July (*Real Decreto 2612/1996, de 20 de diciembre, por el que se modifica el Reglamento de Población y Demarcación Territorial de las Entidades Locales aprobado por Real Decreto 1690/1986, de 11 de julio*), 20 December 1996; and Spain, Resolution of 29 April 2020, of the Subsecretariat, by which publishes the resolution of 17 February 2020, of the Presidency of the National Institute of Statistics and of the Directorate General of Regional and Local Cooperation, which dictates technical instructions to the city councils on the management of the Municipal Register (*Resolución de 29 de abril de 2020, de la Subsecretaría, por la que se publica la Resolución de 17 de febrero de 2020, de la Presidencia del Instituto Nacional de Estadística y de la Dirección General de Cooperación Autonómica y Local, por la que se dictan instrucciones técnicas a los Ayuntamientos sobre la gestión del Padrón municipal*), 29 April 2020.
- 27 See Belgium, Act of 15 December 1980 on the entry, stay, settlement and removal of foreign nationals (*Loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers/Wet van 15 December 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen*), 31 December 1980, Art. 15bis.
- 28 Spain, National Ombudsman (*Defensor del Pueblo*) (2020), 'The Ombudsman urges the Ministry of the Interior to solve the delays in appointments at police stations for asylum and alien affairs procedures' ('*El Defensor Urge a Interior a Solucionar las Demoras de la Cita Previa en Comisarías para pedir Asilo y Realizar Trámites de Extranjería*'), press release, 11 August 2020.
- 29 Poland, Act on Foreigners (*Ustawa o cudzoziemcach*), 12 December 2013, Arts 210 and 233.
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4

EQUAL TREATMENT BETWEEN LONG-TERM RESIDENCE PERMIT HOLDERS AND NATIONALS

Legal corner

Article 20 of the Charter – Equality before the law

“Everyone is equal before the law.”

Article 11 of the Long-Term Residence Directive establishes equal treatment between EU LTR permit holders and nationals of the Member State in a wide range of economic and social matters. These matters include employment; education and vocational training; recognition of qualifications; social security, assistance and protection; access to goods and services; and freedom of movement in the territory of the Member State.

This is not an exhaustive list. Member States may expand equal treatment to other areas or grant additional benefits. At the same time, Member States may restrict equal treatment in various ways. The following subchapters describe these restrictions.

In principle, all 10 Member States covered have equal treatment provisions in the areas the directive covers. However, two European Commission reports covering the situation in all EU Member States note that several among them have not adopted specific measures for the incorporation of the equal treatment principle into their immigration legislation.¹

Equal treatment rights should be reinforced, with a view to promoting the integration of EU long-term residents, the 2022 recast proposal suggests. The proposal establishes equal treatment in access to private housing; removes the ability to limit social protection and assistance to core benefits; allows those with long-term resident status to export pension and family benefits to non-EU countries; removes Member States’ ability to limit the right to equal treatment of family members in a second EU Member State in the first 12 months; and requires the extension of any more favourable rules for national LTR permit holders to individuals holding EU long-term resident status.²

In seven of the 10 Member States, EU long-term resident status provides the same equal treatment rights as the national LTR permit. However, in Belgium and Greece, some national LTR permits grant fewer rights than the EU LTR permit.

In Belgium, the B Card is the most common national LTR permit. However, those with B Cards are not entitled to integration income, which equals € 1,093.80 a month if they live alone. Nor are they entitled to disability allowance, which, depending on the situation, ranges from € 1,000 to € 18,000 a year.³ By contrast, those with other types of national LTR permit, specifically K and F+ Card holders, and EU LTR permits have these rights.

In Greece, EU LTR permit holders have more equal treatment rights⁴ than holders of the 10-year permit and the second-generation permit, as only the general provisions for the rights of residence permit holders apply to them.⁵

In Portugal, the national LTR permit establishes equal treatment with citizens in more areas of life than EU long-term resident status does.⁶

Overall, holders of national and EU LTR permits enjoying equal treatment with citizens in almost all areas provided for in the Long-Term Residence Directive, most experts interviewed agree. The exception is access to public service jobs.

Challenges to enjoying equal treatment emerge in practice, according to long-term residents. This is especially the case for access to employment, housing and bank loans, and for the recognition of qualifications. However, the differential treatment experienced is not linked to the type of residence permit they hold, long-term residents believe. Rather, it relates to prejudice, racism and/or discriminatory treatment on the grounds of race/ethnicity, migrant origin, skin colour, religion or their language skills.

This chapter examines third-country nationals' equal treatment with country nationals in law and in practice across a range of areas. It is based on a review of the legislation in the 10 Member States surveyed. It also draws from the results of interviews.

4.1. ACCESS TO EMPLOYMENT

None of the 10 Member States impose any restrictions on access to employment in the private sector. Long-term residents enjoy the same rights as nationals regarding conditions of employment, dismissal and remuneration.⁷

Some Member States rely on general provisions rather than specific measures for incorporation in the context of equal treatment. For example, in Germany, these general provisions include Article 3 of the German Basic Law (*Grundgesetz*),⁸ the General Act on equal treatment (*Allgemeines Gleichbehandlungsgesetz*)⁹ and specific region-level measures such as the Berlin State Anti-Discrimination Act (*Landesantidiskriminierungsgesetz*).¹⁰ However, there are restrictions concerning certain jobs in the public sector.

Restrictions on accessing jobs in public administration

Under Article 11 (3) of the Long-Term Residence Directive, Member States can limit access to employment and self-employed activities where national or EU law reserves these for nationals, or EU or European Economic Area citizens. Equal treatment does not cover jobs that entail "even occasional involvement in the exercise of public authority", pursuant to Article 11 (1) of the directive.

All selected Member States restrict third-country nationals' access to certain positions in public administration. The following examples illustrate the range of restrictions.

In Belgium, only nationals are allowed to undertake public functions such as working as police officers and financial inspectors, or serve in the military.¹¹

In France, jobs in the justice, interior, budget, defence and foreign affairs sectors are limited to French nationals.¹² Civil servant positions in municipalities and regions and at state level are reserved for nationals and EU citizens.¹³ As are public service positions in hospitals.¹⁴ Certain positions – university teachers and lecturers, or hospital doctors¹⁵ – are open to all candidates, regardless of nationality.



In Spain, similar restrictions apply. Jobs in the armed forces, constitutional bodies and the Bank of Spain, for example, are only for Spanish citizens.¹⁶ Other civil servant positions, such as administration in healthcare institutions, are reserved for people with Spanish nationality and for EU citizens.¹⁷

In Greece, third-country nationals cannot be lawyers, civil servants, judges, police officers, military officers or firefighters.

In Italy, only nationals are eligible for managerial positions in public administration. Only nationals can access certain public sector jobs, such as prosecutors, members of the military and state lawyers. Non-nationals cannot join the staff of the ministries of the interior, defence, finance, foreign affairs or justice except for jobs that only require compulsory education. Only nationals can work for the national security system or the police.¹⁸

One of the main problems is that the list of public administration jobs from which third-country nationals are excluded is based on wide professional categories that can be extensively interpreted, a migration lawyer underlines. For example, until recently, third-country nationals were excluded from working as healthcare professionals in hospitals, the expert mentions.

The free movement of workers does not apply to employment in the public sector, according to Article 45 (4) TFEU. In relation to free movement of EU nationals, the CJEU interpreted this derogation in a restrictive way. Only those posts involving the exercise of public authority and of responsibility for safeguarding the general interest of the state concerned – such as its internal or external security – may be restricted to its own nationals, according to the CJEU. Nationals of other Member States occasionally or exceptionally exercising powers of public authority do not fall under the derogation of Article 45 (4) TFEU, as the CJEU ruled in Case C-270/13.¹⁹

France has adopted a pragmatic approach regarding certain jobs.²⁰ Long-term residents cannot be civil servants. However, they can work in public administration as ‘contract agents’. Spain has adopted the same approach in areas such as general administration, autonomous communities’ administrations, local administration, public bodies and public universities.²¹

In Portugal, third-country nationals are excluded from jobs that involve the exercise of public authority. This does not apply to those jobs that are predominantly technical in nature.²² Nor does it apply to nationals of countries enjoying a special relationship with Portugal, such as Brazil.²³



In Sweden, only nationals can exercise institutional state functions; become a judge or an auditor at the National Audit Office;²⁴ or work in the police, security services or armed forces.²⁵

Due to these restrictions, long-term residents had applied or planned to apply for citizenship for themselves and their children to be able to work, long-term residents interviewed in some countries mention. This was the case, for example, for a respondent wishing to work as a firefighter in Belgium and one wishing to work as a police officer in Poland.

Experiences of discrimination in employment

Employment emerged as the most common area where long-term residents experience discrimination, those long-term residents interviewed report. The discrimination was not because of their type of residence permit, but rather their ethnic origin.

Employers prefer nationals, long-term residents interviewed in Belgium, Czechia, Poland, Portugal, Spain and Sweden claim. This even applies in cases of comparable skills and qualifications. In general, racial prejudice and stereotypes influence access to employment and treatment at work, those interviewed argue. For example, an Afghan woman with a national permanent residence permit who had resided in Sweden for 10 years described this sort of experience when applying for jobs related to her specialty.

In Italy and Sweden, it is more difficult for foreigners to advance their careers than nationals, some participants stress. This includes those foreigners holding an LTR permit.

4.2. ACCESS TO EDUCATION

Equal treatment is to be granted for education and vocational training “in accordance with national law”, under Article 11 of the Long-Term Residence Directive. In addition, Member States may impose language restrictions on access to education and training, and set educational prerequisites for access to university.

FRA ACTIVITY

Second European Union Minorities and Discrimination Survey data on employment of long-term residents in the EU

In 2016, FRA conducted the Second European Union Minorities and Discrimination Survey. There are no significant differences in the employment rate among first-generation immigrants who have resided in an EU Member State for at least five years between those with an LTR permit (49 %), those who have become EU nationals (56 %) and those with temporary residence permits (54 %), according to the survey data.

“I want to change my job [from an assistant teacher]. I want to go back to my specialty – public health. But I’ve been to a few interviews, and they asked, ‘Are you a Swedish citizen?’ And that answer is obviously ‘no’. I didn’t get the jobs. I don’t know. I can speak Swedish, I can work, I’ve got a lot of experience. But no, I didn’t get the jobs.”

(Sweden, Afghan national, permanent residence permit, focus group participant)

In all 10 Member States,²⁶ EU long-term resident status and national LTR permit holders have, by law, equal treatment with nationals with regard to access to education in accordance with national law.

Belgian migration law does not explicitly address equal treatment. However, the Belgian Constitution establishes that “[a]ny foreigner who is on the territory of Belgium enjoys the protection granted to persons and goods, with the exceptions established by law”.²⁷ Similarly, Germany relies on general provisions rather than specific measures for incorporation in the context of equal treatment, including region-level provisions.²⁸

Education is one area where few long-term respondents report accounts of unequal treatment. Nevertheless, higher university fees for third-country nationals, including for EU or national LTR permit holders, can be a significant barrier, interviewees argue.

For example, in Portugal, the price of university tuition differs significantly if the student is an EU citizen or a third-country national. At the University of Lisbon, the bachelor’s and most master’s degree programmes cost € 697 for EU students and € 7,000 for “international students”.²⁹ There are no exceptions for those with EU long-term resident status. Applying for Portuguese nationality is one way to be able to afford graduation and master’s programme fees, as two women with EU long-term resident status report regarding their own children.

4.3. RECOGNITION OF PROFESSIONAL DIPLOMAS, CERTIFICATES AND OTHER QUALIFICATIONS

The recognition of professional qualifications of third-country nationals is a key step for integrating into the labour market. The Commission’s *Action Plan on integration and inclusion 2021–2027* highlights this.³⁰



Directive 2005/36/EC³¹ regulates the recognition of professional qualifications obtained in another EU Member State. It facilitates intra-EU mobility for EU citizens who wish to pursue a regulated profession. The directive does not apply to third-country nationals.

In April 2022, the European Commission issued recommendations to facilitate the recognition of qualifications for refugees from Ukraine.³² The Commission announced a new legislative initiative to facilitate recognition of qualifications.

All 10 Member States have legislation establishing procedures for the **recognition of qualifications** (see Table 5 in Annex I). These procedures are unrelated to the type of residence permit that the third-country nationals hold.

There is a wide gap between the legal provisions in place and their implementation in most Member States surveyed, FRA research shows. In Sweden, none of the six LTR permit holders with foreign qualifications report experiencing problems with the recognition of their professional qualifications. However, this is the exception.

Overall, 71 participants with EU long-term resident status or a national LTR permit obtained a degree abroad. Of these, only 13 participants tried to seek recognition of their professional qualifications in their EU country of residence. Only seven of them managed to obtain this recognition, although this was not without difficulties.

Those interviewed mention a range of problems regarding recognition of qualifications, such as lack of information. The duration – three/four years in France and up to five years in Belgium, in the respondents' experience – and complexity – for example, certifying and translating the full course curriculum in Belgium – of the recognition procedures are also issues. There are difficulties in collecting documents from the issuing country, which intensified due to travel restrictions following the COVID-19 pandemic, and the fees can be a problem: € 164 in Spain, and from € 90 to € 300 in the Flemish Region in Belgium.³³ In addition, the recognised qualifications are often at a lower educational level than the originals.

The lack of recognition of qualifications negatively affects migrants' access to the labour market and pushes them to jobs for which they are overqualified. This situation represents a serious obstacle for foreigners to attain their full professional potential. As a result, it produces an important shortfall in the host country's economic, social and cultural benefits.

In 2020, twice as many third-country nationals were likely to be overqualified than nationals and other EU citizens, according to Eurostat.³⁴ Overall, 41.4 % of third-country nationals, 20.8 % of nationals and 32.3 % of other EU citizens were overqualified. This gap is especially pronounced for women and is higher in Greece, Italy and Spain. Difficulties relating to the recognition of professional qualifications may be one of the reasons for this.³⁵

4.4. ACCESS TO HOUSING

The Long-Term Residence Directive provides for equal treatment of long-term residents and nationals with regard to "procedures for obtaining housing". Similar legislative provisions are embedded in the national law of the 10 Member States reviewed.³⁶ Some Member States, for example Czechia and Germany, rely on general provisions rather than specific measures for incorporation in the context of equal treatment (see Section 4.1). The 2022 recast proposal also reinforces the right to equal treatment in relation to access to private housing and to procedures for obtaining public housing.³⁷



In all Member States covered, several long-term residents interviewed have been discriminated against on grounds of their nationality or ethnic origin in accessing private housing.

For example, a Brazilian woman residing in Belgium for five years felt that, because she had darker skin, landlords would refuse to rent to her and her husband. Similarly, a woman from Ecuador said that when she sent emails or spoke to landlords she did not receive an answer. When her children, who speak Dutch fluently, spoke on the phone, they were able to get information and schedule appointments to see properties to rent.

In Poland and Sweden, immigrants with foreign-sounding surnames or migrant origins and accents were denied flats, according to some respondents.

In France, three national LTR permit holders perceived that they had been discriminated against in access to housing. The requirements for private housing apply to French nationals and third-country nationals alike. However, they are difficult to meet for migrants who have not lived in the country for long, one of the national LTR permit holders reports.

“[...] We tried to rent a house one day. But there, too, there is a requirement for your salary to be three times more than the rent, you have to have a certain amount in your bank account, you have to have two guarantors [...] it is difficult.”
(France, Belarusian national, national LTR permit, interviewee)

4.5. SOCIAL SECURITY, SOCIAL ASSISTANCE AND PROTECTION

The state provides social security, social assistance and social protection benefits to people in need. Several benefits are based on past contributions into a national social security system, such as retirement pensions. These may be topped up using public funds. Some benefits are based on public funds entirely.

Article 11 of the Long-Term Residence Directive requires Member States to treat EU long-term resident status holders in the same manner as nationals. However, it provides for the possibility of limiting equal treatment to core benefits in relation to social assistance and social protection. The 2022 recast proposal suggests dropping this limitation. It also proposes wording to clarify

the right of those with long-term resident status to export their pension and family benefits to non-EU countries.

EU law precludes national or regional legislation that treats third-country nationals who are long-term residents differently from EU citizens with regard to the allocation of funds for housing benefit, the CJEU ruled.³⁸ Member States can exclude third-country nationals from accessing a family discount card. This would only be in breach of equal treatment if that card came within the concept of 'social security', 'social assistance' or 'social protection', the CJEU ruled.³⁹

Legislation in the 10 selected Member States⁴⁰ guarantees that EU and national long-term permit holders have the same access to social benefits and subsidies as citizens.

In Belgium, general social security laws ensure that all those registered in the population register, such as EU LTR permit holders, have access to social benefits.⁴¹ However, holders of a B Card are not entitled to integration income⁴² or disability allowance.⁴³ The B Card is one of the most common national LTR permits.

Under Spanish law, there are no restrictions on basic social services and benefits, including housing. Everybody also has access to healthcare.⁴⁴

Greece limits equal treatment to core benefits in respect of social assistance and social protection.⁴⁵

4.5.1. Difficulties in accessing social benefits

In most Member States, there are no significant differences between long-term residents and Member States' nationals regarding access to social security.

4.5.2. Examples of restrictions in access to social assistance and security

Restrictions on access to social assistance emerged in Greece, Italy and Spain.

In Italy, some local administrations establish very strict residence requirements that may exclude third-country nationals. For example, some regions require continuous residence in the country for 10 years and uninterrupted residence in the same region for five years to access basic income (*reddito di cittadinanza*). This is a social provision in favour of unemployed beneficiaries.

Length of residence in the same region is a requirement to apply for a council house (*casa popolare*) in many municipalities. These provisions disadvantage LTR permit holders, according to a migration lawyer. LTR permit holders are twice as likely as country nationals to move from one Italian region to another to pursue work opportunities, according to national statistics.

Greece has a disability allowance to which third-country nationals should legally have access, according to an expert working for an NGO. However, in practice, the state agency Organisation of Welfare Benefits and Social Solidarity (Οργανισμός Προνοιακών Επιδομάτων & Κοινωνικής Αλληλεγγύης) has decided to only grant this allowance to Greek citizens, refugees, family members of Greek citizens and holders of residence permits for humanitarian reasons. This excludes third-country nationals who hold an EU LTR permit, a second-generation residence permit (national LTR) or a 10-year residence permit (national LTR).

Another issue in Greece concerns the right to a pension. To receive the full minimum pension (€ 384), third-country nationals are required to prove the

“There is no other European country that requires such a long period of presence in the country to access a benefit against poverty. It is also logical that if I am poor, the state cannot ask me if I have been poor for 10 years; if I had been poor for 10 years, I would probably also be dead. So this is a serious issue.”

(Italy, migration lawyer)

number of years that they have been insured, as Greek citizens must do. However, they must also prove 40 years of permanent and lawful residence in Greece. Those who cannot prove it receive a reduced pension.⁴⁶ However, this is arbitrary because, until 2002, there was no comprehensive migration and residence permit system in Greece, according to a legal expert.

In Spain, LTR permit holders have access to social housing, experts note. There are, however, separate quotas for social housing. There is one for nationals and one for non-nationals. The former is much bigger than the latter.

4.5.3. Lack of rights awareness

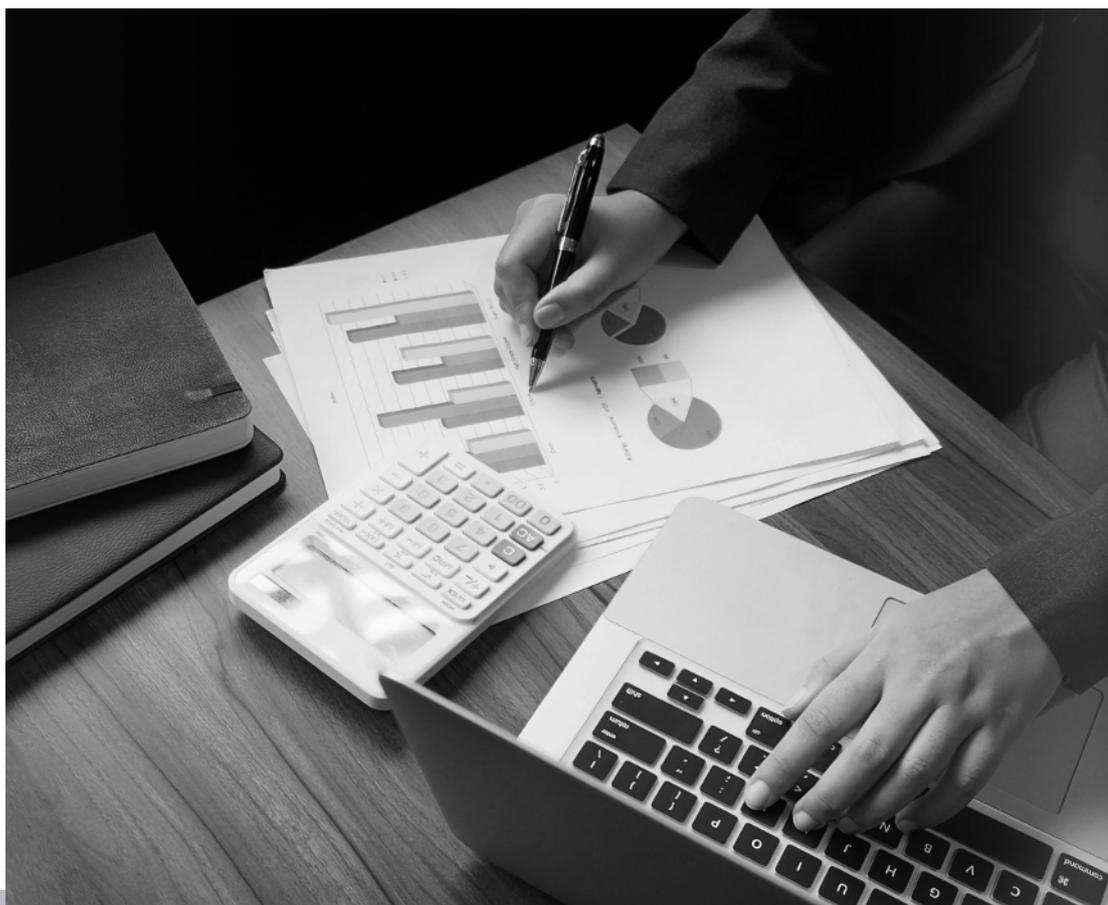
In some Member States, very few respondents have applied for social benefits, interviews with third-country nationals show. In some cases, this was because they fear that applying would hamper a future citizenship application. In other cases, it was because they did not know they had the right to social benefits.

Staff working in social security administrations are sometimes unaware that long-term residents are entitled to social benefits, research indicates. This emerged in Belgium, Poland and Portugal.

4.6. ACCESS TO GOODS AND SERVICES

Article 11 of the Long-Term Residence Directive provides for equal treatment rights of long-term residents with nationals regarding access to goods and services. Both opportunities and challenges emerged from the field research with regard to banking services.

In several Member States, access to loans is one of the key advantages that comes with long-term resident status, respondents report. At the same time, there are some issues in Czechia, Greece, Poland and Portugal, some respondents report. For example, in Czechia, one woman's Czech husband did not encounter any problems obtaining a credit card. However, the bank refused to give her one, even though she already had permanent resident status.



However, an American temporary residence permit holder was granted a credit card four years into his stay in Czechia, he reports. In his case, his American passport balanced the fact that he did not hold a permanent residence permit.

In Portugal, it can be difficult for long-term residents to get bank loans, three respondents with an LTR permit mention. Only citizens can access some credit cards, an Angolan man with a permanent residence permit mentions.

An example from Poland illustrates the drawbacks of digitalisation. A Belarusian woman with EU long-term resident status attempted to fill in an online application for a bank's promotional offer. It turned out that the numbers of her residence card and passport did not fit in the application cells. She filed a complaint with the bank, which informed her that the technology was set up to only accept certain document formats.

Complications with online access also emerged with regard to public services. The COVID-19 pandemic further complicated this, as many public services could only be accessed through online platforms. In Portugal, for example, access to public services usually takes place via the Citizen Card with an ID number. This is only obtained with citizenship.

“My husband is a Czech citizen, for him, to apply for anything [in the bank] is no problem. We have three mortgages [...] When he applied for a credit card [he had no issues]. But when it comes to my turn, and I have been working here for several years with a decent salary, I talk to the bank, and I say: ‘Hey, I need a credit card.’ And they do the calculating and say: ‘Wow, if your husband died, you don’t even have money to eat because you have so many mortgages! Sorry, we cannot give you anything.’”

(Czechia, Chinese national, national LTR permit, focus group participant)

Endnotes

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- 10 Berlin.de (n.d.), Berlin State Anti-Discrimination Act (*Berliner Landesantidiskriminierungsgesetz (LADG)*)
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- 25 Sweden, Public Employment Act (1994:260) (*Lag om offentlig anställning (1994:260)*), 28 April 1994, Section 5.
- 26 Czechia, Act No. 561/2004 Coll., on preschool, basic, secondary, higher vocational and other education (*Zákon o předškolním, základním, středním, vyšším odborném a jiném vzdělávání*), 10 November 2004, Art. 183b; Greece, Law 4251/2014: Immigration and Social Integration Code and other provisions (*Νόμος 4251/2014: Κώδικας Μετανάστευσης και Κοινωνικής Ένταξης και άλλες διατάξεις*), *Φύλλα Εφημερίδας της Κυβέρνησης* Α80/01-04-2014, 1 April 2014, Art. 21 (7); Spain, Organic Law 4/2000, of 11 January, on the rights and freedoms of foreigners in Spain and their social integration (*Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social*), 11 January 2000, Art. 9. France, Code of Education (*Code de l'éducation*), 22 June 2000, Art. L111-1; Italy, Legislative Decree of 25 July 1998, No. 286:

- Consolidated act of provisions concerning immigration and rules about the conditions of foreigners (**Decreto Legislativo 25 luglio 1998, n. 286: Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero**), 25 July 1998, Art. 9 (12); Poland, Act on higher education from July 27 2005 (**Ustawa z dnia 27 lipca 2005 r. Prawo o szkolnictwie wyższym**), 27 July 2005, Art. 43; Portugal, Foreigners Act (**Lei n.º 23/2007, de 4 de julho – Aprova o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional**), 4 July 2007, Arts 83 and 133; Sweden, Education Act (2010:800) (**Skollagen (2010:800)**); and Sweden, Discrimination Act (2008:567) (**Diskrimineringslag (2008:567)**), 5 June 2008, Chapter 2, Section 5.
- 27 Belgium, The Coordinated Constitution (**La Constitution Coordonnée/De gecoördineerde Grondwet**), *Belgian Official Gazette*, 17 February 1994, Art. 191.
- 28 Germany, Basic law for the Federal Republic of Germany (**Grundgesetz für die Bundesrepublik Deutschland**), 23 May 1949, Art. 3; Germany, General Act on equal treatment (**Allgemeines Gleichbehandlungsgesetz**), 14 August 2006; Berlin.de (n.d.), 'Berlin State Anti-Discrimination Act (LADG)' (**Berliner Landesantidiskriminierungsgesetz (LADG)**).
- 29 Portugal, University of Lisbon (*Universidade de Lisboa*) (n.d.), 'Tuition fees'.
- 30 European Commission, **Action Plan on integration and inclusion 2021–2027**, Brussels, 24 November 2020, COM(2020) 758 final.
- 31 Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, OJ 2005 L 255 (**consolidated version**).
- 32 European Commission (2022), **Commission recommendation (EU) 2022/554 of 5 April 2022 on the recognition of qualifications for people fleeing Russia's invasion of Ukraine**, C(2022) 2319, Brussels, 5 April 2022.
- 33 Further information can be found in Belgium, Superior Council of Employment (*Conseil supérieur de l'emploi*) (2018), **Immigrants born outside the European Union in the Belgian labour market (Les immigrés nés en dehors de l'Union européenne sur le marché du travail en Belgique)**, Brussels, Superior Council of Employment (*Conseil supérieur de l'emploi*).
- 34 See Eurostat, Statistics Explained (2020), 'Migrant integration statistics – Over-qualification'.
- 35 European Commission (2017), **Study on obstacles to recognition of skills and qualifications in the EU**, Brussels, European Commission, p. 18.
- 36 Belgium, The Coordinated Constitution (**La Constitution Coordonnée/De gecoördineerde Grondwet**), *Belgian Official Gazette*, 17 February 1994, Art. 191; Czechia, Act No. 198/2009 Coll., Antidiscrimination Act (**Antidiskriminační zákon**), 29 June 2009, Art. 1; France, Code of Construction and Housing (**Code de la construction et de l'habitation**), 31 May 1978, Art. L300-1; Greece, Law 4251/2014: Immigration and Social Integration Code and other provisions (**Νόμος 4251/2014: Κώδικας Μετανάστευσης και Κοινωνικής Ένταξης και άλλες διατάξεις**), Φύλλα Εφημερίδας της Κυβέρνησης Α80/01-04-2014, 1 April 2014, Art. 97; Spain, Organic Law 4/2000, of 11 January, on the rights and freedoms of foreigners in Spain and their social integration (**Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social**), 11 January 2000, Art. 13; Italy, Legislative Decree of 25 July 1998, No. 286: Consolidated text of provisions governing immigration and rules on the status of foreigners (**Decreto Legislativo 25 luglio 1998, n. 286: Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero**), 25 July 1998, Art. 9 (12); Poland, Act from 3 December 2010 on implementation of selected EU regulations on equal treatment (**Ustawa z dnia 3 grudnia 2010 r. o wdrożeniu niektórych przepisów Unii Europejskiej w zakresie równego traktowania**), 3 December 2010; Portugal, Foreigners Act (**Lei n.º 23/2007, de 4 de julho – Aprova o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional**), 4 July 2007, Arts 83 and 133; Sweden, Discrimination Act (2008:567) (**Diskrimineringslag (2008:567)**), 5 June 2008, Chapter 2, Section 12.
- 37 European Commission (2022), **Proposal for a directive of the European Parliament and of the Council concerning the status of third-country nationals who are long-term residents (recast)**, COM(2022) 650 final, Brussels, 27 April 2022, Art. 12.
- 38 CJEU, C-571/10, **Servet Kamberaj v. Istituto per l'Edilizia sociale della Provincia autonoma di Bolzano (IPES), Giunta della Provincia autonoma di Bolzano and Provincia autonoma di Bolzano**, 24 April 2012.
- 39 CJEU, C-462/20, **Associazione per gli Studi Giuridici sull'Immigrazione (ASGI), Avvocati per niente onlus (APN), and Associazione NAGA – Organizzazione di volontariato per l'Assistenza Socio-Sanitaria e per i Diritti di Cittadini Stranieri, Rom e Sinti – v. Presidenza del Consiglio dei Ministri – Dipartimento per le politiche della famiglia – and Ministero dell'Economia e delle Finanze**, 28 October 2021.
- 40 Czechia, Act No. 117/1995 Coll. on state social support (**Zákon č. 117/1995 Sb. o státní sociální podpoře**), 26 May 1995, Art. 3 (1) (b); France, Code of Social Security (**Code de la sécurité sociale**), 1985, Arts L861-1 and the following, and L815-1 and the following; France, Code of Social Action and Families (**Code de l'action sociale et des familles**), 23 January 2022, Arts L262-2 and the following; France, French Council for Residence Citizenship (*Conseil Français de la Citoyenneté de Résidence*) (2017), **Foreign citizens, you have rights! (Citoyen(ne)s étranger(e)s, vous avez des droits!)**, Ville de Grenoble; Germany, Book 2 of the German Social Code (**Sozialgesetzbuch II**), 24 December 2003, Section 7; Greece, Law 4251/2014: Immigration and Social Integration Code and other provisions (**Νόμος 4251/2014: Κώδικας Μετανάστευσης και Κοινωνικής Ένταξης και λοιπές διατάξεις**), Φύλλα Εφημερίδας της Κυβέρνησης Α80/01-04-2014, 1 April 2014, Art. 21 (1), (2), (3), (7), (10) and (11); Italy, Legislative Decree of 25 July 1998, No. 286: Consolidated act of provisions concerning immigration and rules about the conditions of foreigners (**Decreto Legislativo 25 luglio 1998, n. 286: Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero**), 25 July 1998, Art. 9 (12); Poland, Law of 12 March 2004 on social assistance (**Ustawa z dnia 12 marca 2004 r. o pomocy społecznej**), consolidated version of 20 July 2018, Art. 5; Poland, Act of 20 April 2004 on promotion of employment and labour market institutions (**Ustawa z dnia 20 kwietnia 2004 r. o promocji zatrudnienia i instytucjach rynku pracy**), 20 April 2004; Portugal, Foreigners Act (**Lei n.º 23/2007, de 4 de julho – Aprova o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional**), 4 July 2007, Arts 83 and 133; Sweden, Discrimination Act (2008:567) (**Diskrimineringslag (2008:567)**), 5 June 2008, Chapter 2, Sections 13 and 14.
- 41 See, for example, Belgium, Law of 26 May 2002 on the right to social integration (**Loi du 26 Mai 2002 concernant le droit à l'intégration sociale**), 26 May 2002, Art. 3; and Belgium, Law of 27 February 1987 on allowances for [persons with disabilities] (**Loi du 27 février 1987 relative aux allocations aux [personnes handicapées]**), 27 February 1987, Art. 4.
- 42 Belgium, Law of 26 May 2002 on the right to social integration (**Loi du 26 Mai 2002 concernant le droit à l'intégration sociale**), 26 May 2002, Art. 3.
- 43 Belgium, Law of 27 February 1987 on allowances for [persons with disabilities] (**Loi du 27 février 1987 relative aux allocations aux [personnes handicapées]**), 27 February 1987, Art. 4.
- 44 See Spain, Organic Law 4/2000, of 11 January, on the rights and freedoms of foreigners in Spain and their social integration (**Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social**), 11 January 2000, Arts 10, 12 and 13.
- 45 Greece, Law 4251/2014: Immigration and Social Integration Code and other provisions (**Νόμος 4251/2014: Κώδικας Μετανάστευσης και Κοινωνικής Ένταξης και λοιπές διατάξεις**), Φύλλα Εφημερίδας της Κυβέρνησης Α80/01-04-2014, 1 April 2014, Art. 97.
- 46 Greece, **Law 4387/2016: Unified system of social insurance – Reform of the social insurance and pension scheme – Provisions for tax income and taxation for chance-games and other provisions** (**Νόμος 4387/2016: Ενιαίο Σύστημα Κοινωνικής Ασφάλειας – Μεταρρύθμιση ασφαλιστικού – συνταξιοδοτικού συστήματος – Ρυθμίσεις φορολογίας εισοδήματος και τυχερών παιχνιδιών και άλλες διατάξεις**), Φύλλα Εφημερίδας της Κυβέρνησης Α85/12-5-2016 (as amended), 12 May 2016, Art. 7.

5

FAMILY MEMBERS OF EUROPEAN UNION LONG-TERM RESIDENCE PERMIT HOLDERS

Legal corner

Article 7 of the Charter – Respect for private and family life

“Everyone has the right to respect for his or her private and family life, home and communications.”

Article 24 of the Charter – The rights of the child

“2. In all actions relating to children, whether taken by public authorities or private institutions, the child’s best interests must be a primary consideration.”

In addition to the Charter provisions (see Legal corner), Article 3 (3) of the Treaty on European Union requires the EU to protect the rights of the child.

Rules applying to children and other family members of EU LTR permit holders vary greatly across Member States. The Long-Term Residence Directive does not regulate the legal status of family members of long-term residents. The 2022 recast proposal intends to address this through the following provisions.

- Children born or adopted in the territory of the EU Member State will automatically acquire EU long-term resident status.
- Family members cannot be asked to fulfil integration requirements before they reunite with the EU LTR permit holders.
- Authorities have shorter deadlines to decide on family reunification. The deadline is now 90 days rather than nine months.
- Family members will have easier access to the labour market. Member States cannot impose any integration requirements on the family members of LTR permit holders for the purpose of family reunification until family reunification has been granted.
- Family members of EU long-term residents will have same the rights as those granted to family members of those with national LTR permits, where such rights are more favourable.

This chapter looks at the conditions for children and other family members to receive national or EU LTR permits. It also identifies related challenges.

5.1. CHILDREN BORN IN THE MEMBER STATE

EU long-term resident status is an individual status, the CJEU clarified.¹ Therefore, children of individuals holding an EU LTR permit do not automatically get EU long-term resident status. They need to fulfil the requirements for receiving the status themselves.



In eight Member States, the general conditions for EU LTR applicable to adults also apply to children. Parents can apply for an EU LTR permit for their child after five years of continuous stay. Parents must fulfil the income requirement for the children.

In Spain, children get the same LTR permit as their parent(s), be it a national or EU one.²

In Belgium, children born in the Member State get the most advantageous permit out of those of their parents, according to the law.³ In practice, this means that if both parents have an EU LTR permit the child will be issued the same permit, according to the migration authorities. If only one parent has an EU LTR permit, the other parent and their child will keep their current residence permit. They can apply for national or EU LTR permits when they individually meet the requirements.

In Poland⁴ and Portugal,⁵ children born in the Member State get the most advantageous permit of the parents, according to legislation. However, children can only apply for EU LTR permits when they meet the five-year residence requirement, as the CJEU clarified. Therefore, children with at least one parent with a national or EU LTR permit are granted a national LTR permit at birth.

In Czechia,⁶ children of long-term resident parents are granted a national LTR permit. The parents have to apply for it within 60 days of the child's birth. If this deadline is not met, other requirements have to be met, such as proof of sufficient financial resources.⁷

In Germany,⁸ Greece,⁹ Italy¹⁰ and Sweden,¹¹ children born in an EU Member State to parents with national or EU long-term resident status only get a temporary permit at birth (see Figure 1).

To apply for an EU LTR permit for a family member, the parent(s) have to prove they meet the "stable and regular resources" requirement for each additional family member (see Table 10).

TABLE 10. PROOF OF STABLE AND REGULAR RESOURCES REQUIRED FOR FAMILY MEMBERS IN THE 10 MEMBER STATES COVERED

Member State	EU LTR permit	
	Amount required in 2021	Duration
Belgium*	€ 287.07/month (per family member)	Not specified by law. The proof of stable income has to be for a "long period" in cases of family reunification, the immigration office website says
Czechia	Family of four: CZK 10,690 (€ 425)/month	For the last three months
Germany	Not defined by law	For the last five years
Greece	€ 702/month for "applicants with family". The law does not further specify	For the last 12 months
Spain**	€ 282/month for each family member	For at least one year
France	Not applicable as third-country children only get a residence permit when they reach 16	Not applicable as third-country children only get a residence permit when they reach 16
Italy	50 % increase per family member	Not specified in the law
Poland	PLN 701 (€ 153)/month	For the last three years
Portugal***	50 % increase for each adult and 30 % increase for each child under 18	For at least 12 months
Sweden	SEK 5,016 (€ 492)/month for the applicant	Not specified by law, but more than one year, according to the Migration Agency

Notes: * For Belgium these values correspond to the amount that may be granted through social assistance programmes.
 ** In general terms, the traditional financial means are calculated based on an annual basis indicator. Article 47 of Royal Decree 557/2011 refers to the indicator as the IPREM. This index is used as a reference for the granting of benefits, public allowances or unemployment benefits. The amount per year is for all third-country nationals, both employed and self-employed. If the person is working, a job contract valid for at least one year plus three payslips amounting to a minimum wage of € 950 per month would be enough.
 *** Income is considered sufficient if it was higher than the income threshold for social assistance in Poland for the three years prior to application submission, according to the Act on Foreigners.

Sources: Belgium, Act of 15 December 1980 on the entry, stay, settlement and removal of foreign nationals (**Loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers/Wet van 15 December 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen**), 31 December 1980, Article 15bis; see also Belgium, Director General of the Immigration Office (Directeur général de l'Office des Etrangers) (2021), Opinion of the Director General of the Immigration Office on the indexation of various amounts provided for by the legislation relating to access to the territory, stay, establishment and removal of foreigners (**Avis du Directeur général de l'Office des Etrangers relatif à l'indexation de différents montants prévue par la législation relative à l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers**), Brussels, Federal Ministry of the Interior (Service Public Fédéral Intérieur; Czechia, Act No. 326/1999 Coll., on the residence of foreign nationals in the Czech Republic (**Zákon č. 326/1999 Sb. o pobytu cizinců na území České republiky**), 23 December 1999, Articles 70 (2) (d) and 71 (1); Germany, Act on the residence, economic activity and integration of foreigners in the federal territory (**Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet**), 25 February 2008, Article 9a; Greece, Law 4251/2014: Immigration and Social Integration Code and other provisions (**Νόμος 4251/2014: Κώδικας Μετανάστευσης και Κοινωνικής Ένταξης και άλλες διατάξειδιατάξεις**), Φύλλα Εφημερίδας της Κυβέρνησης Α80/01-04-2014, 1 April 2014, Article 89; see also Greece, Joint ministerial decision for the documentation required for residence permits (**Τροποποίηση της 30825/4.6.2014 (1528 Β') Κοινής Υπουργικής Απόφασης "Καθορισμός απαιτούμενων δικαιολογητικών για τη χορήγηση εθνικών θεωρήσεων εισόδου και για τη χορήγηση και ανανέωση τίτλου διαμονής σύμφωνα με τις διατάξεις του 54 ν. 4251/2014"** όπως ισχύει), JMD 31399/18, 18 September 2018; Spain, Ministry of the Presidency (Ministerio de la Presidencia), Royal Decree 557/2011, of 20 April 2011, approving the regulation of Organic Law 4/2000, on the rights and freedoms of foreigners in Spain and their social integration, following its reform by Organic Law 2/2009 (**Real Decreto 557/2011, de 20 de Abril, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social, tras su reforma por Ley Orgánica 2/2009**), 20 April 2011, Article 54; France, Code on the entry and residence of foreigners and the right of asylum (**Code de l'entrée et du séjour des étrangers et du droit d'asile**), 24 November 2004, Articles L-426-17 and L-426-17; Italy, Legislative Decree of 25 July 1998, No. 286: Consolidated text of provisions governing immigration and rules on the status of foreigners (**Decreto Legislativo 25 luglio 1998, n. 286: Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero**), 25 July 1998, Article 9 (1); Poland, Act on Foreigners (**Ustawa o cudzoziemcach**), 12 December 2013, Article 211 (1) (1) and (2) (2), and Article 140 (2); Portugal, Foreigners Act (**Lei n.º 23/2007, de 4 de julho – Aprova o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional**), 4 July 2007, Article 126 (1); for the minimum wage for 2021, see Portugal, **Decree-law 109-A/2020 of 31 December** (Decreto-Lei n.º 109-A/2020 de 31 de dezembro), 31 December 2020; Portugal, **Ordinance 1563/2007, of 11 July which defines the means of subsistence that third-country nationals must possess to stay and reside in Portugal and their duration** (Portaria n.º 1563/2007, de 11 de dezembro - Define os meios de subsistência de que os cidadãos estrangeiros devem dispor para entrada, permanência ou residência em território nacional), 11 December 2007, Article 11; Sweden, Aliens Act (2005:716) (**Utlänningslag (2005:716)**), 29 September 2005, Chapter 5a, Section 2; Sweden, Migration Agency (Migrationsverket) (n.d.), 'Frequently asked questions about the maintenance requirement'

In some Member States, children born there have facilitated access to citizenship. In Greece, parents usually apply for citizenship for their children, as children are eligible for it on birth.¹² In Spain, children can apply for citizenship after one year of legal residence.¹³ In Sweden they can apply after three years if the child has a permanent residence permit.¹⁴

In France, third-country children are not issued an independent residence permit until the age of 16. Before that time, parents must request a circulation permit if the child wants to travel outside of the EU.¹⁵ Children aged 16 and above who wish to work are issued a temporary residence permit.

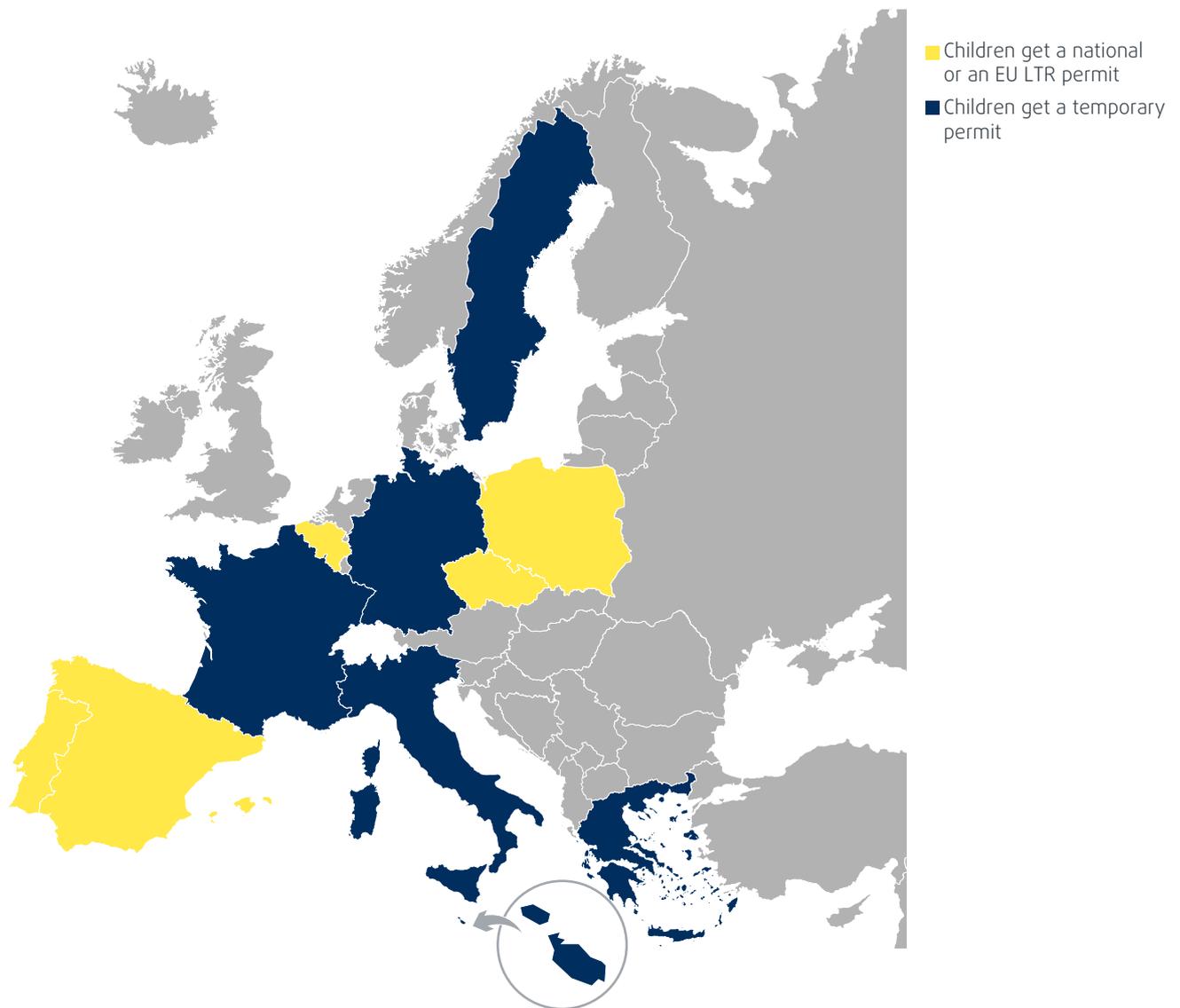
PROMISING PRACTICE

Second-generation residence permits in Greece

Adult third-country nationals who were born in Greece or have completed six years of schooling in Greece before reaching 23 years of age can obtain a five-year national LTR permit. A recent law, which will be in force as of January 2024, introduced amendments to this permit and increased its duration to 10 years.

Sources: Greece, Law 4251/2014: *Immigration and Social Integration Code and other provisions* (Νόμος 4251/2014: Κώδικας Μετανάστευσης και Κοινωνικής Ένταξης και άλλες διατάξεις), 1 April 2014, Article 108; Law 5038/2023: *Migration Code* (Κώδικας Μετανάστευσης), 1 April 2023, Article 161 (in force as of 1 January 2024)

FIGURE 1. ELIGIBILITY OF LONG-TERM RESIDENTS' CHILDREN BORN IN MEMBER STATES FOR LTR PERMITS



Sources: Legislation from above endnotes

5.2. REUNIFICATION WITH FAMILY MEMBERS FROM THIRD COUNTRIES

5.2.1. Children of long-term residents

In all 10 Member States, general family reunification rules apply to children who are born outside the Member State and whose parents hold a national or EU LTR permit. The children are provided with a residence permit linked to the one of their sponsors. In many Member States, the children get temporary permits initially. To obtain long-term resident status, they must comply with the general conditions of national and EU LTR permits.¹⁶

By contrast, in Spain, children born or reunified in Spain get the same LTR permit as their parent(s). This applies to both national and EU LTR permits.¹⁷ In Czechia, children reunified with a family member who holds an EU LTR permit also get the national LTR permit. This is the permanent residence permit.

Children with temporary residence permits generally need to comply with the same conditions as adults to obtain national or EU LTR permits. There are some exceptions.

In Germany, children are granted a permanent settlement permit (national LTR permit) if they have held a temporary residence permit for five years before the age of 16.¹⁸ If the application is submitted after the age of 18, a permanent permit requires them to prove B1-level German language skills. They must also establish either that they have an income above the social welfare level or that they are in vocational training. However, they can apply for citizenship if their parent has a national or EU LTR permit and stayed in Germany for eight years before the child was born.¹⁹

In Czechia, children born in the country and children of permanent residents need only a travel document and birth certificate to apply for permanent residence. Children under the age of 15 also do not have to prove their knowledge of the Czech language. Nor must they provide a clean criminal record to get a permanent residence permit.²⁰



In Italy, children under 14 do not have to fulfil the language requirement when applying for EU LTR permits.²¹

In Sweden, children born in the country to long-term resident parents and those reunified in Sweden are granted temporary residence permits. They can obtain a national LTR permit after three years of residence.²²

In Czechia and France, some of the national LTR permit requirements for reunified children are lower. In Czechia, children reunifying with parents who are long-term residents are exempt from proving five years of uninterrupted residence when applying for the national LTR permit.²³ In France, reunified children need to prove only three years of continuous residence when applying for a national permit. However, they do have to meet other conditions.²⁴

5.2.2. Other family members

In all 10 Member States, family members arriving for family reunification are granted temporary residence permits.

The resources of the spouse already residing in the EU may be used to meet the income requirement for an EU LTR permit, according to the CJEU.²⁵ The European Commission's proposed revision of Article 5 of the Long-Term Residence Directive streamlines this approach. The concept of "stable and regular resources" should not concern solely the applicant's "own resources", the Commission clarifies. It may also cover the resources of a third party.

Some Member States have eased the conditions for family members to get national LTR permits. In France, reunified spouses and children under 19 can get national LTR permits if they have been living in the country for at least three years and meet the integration requirements.²⁶

In Spain, reunified family members get a temporary permit. It is valid until the expiry of the sponsor's Spanish Foreigner Identity Card.²⁷ The subsequent residence permit of the reunified person shall be a "long-term permit". The law does not specify which type.

In Sweden, family members of permanent residence permit holders can apply for permanent residence permits after three years of residence.²⁸

5.2.3. Practical challenges

In some Member States, there are difficulties meeting the income requirements to reunify family members, long-term residents report. Not having enough income therefore has an impact on the right to family life. As an illustrative example, in Portugal, a permanent residence permit holder was unable to meet the income requirement to reunify with his two daughters. As a result, he had to apply for his children separately, with a year between the two applications.

In Germany, the biggest challenge for family members wanting to join an EU LTR permit holder is proof of sufficient means, experts confirm.

5.3. DEPENDENT SPOUSES

There is a risk that dependent spouses, usually women, will lose their resident status if they separate from their sponsoring partners, several respondents note. They might not get an individual residence permit. This also creates specific challenges for reaching the five years of residence required to apply for long-term resident status.

"I just had difficulties when I asked for my daughters to come. Our income was low, and there were two daughters, they wouldn't let me apply [for both at the same time]. I had to place separate applications. First, I had to ask for one to come, and then the other. The two couldn't come together."

(Portugal, Guinea-Bissau national, EU citizenship, interviewee)

PROMISING PRACTICE

Autonomous permits in Portugal

In Portugal, an autonomous (temporary) residence permit can be granted to family members who arrived through family reunification. This permit is given in cases of divorce or legal separation, widowhood, or death of a relative (parent/child). It can also be granted if the public prosecutor charges the sponsoring family member with domestic violence.

Source: See Portugal, Foreigners Act (Lei n.º 23/2007, de 4 de julho – Aprova o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional), 4 July 2007, Article 107 (4) and (5)

“So I have a husband and I have a child. Not having [an independent] permit does not give me any security [...] That actually scares me a little. What if I want to divorce my husband, what happens then?”

(Germany, Turkish national, residence permit for spouses, interviewee)

“[I]f the marriage is dissolved, or if there are couple problems, the other family members who do not have the long-term residence permit risk being left out in the cold.”

(Italy, migration lawyer)

For example, in Belgium, if a married couple divorces in the five years following the spouse's arrival, the spouse's residence permit (F Card or K Card) will be revoked.²⁹ This happens unless there are special circumstances for which they might get a separate residence permit. One example is domestic violence.

In Germany, separating spouses who can prove marital cohabitation for at least three years can have their temporary residence permit extended by one year as an independent right of residence.³⁰ Nevertheless, there can be some concerns about retaining lawful resident status after a divorce, some interviewees say. One woman explained her concerns about her situation (see the quotation to the left).

In Italy, if a married couple divorces following the spouse's arrival, the spouse's residence permit will be revoked. but can be converted into a temporary residence permit for work or for studies.³¹ In this case, the spouse will also need to meet other requirements to be issued the new residence permit. This includes the adequate housing requirement. These requirements expose spouses, particularly women, to risks in cases of separation, one expert notes.

In Spain, there are difficulties that mostly women face after arriving in Spain through family reunification, one lawyer underlines. There are cases where the immigration authorities question the relationship and dependency when the husband is working in one province and the woman in another. Since there is no cohabitation, those women may lose their temporary residence permit. Consequently, they lose their ability to access an LTR permit.

5.4. UNACCOMPANIED CHILDREN

In most Member States examined,³² unaccompanied children are provided with temporary residence permits. They can apply for national and EU LTR permits when they turn 18.

In Czechia, unaccompanied children are entitled to permanent residence if at least one person entrusted with their care is registered as a permanent resident, or if they are placed in a national institution.³³

In Sweden, unaccompanied children may be granted a permanent residence permit after having temporary residence permits for three years. An unaccompanied child does not need to meet any regular income requirements.³⁴ Those over 15 have to prove they have a clean criminal record.³⁵



Unaccompanied children who receive international protection may also obtain LTR permits. For example, in France, unaccompanied children who are beneficiaries of international protection are granted national LTR permits. The number of unaccompanied children who apply for asylum remains marginal compared with the overall number of unaccompanied children staying in France for whom the child protection services (*Aide Sociale à l'Enfance*) care, previous FRA research shows.³⁶

Similarly, in Germany, once unaccompanied children have received protection status, they are able to apply for permanent residence or undertake vocational training or work. This can lead to permanent residence.³⁷ Identifying durable solutions for unaccompanied children is important, as previous FRA reports argue.³⁸

Where no special provisions exist, unaccompanied children reaching the age of majority must apply for a residence permit on the same basis as adults. For example, they must either work or study. This is unlikely if they do not have an income.

In France, Germany, Italy and Sweden, unaccompanied children risk losing their regular status if they fail to comply with the general requirements for short- or long-term residence upon turning 18, experts in these countries note. Difficulties relate especially to the requirement for regular, stable and sufficient resources.

For example, in France, when reaching the age of majority, unaccompanied children who are not granted international protection cannot apply for LTR. These children only qualify for short-term permits. The short-term permits are often issued without authorisation to work, according to experts interviewed. This makes future access to the EU LTR permit very difficult.

PROMISING PRACTICE

Residence permits for unaccompanied children turning 18 in Spain

Spain adopted a legislative amendment in October 2021 facilitating access to national and EU LTR permits for unaccompanied children turning 18. Unaccompanied children who turn 18 and are in an irregular situation may apply for a temporary permit for exceptional circumstances (*permiso de residencia por circunstancias excepcionales*). It is renewable after two years. Income requirements for renewing residence permits and obtaining the temporary permit for exceptional circumstances are lowered for unaccompanied children who reach the age of majority.

Source: Spain, Royal Decree 903/2021, of 19 October, amending the Regulation of Organic Law 4/2000, on the rights and freedoms of foreigners in Spain and their social integration, following its reform by Organic Law 2/2009, approved by Royal Decree 557/2011, of 20 April (Real Decreto 903/2021, de 19 de octubre, por el que se modifica el Reglamento de la Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social, tras su reforma por Ley Orgánica 2/2009, aprobado por el Real Decreto 557/2011, de 20 de abril), 19 October 2021

Endnotes

- 1 CJEU, C-469/13, *Shamim Tahir v. Ministero dell'Interno and Questura di Verona*, 17 July 2014.
- 2 Spain, Organic Law 4/2000, of 11 January, on the rights and freedoms of foreigners in Spain and their social integration (**Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social**), 11 January 2000, Arts 16–19, and 31; Spain, Royal Decree 557/2011, of 20 April, approving the regulation of Organic Law 4/2000, on the rights and freedoms of foreigners in Spain and their social integration, after its reform by Organic Law 2/2009 (**Real Decreto 557/2011, de 20 de abril, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social, tras su reforma por Ley Orgánica 2/2009**), 20 April 2011, Art. 185.
- 3 See Belgium, Agency for Integration and Civic Integration (*Agentschap Integratie en Inburgering*) (2017), Instruction of the Immigration Office to Belgian municipalities, Residence status of a child born in Belgium to parents who are not Belgians (**Verbljfsstatus van een kind dat in België geboren werd uit ouders die geen Belgen zijn**), 31 August 2017.
- 4 Poland, Act on Foreigners (**Ustawa o cudzoziemcach**), 12 December 2013, Art. 195 (1) (1a).
- 5 Portugal, Foreigners Act (**Lei n.º 23/2007, de 4 de julho – Aprova o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional**), 4 July 2007, Art. 124 (1).
- 6 Czechia, Act No. 326/1999 Coll., on the residence of foreign nationals in the Czech Republic (**Zákon č. 326/1999 Sb. o pobytu cizinců na území České republiky**), 23 December 1999, Art. 88.
- 7 *Ibid.*, Art. 88.
- 8 Germany, Act on the residence, economic activity and integration of foreigners in the federal territory (**Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet**), 25 February 2008, Section 33.
- 9 Greece, Law 4251/2014: Immigration and Social Integration Code and other provisions (**Νόμος 4251/2014: Κώδικας Μετανάστευσης και Κοινωνικής Ένταξης και άλλες διατάξεις**), *Φύλλα Εφημερίδας της Κυβέρνησης* Α80/01-04-2014, 1 April 2014, Arts. 76 (for children born outside Greece and then legally reunified with the parent) and 80 (for children born in Greece).
- 10 Italy, Ministry of the Interior (*Ministero dell'Interno*) (2019), *Circular of the Ministry of the Interior of 6 September 2019* (**Circolare del Ministero dell'Interno 6 settembre 2019**).
- 11 Swedish national authorities provided this information in March 2023.
- 12 Greece, Citizenship Code (**Κώδικα της Ελληνικής Ιθαγένειας**), 10 November 2004, Art. 1 (a).
- 13 Spain, Civil Code (**Código Civil**), 24 July 1889, Art. 22 (2) (a).
- 14 Sweden, Citizenship Act (2001:82) (**Lag (2001:82) om svenskt medborgarskap**), 1 March 2001, Section 7.
- 15 France, Code on the entry and residence of foreigners and the right of asylum (**Code de l'entrée et du séjour des étrangers et du droit d'asile**), Art. L421-35 (national LTR permits) and Art. L421-25 (EU LTR permits).
- 16 Belgium, **Act of 15 December 1980 on the entry, stay, settlement and removal of foreign nationals** (*Loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers/Wet van 15 December 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen*), 31 December 1980, Arts 15bis and 18bis; Germany, Act on the residence, economic activity and integration of foreigners in the federal territory (**Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet**), 25 February 2008, Section 32; Greece, Law 4251/2014: Immigration and Social Integration Code and other provisions (**Νόμος 4251/2014: Κώδικας Μετανάστευσης και Κοινωνικής Ένταξης και άλλες διατάξεις**), *Φύλλα Εφημερίδας της Κυβέρνησης* Α80/01-04-2014, 1 April 2014, Arts 76 (for children born outside Greece and then legally reunified with the parent) and 80 (for children born in Greece); France, Code on the entry and residence of foreigners and the right of asylum (**Code de l'entrée et du séjour des étrangers et du droit d'asile**), Art. L421-3; Italy, Ministry of the Interior (*Ministero dell'Interno*) (2019), *Circular of the Ministry of the Interior of 6 September 2019* (**Circolare del Ministero dell'Interno 6 settembre 2019**); Poland, Act on Foreigners (**Ustawa o cudzoziemcach**), 12 December 2013, Art. 159 1 (1) (c); Portugal, Foreigners Act (**Lei n.º 23/2007, de 4 de julho – Aprova o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional**), 4 July 2007, Art. 107 (2); Sweden, Aliens Act (2005:716) (**Utlänningslag (2005:716)**), 29 September 2005, Chapter 5, Section 3 (g).
- 17 Spain, Organic Law 4/2000, of 11 January, on the rights and freedoms of foreigners in Spain and their social integration (**Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social**), 11 January 2000, Arts 16–19, and 31; Spain, Royal Decree 557/2011, of 20 April, approving the regulation of Organic Law 4/2000, on the rights and freedoms of foreigners in Spain and their social integration, after its reform by Organic Law 2/2009 (**Real Decreto 557/2011, de 20 de abril, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social, tras su reforma por Ley Orgánica 2/2009**), 20 April 2011, Art. 185.
- 18 Germany, Act on the residence, economic activity and integration of foreigners in the federal territory (**Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet**), 25 February 2008, Section 35 (1).
- 19 Germany, Nationality Act (**Staatsangehörigkeitsgesetz**), 22 July 1913, para. 10 (2).
- 20 Czechia, Act No. 326/1999 Coll., on the residence of foreign nationals in the Czech Republic (**Zákon č. 326/1999 Sb. o pobytu cizinců na území České republiky**), 23 December 1999, Art. 70 (2).
- 21 Italy, Ministry of the Interior (*Ministero dell'Interno*) (2019), *Circular of the Ministry of the Interior of 6 September 2019* (**Circolare del Ministero dell'Interno 6 settembre 2019**).
- 22 Sweden, Aliens Act (2005:716) (**Utlänningslag (2005:716)**), 29 September 2005, Chapter 5, Section 39.
- 23 Czechia, Act No. 326/1999 Coll., on the residence of foreign nationals in the Czech Republic (**Zákon č. 326/1999 Sb. o pobytu cizinců na území České republiky**), 23 December 1999, Art. 66 (1) (d).
- 24 France, Code on the entry and residence of foreigners and the right of asylum (**Code de l'entrée et du séjour des étrangers et du droit d'asile**), 24 November 2004, Art. L421-35.
- 25 CJEU, C-302/18, *X v. Belgische Staat*, 3 October 2019.
- 26 France, Code on the entry and residence of foreigners and the right of asylum (**Code de l'entrée et du séjour des étrangers et du droit d'asile**), 24 November 2004, Art. L423-16.
- 27 Spain, Royal Decree 557/2011, of 20 April, approving the regulation of Organic Law 4/2000, on the rights and freedoms of foreigners in Spain and their social integration, after its reform by Organic Law 2/2009 (**Real Decreto 557/2011, de 20 de abril, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social, tras su reforma por Ley Orgánica 2/2009**), 20 April 2011, Art. 58.
- 28 Sweden, Aliens Act (2005:716) (**Utlänningslag (2005:716)**), 29 September 2005, Chapter 5, Section 3 and Section 39.
- 29 See also Group of Experts on Action against Violence against Women and Domestic Violence (2020), **GREVIO baseline evaluation report Belgium** , Strasbourg, Council of Europe, p. 59.
- 30 Germany, Act on the residence, economic activity and integration of foreigners in the federal territory (**Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet**), 25 February 2008, Section 31.
- 31 Italy, Legislative Decree of 25 July 1998, No. 286: *Consolidated text of provisions governing immigration and rules on the status of foreigners* (**Decreto Legislativo 25 luglio 1998, n. 286: Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero**), Art. 30 (5).
- 32 See, for example, Germany, Act on the residence, economic activity and integration of foreigners in the federal territory (**Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet**), 25 February 2008, Section 35 (1); Greece, Law 4686/2020 on the improvement of immigration legislation, amendment of provisions of laws 4636/2019 (A' 169), 4375/2016 (A' 51), 4251/2014 (A' 80) and other provisions (**Νόμος 4686/2020 Βελτίωση της μεταναστευτικής νομοθεσίας, τροποποίηση διατάξεων των νόμων 4636/2019 (A' 169), 4375/2016 (A' 51), 4251/2014 (A' 80) και άλλες διατάξεις**), 12 May 2020; France, Code on the entry and residence of foreigners and the right of asylum (**Code de l'entrée et du séjour des étrangers et du droit d'asile**), 24 November 2005, Art. L631-4; Italy, Law No. 47 of the 7 April 2017

- setting the dispositions for the protection of unaccompanied migrant children (*Legge n. 47 del 7 Aprile 2017 sulle disposizioni in materia di misure di protezione di minori stranieri non accompagnati*), 7 April 2017, Art. 10; Poland, Act on Foreigners (*Ustawa o cudzoziemcach*), 12 December 2013, Art. 202; and Sweden, Aliens Act (2005:716) (*Utlänningslag (2005:716)*), 29 September 2005, Chapter 5, Sections 7 and 8.
- 33 Czechia, Act No. 326/1999 Coll., on the residence of foreign nationals in the Czech Republic (*Zákon č. 326/1999 Sb., o pobytu cizinců na území České republiky*), 23 December 1999, Art. 70 (5).
- 34 Sweden, Aliens Act (2005:716) (*Utlänningslag (2005:716)*), 29 September 2005, Chapter 5, Section 7, para. 1.
- 35 *Ibid.*, Section 7, as amended 20 July 2021, and Chapter 5, Section 8, as amended 20 July 2021.
- 36 FRA (2019), *Integration of young refugees in the EU: good practices and challenges*, Luxembourg, Publications Office, p. 22.
- 37 Expert's interview with FRA Germany of 18 February 2021, at 29:50 minutes. For further reading, see, among numerous other sources, Deutscher Bundestag (2020), *Information by the Federal Government: Report by the Federal Government on the situation of unaccompanied minors in Germany (Unterrichtung durch die Bundesregierung: Bericht der Bundesregierung zur Situation unbegleiteter Minderjähriger in Deutschland)*, Drucksache 19/17810, Berlin, Deutscher Bundestag.
- 38 FRA (2021), *Unaccompanied children outside the protection system – Case study: Pakistani children in Greece*, Luxembourg, Publications Office.

6

THE RIGHT TO MOVE TO ANOTHER MEMBER STATE (INTRA-EUROPEAN UNION MOBILITY)

Legal corner

Article 45 of the Charter – Freedom of movement and of residence

“1. Every citizen of the Union has the right to move and reside freely within the territory of the Member States.

“2. 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.”

Article 14 of the Long-Term Residence Directive builds on Article 45 (2) of the Charter. The directive regulates the possibility for EU LTR holders to reside in a second Member State for work, studies, vocational training or other purposes for a period of more than three months. It also allows family members to accompany or join the long-term resident in the second Member State. This is provided that the family was already constituted in the first Member State (Article 16).

Intra-EU mobility is the main advantage of the EU long-term resident status over the national LTR permit, according to the experts interviewed. In reality, however, only a small proportion of LTR permit holders move within the EU. Of the Member States reviewed, only Germany and Sweden received a significant number of those with long-term resident status from other EU Member States, according to the national authorities interviewed. This totalled 6,000 people in Germany in 2019, and 3,500 people in Sweden in 2020.



6.1. CONDITIONS FOR A RESIDENCE PERMIT IN THE NEW MEMBER STATE

In all 10 Member States surveyed, EU LTR permit holders must apply for a residence permit in the new EU Member State within three months of entering the country's territory. They can only apply for a longer-term permit in three out of the 10 Member States. In Czechia¹ and Spain,² EU LTR permit holders can apply for a national LTR permit.

In Belgium,³ France,⁴ Germany,⁵ Greece,⁶ Poland,⁷ Portugal⁸ and Sweden,⁹ holders of an EU LTR permit from another Member State receive a temporary residence permit. For example, they receive a three-year permit in Greece. Table 6 in Annex II provides an overview of the national procedures.

Under the Long-Term Residence Directive, Member States of destination may subject the right to free movement to the following conditions.

- Under Article 14 (3) and (4), they can carry out labour **market tests** giving preference to EU citizens or third-country nationals already residing in the Member State. They can also maintain **quotas** if these existed before the adoption of the directive.
- Under Article 15 (2), EU LTR permit holders can be asked to provide health insurance. They can also be asked to provide **evidence of stable and regular income** sufficient to maintain them and their family members.
- Under Article 15 (3), Member States can ask EU LTR permit holders to comply with **integration measures** and the obligation to attend language courses.
- Under Article 15 (4), Member States can require the people concerned to provide **documentary evidence** on a variety of matters. For example, they can require proof of appropriate accommodation and, in the case of economic activity, proof of employment.

The directive affords Member States considerable discretion concerning the conditions for granting a residence permit to an LTR permit holder of another Member State. This has resulted in considerably diverse rules, as shown in Table 11.

TABLE 11. CONDITIONS TO GRANT A RESIDENCE PERMIT TO AN EU LTR PERMIT HOLDER OF ANOTHER MEMBER STATE IN THE 10 MEMBER STATES COVERED

Condition	Belgium	Czechia	Germany	Greece	Spain	France	Italy	Poland	Portugal	Sweden
Labour market tests or quotas	X		X	X*		X	X			
Sufficient income and/or employment in the second Member State	X	X	X	X	X	X	X	X	X	X
Housing		X			X**	X		X***	X	
Health insurance	X	X	X	X	X	X	X	X	X	X

Notes: * In Greece, the labour market test applies if the EU LTR permit holder wants to enter for dependent or highly skilled employment. It does not apply to other employment, for example as a business executive.

** Applies if the purpose is not employment.

*** The general requirement of a place of residence in Polish territory applies.

Source: FRA, 2022, based on legislation of the Member States presented in Table 6 of Annex I

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Issuing an EU LTR permit for third-country nationals with an EU LTR permit issued in another EU Member State

In Italy, third-country nationals with an EU LTR permit issued in another EU Member State get an EU LTR permit.

Source: Italy, Legislative Decree of 25 July 1998, No. 286: Consolidated text of provisions governing immigration and rules on the status of foreigners (**Decreto Legislativo 25 luglio 1998, n. 286: Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero**), 25 July 1998, Article 9bis

Table 11 shows that four out of the 10 Member States reviewed have imposed labour market tests or quotas. All 10 Member States require the EU LTR permit holder to be employed or self-employed and/or to provide proof of income in the second Member State. Four Member States require proof of adequate accommodation. Nine out of the 10 Member States require the individual to have valid health insurance.

Table 12 shows the required income for EU LTR permit holders moving to a second EU Member State.

For example, in Germany, people holding a residence permit from another country can only get a German residence permit if there are no other nationals or EU citizens that are more entitled than them. Due to this requirement, only highly qualified third-country nationals with EU long-term resident status can move to Germany in practice.

In Belgium, an EU LTR permit holder from another Member State would need to find a job in Belgium either as a high-skilled worker or in sectors with a labour shortage. Very few jobs are on the list of shortages. Furthermore, the prospective employer would have to apply for the single permit (*permis unique*), which is unlikely, according to those interviewed. In Belgium, the labour market test is in place for only the first year of residence, national authorities note.

TABLE 12. REQUIRED INCOME AMOUNTS FOR THIRD-COUNTRY NATIONALS WITH EU LTR PERMITS ISSUED IN ANOTHER MEMBER STATE IN THE 10 MEMBER STATES COVERED

Member State	Amount required in 2021
Belgium	€ 1,115.67/month; € 730/month for students
Czechia	€ 173 (CZK 4,250)/month for single applicants. This must be reached after rent has been deducted from the applicant's monthly income € 425 (CZK 3,860)/month for a family of four with two children under the age of six
Germany	"The foreigner's subsistence must be secure." The amount is not defined
Greece	Work contract providing a salary equivalent or greater than the wages of an unskilled worker. An additional 10 % for each family member. This is currently € 8,932 or more per year for single applicants, according to information provided to FRA by national authorities
Spain	Income of 400 % of the IPREM. In 2021, the IPREM was € 564.90. The required income is currently € 2,259/month
France*	€ 1,589.47/month (gross). This applies to those who will not be employed in France
Italy	€ 688/month (€ 8,263.31/year). This is twice the income required to avoid contributing to the national health system € 11,362.05/month with a spouse. An additional € 516.46 for each dependent child. This applies to those who will not be employed in Italy
Poland	Approximately € 153 (PLN 701)/month per single person Approximately € 116 (PLN 528)/month for each member of the family
Portugal	Income must be above the minimum monthly wage for a period of no less than 12 months. This is currently € 665/month
Sweden	Amount not specified in the law

Notes: * France requires an amount at least equal to the annual net minimum wage.

Sources: Belgium, Circular of 29 April 2022 on the adjustment of amounts under federal legislation on social assistance (**Circulaire du 29 avril 2022 concernant l'adaptation des montants qui relèvent de la législation fédérale concernant l'aide sociale, au 1er mai 2022**), 29 April 2022; for students, see the web page of the Office of Foreigners (Office des Etrangers) (n.d.), 'Adequate livelihoods' ('**Moyens de subsistance suffisants**'); and also Belgium, Act of 15 December 1980 on the entry, stay, settlement and removal of foreign nationals (**Loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers/Wet van 15 December 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen**), 31 December 1980, Articles 60 and 61/7; Czechia, Act

No. 326/1999 Coll., on the residence of foreign nationals in the Czech Republic (**Zákon č. 326/1999 Sb. o pobytu cizinců na území České republiky**), 23 December 1999, Article 71 (1); Germany, Act on the residence, economic activity and integration of foreigners in the federal territory (**Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet**), 25 February 2008, Section 5 (1) (1); Greece, Determination of the required documentation for the granting of national entry visas and for the granting and renewal of a residence permit in accordance with the provisions of Law 4251/2014 (**Καθορισμός απαιτούμενων δικαιολογητικών για τη χορήγηση εθνικών θεωρήσεων εισόδου και για την χορήγηση και ανανέωση τίτλου διαμονής σύμφωνα με τις διατάξεις της νόμου 4251/2014**), 4 June 2014; Spain, Royal Decree 557/2011, of 20 April, approving the regulation of Organic Law 4/2000, on the rights and freedoms of foreigners in Spain and their social integration, following its reform by Organic Law 2/2009 (**Real Decreto 557/2011, de 20 de abril, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social, tras su reforma por Ley Orgánica 2/2009**) 30 June 2011, Articles 155 (3) (d) (1) and 47 (1) (a); France, Code on the entry and residence of foreigners and the right to asylum (**Code de l'entrée et du séjour des étrangers et du droit d'asile**), 24 November 2004, Articles L426-11 (3) and 426-20; Italy, Legislative Decree of 25 July 1998, No. 286: Consolidated text of provisions governing immigration and rules on the status of foreign (**Decreto legislativo 25 luglio 1998, n. 286 Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero**), 25 July 1998, Article 9bis (1) (c); Poland, Act on Foreigners (**Ustawa o cudzoziemcach**), 12 December 2013, Article 188 (2); Portugal, Ordinance 1563/2007, of 11 December 2007 (**Portaria n.º 1563/2007, de 11 de Dezembro**), 11 December 2007, Articles 10 (1) and 2 (1) (2); Sweden, Aliens Ordinance (**Utlänningsförfordning (2006:97)**), 1 May 2014, Chapter 4, Section 9 (6)

The second Member State should no longer be entitled to carry out a check of the labour market situation when examining EU long-term residents' applications for the exercise of an economic activity in an employed or self-employed capacity, the European Commission proposes. Any pre-existing quotas for EU long-term residents residing in other Member States should be abolished, it adds.¹⁰ This would remove one of the main obstacles to intra-EU mobility for EU LTR permit holders, as the next section illustrates.

6.2. EXPERIENCES WITH INTRA-EUROPEAN UNION MOBILITY

FRA asked migrants if they had ever considered moving to another EU Member State. Of the 60 participants holding an EU LTR permit, only 11 had considered or tried moving to another EU country. Among them, six actually moved to another EU Member State.

The 202 participants with residence permits other than EU LTR permits are, in principle, not legally entitled to move to another EU country for more than three months. Interestingly, 23 reported having tried to move to another EU Member State. Of these, 18 were successful. This seems to confirm that EU long-term resident status does not necessarily facilitate intra-EU mobility.

A total of 75 participants holding long-term or temporary residence permits, including EU LTR permits, expressed an interest in moving to other EU Member States. Participants' main reasons for wanting to move are to seek job opportunities and better working conditions – reported in Belgium, Czechia, Greece, Italy, Poland and Spain – and the desire to live in a country with more tolerance for and a friendly attitude towards foreigners. Another is to experience a new culture and ways of living, as residents in Belgium, Czechia and Poland express. There is also the desire to move to a country offering more social benefits.

Many first-generation immigrants want to move to non-EU countries

In 2016, FRA surveyed certain groups of immigrants in the EU. These groups were mainly from Asia, North Africa, Turkey and Sub-Saharan Africa.

About one fourth (24 %) of first-generation migrants who have resided in an EU Member State for at least five years wish to move to another country. This is

regardless of the resident status they had at the time of the interview. Among them, only 14 % want to move to an EU Member State, 80 % want to move to a non-European country and 6 % do not know where they want to move.

The three main reasons for wishing to move to another country (participants choose more than one reason) are 'because I speak the language of that country' (31 %), to 'join friends/neighbours/acquaintances who live there' (28 %) or 'family' (24 %). Only 14 % want to move for 'better chances of finding employment'. A striking 13 % want to move for 'less discrimination'. These 2023 FRA findings are based on data of the Second European Union Minorities and Discrimination Survey, conducted in 2016.

The main reasons for not wanting to move to another EU country are the presence of family and the feeling of being well-settled and integrated in their countries of residence; the wish to secure their resident status or obtain citizenship in the country of residence; and the necessity to learn a new language and culture when moving. As an illustrative example, the language is an important reason to stay in Portugal for many third-country nationals from Portuguese-speaking countries.

EU long-term resident status is accessible to well-off migrants, who have little interest or reason to move to other countries, experts note.

The interviews generally point to barriers in exercising free movement rights, as Section 6.3 describes. Nevertheless, a limited number of successful experiences of intra-EU mobility emerged.

For example, a Brazilian national with EU long-term resident status in Germany works as a content writer in marketing. She was planning to move to the Netherlands to work. The process to obtain a work permit was very quick, taking approximately two weeks, and she did not encounter any obstacles.

6.3. BARRIERS TO INTRA-EUROPEAN UNION MOBILITY

6.3.1. Lack of information

One of the main barriers to intra-EU mobility is lack of information. Several participants were unaware of the right to move to another EU Member State if they have EU long-term resident status. They did not know the requirements in the EU Member State of their choice. A long-term resident living in Spain with his wife and daughter, and who had a national LTR permit asked the question in the quotation to the left.

“Someone actually has to be ‘successful’ to obtain an EU LTR permit, as it is not a permit that one can easily get [...] In order to obtain it, third-country nationals have to demonstrate that they have sufficient income and they are well integrated, so if they find themselves in these circumstances, they may wish to stay in Greece as well.”

(Greece, Migration lawyer working at an NGO)

“Do I have to change the card here [Spain] before I work there [Sweden]? Do I need a contract before I leave, or could I go and look for a job directly and apply for the card to work in Sweden? I don’t have all this information yet and I don’t know where to look. Sometimes I go to the Swedish websites but the information is not enough [...] And, for example, for those who are married and have children, how do you do all these formalities so that it does not harm the children or the partner as well?”

(Spain, Togolese national, national LTR permit, focus group participant)



Some participants believe they could simply move to another EU Member State without any restriction, as experts in Czechia, France, Greece, Poland, Portugal and Spain note.

In Spain, French immigration authorities told one participant with an EU LTR permit that she could not move to France with that permit. French nationality was a requirement, they told her.

Mobility is often associated with the need to find a job. Therefore, improving the information regarding the labour market in other Member States, information sharing and preparation for the labour market would be useful, a representative of the Portuguese migration authority suggests. This would also allow greater security for foreign citizens willing to move to other EU Member States.

6.3.2. Labour market tests

Restricting the job market severely limits the mobility of EU LTR permit holders, experts in Belgium, France, Germany and Italy report. This is particularly the case with the labour market test. The test allows the Member State of destination to prioritise EU nationals and/or third-country nationals already in the Member State when hiring for certain jobs, as the experiences of EU LTR permit holders confirm.

The national legislation in France, for example, provides an exhaustive list of jobs subjected to a labour market test. The list is split into the French regions. For example, in Alsace, it lists computer expert, mechanical engineering and metalworking manufacturing technician and construction designer. In Brittany, it lists merchandiser, electrical and electronic designer, and those responsible for technical studies of the construction industry.



“There is confusion about the EU long-term residence permit as it is believed that it grants a residence status automatically in another EU country, but that after researching extensively I realised that requirements have to be met in the country of destination and information is not easy to find.”

(Spain, Moroccan national, EU LTR, focus group participant)

PROMISING PRACTICE

German website Make it in Germany

National authorities set up the German website **Make it in Germany**. It is a portal providing simple and clear information to third-country nationals, including EU LTR permit holders, wishing to move to Germany for work, study or other purposes. It provides detailed information in four languages and summarised information in 15 languages.

Similarly, authorities in Wallonia, Belgium, publish a list of jobs for which EU LTR permit holders from other EU Member States can apply. For example, for 2021–2022, this included industrial electrician, bus driver and construction designer. At the same time, entrance into the labour market is simplified for high-skilled migrants, experts note. This also applies to middle-skilled migrants in the Flemish Region.

In Germany, a legal advisor for migrants had encountered numerous EU LTR permit holders from Italy and Spain who the Federal Employment Agency (Bundesanstalt für Arbeit) had not approved to work in Germany. In fact, it would be nearly impossible for low-skilled EU LTR permit holders from other Member States to get approval, the expert states. There is an argument that low-skilled workers can be found in the local labour market.

In Greece, a woman with an EU LTR permit confirms this view. She is the only one of the five respondents in Greece with EU LTR permits who tried to move to another EU Member State. She applied for the EU LTR permit specifically to be able to move to Germany and do a master's degree in higher education. When she tried to move to Germany in 2018, however, her application was rejected.

“Now we are moving to Spain and again then [EU LTR] residence permit will be useless. I have searched about it once more with lawyers and everything, even with people who have applied for a permit in Spain. I have a friend whose [EU LTR] permit was issued in another country, not in Greece, and now he is in Spain and his request has been rejected three times, although he has fulfilled the requirements on the website. In Spain, every region has a different way to handle the cases, so if they want to decline it, they will decline it.”

(Greece, Peruvian national, EU LTR permit, focus group participant)

The main difficulty she faced was that, as a holder of an EU LTR permit, she had to apply for a temporary work permit. That required finding a job in a specific occupational sector related to her studies, which she did not manage. She is now trying to move to Spain. However, she fears her request will be rejected again, as happened to a friend of hers.

She has asked four different lawyers how to proceed in moving to Spain. She should move there with her husband and apply for a residence permit again as a family member of an EU citizen, they advised. Based on her experience and the advice she was given, she feels that being an EU LTR permit holder does not have any extra benefit.

In Spain, national legislation does not place any restrictions on the type of jobs third-country nationals with an EU LTR permit can do. They must simply prove they have stable and regular resources to live in the state.

6.3.3. Obtaining only temporary resident status in the destination country

The necessity to apply for a residence permit in the Member State of destination emerged as another obstacle for EU LTR permit holders. This is especially the case when the Member State of destination only grants a temporary residence permit. This applies in Belgium, France, Germany, Greece, Poland, Portugal and Sweden.

EU LTR permit holders perceive the requirement to apply for a temporary residence permit as a step back. There are fewer rights attached to temporary residence permits than to the EU LTR permit. In Greece, for example, they do not enjoy equal treatment with a temporary residence permit, but only free access to work.¹¹ However, they also take a step back with regard to social integration. This would mean ‘starting from scratch again’ and having to meet the ‘economic means’ requirement each year to have the permit renewed, experts in several Member States note.

Moreover, having to undergo the residence permit application procedure again in an unknown country is burdensome and stressful, according to several participants. For example, in Czechia, obtaining the EU LTR permit is linked to the national LTR permit. The difficult and long process needed to obtain the national LTR permit discourages people from applying for the

EU LTR permit, all interviewed experts agree. This results in third-country nationals not moving to other EU Member States.

In Italy, a participant with an EU LTR permit has not moved to Germany due to its administrative requirements. The necessity to have a regular residence and a regular job contract, together with the impossibility of obtaining the second without the first, constitutes a vicious circle that is impossible to escape.

The cumbersome administrative procedures in both sending and receiving Member States are an obstacle to mobility, as experts in France, Germany and Italy underline.

Nevertheless, intra-EU mobility seems to be easier for highly skilled migrants. They are more likely to meet the requirements for a temporary residence permit in another Member State. This has been corroborated in Belgium and Italy. In Italy, one interviewee holding a temporary residence permit did not encounter difficulties in moving to the Netherlands. This was mainly due to her high level of education and professional expertise in international organisations.

There is a need to have more harmonised rules across the EU regarding the rights that EU LTR permit holders enjoy, an immigration authority representative in Belgium underlines. This will help to foster intra-EU mobility and improve access to the labour market. The EU LTR permit holder should be able to settle in another EU Member State and enjoy the same rights as those the EU LTR permit grants in the issuing country, a French migration lawyer adds. Recognising the EU LTR permit as a supranational LTR permit and simultaneously abolishing national LTR permits could achieve this, the lawyer notes.

6.3.4. Lack of financial resources and gender-based difficulties

In Spain, an immigration lawyer's clients with EU long-term resident status faced difficulties in trying to move to another EU Member State, the lawyer recalls. They struggled due to the lack of sufficient financial resources necessary to prove financial income when applying for a residence permit.

There is a gender dimension to mobility, an expert interviewed in Germany highlights. This refers to the fact that 87 % of third-country nationals holding an EU LTR permit in Germany are men. This could be explained in terms of the caregiving and household roles many migrant women have. These hamper their ability to meet income requirements for obtaining an EU LTR permit, hence limiting their ability to move to another Member State.

6.3.5. Mobility with family members

The difficulty for third-country nationals to move to another EU Member State with their family members is another factor affecting intra-EU mobility.

LTR permit holders in Greece, Italy and Spain could not enjoy intra-EU mobility due to the disparity of family members' permits. For example, in Spain, a Togolese man with EU long-term resident status would like to move to Sweden. However, the national LTR permits of his wife and daughter do not allow it. One couple could not jointly enjoy the ability to move to another EU Member State, as one of the two did not hold an EU LTR permit, a migration lawyer notes.

In Germany, an Albanian national has an EU LTR permit issued in Greece. The German immigration authorities repeatedly denied his right to have his family members legally residing in Greece join him in Germany, he reports. This was on the grounds that his wife, who is a stay-at-home parent, and his

PROMISING PRACTICE

Residence permits for unaccompanied children turning 18 in Spain

Spain adopted a legislative amendment in October 2021 facilitating access to national and EU LTR permits for unaccompanied children turning 18. Unaccompanied children who turn 18 and are in an irregular situation may apply for a temporary permit for exceptional circumstances (*permiso de residencia por circunstancias excepcionales*). It is renewable after two years. Income requirements for renewing residence permits and obtaining the temporary permit for exceptional circumstances are lowered for unaccompanied children who reach the age of majority.

Source: Spain, Royal Decree 903/2021, of 19 October, amending the Regulation of Organic Law 4/2000, on the rights and freedoms of foreigners in Spain and their social integration, following its reform by Organic Law 2/2009, approved by Royal Decree 557/2011, of 20 April (Real Decreto 903/2021, de 19 de octubre, por el que se modifica el Reglamento de la Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social, tras su reforma por Ley Orgánica 2/2009, aprobado por el Real Decreto 557/2011, de 20 de abril), 19 October 2021

children would first need to obtain long-term resident status in Greece. His application was rejected in Fulda in the Hessen region and in Berlin, on the ground that obtaining a national LTR permit first and then an EU LTR permit are prerequisites to being reunited in Germany.

Greater harmonisation of EU laws on the mobility of family members of EU LTR permit holders is needed, a migration authority representative argues. Currently, in certain Member States, all family members require the EU LTR permit to move to another Member State.

Endnotes

- 1 Czechia, Act No. 326/1999 Coll., on the residence of foreign nationals in the Czech Republic (**Zákon č. 326/1999 Sb. o pobytu cizinců na území České republiky**), 23 December 1999, Art. 42c (1).
- 2 Spain, Royal Decree 557/2011, of 20 April, approving the regulation of Organic Law 4/2000, on the rights and freedoms of foreigners in Spain and their social integration, after its reform by Organic Law 2/2009 (**Real Decreto 557/2011, de 20 de abril, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social, tras su reforma por Ley Orgánica 2/2009**), 20 April 2011, Arts 155 and 156.
- 3 Belgium, Act of 15 December 1980 on the entry, stay, settlement and removal of foreign nationals (**Loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers/Wet van 15 December 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen**), 31 December 1980, Art. 61/7.
- 4 France, Code on the entry and residence of foreigners and the right of asylum (**Code de l'entrée et du séjour des étrangers et du droit d'asile**), 24 November 2004, Art. L426-11.
- 5 Germany, Act on the residence, economic activity and integration of foreigners in the federal territory (**Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet**), 25 February 2008, Art. 38a.
- 6 Greece, Law 4251/2014: Immigration and Social Integration Code and other provisions (**Νόμος 4251/2014: Κώδικας Μετανάστευσης και Κοινωνικής Ένταξης και άλλες διατάξεις**), Φύλλα Εφημερίδας της Κυβέρνησης Α80/01-04-2014, 1 April 2014, Arts 98 and 99.
- 7 Poland, Act on Foreigners (**Ustawa o cudzoziemcach**), 12 December 2013, Art. 186 (1) (3)
- 8 Portugal, Foreigners Act (**Lei n.º 23/2007, de 4 de julho - Aprova o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional**), 4 July 2007, Arts 116 and 75.
- 9 Sweden, Aliens Ordinance (2006:97) (**Utlänningsförordning [2006:97]**), 1 May 2014, Chapter 4, Sections 9 and 10.
- 10 European Commission (2022), **Proposal for a directive of the European Parliament and of the Council concerning the status of third-country nationals who are long-term residents (recast)**, COM(2022) 650 final, Brussels, 27 April 2022, Art. 16.
- 11 Greece, Law 4251/2014: Immigration and Social Integration Code and other provisions (**Νόμος 4251/2014: Κώδικας Μετανάστευσης και Κοινωνικής Ένταξης και άλλες διατάξεις**), Φύλλα Εφημερίδας της Κυβέρνησης Α80/01-04-2014, 1 April 2014, Art. 98.

7

CONCLUSIONS

Council Directive 2003/109/EC on the status of long-term resident third-country nationals (the Long-Term Residence Directive) is the main EU legislative instrument supporting the integration of third-country nationals residing in EU Member States. It provides long-term migrants with security of residence and grants them rights similar to those of EU citizens.

The European Commission has tabled amendments to the directive. At the time of writing, these were still under negotiation. The proposed key changes include the possibility of accumulating the five years of residence in multiple Member States, strengthened equal treatment rights for long-term residents and their families, and the alignment of the EU and national LTR permits.

The EU LTR permit is underused, as most Member States issue national LTR permits, FRA's research and previous findings show. However, only EU long-term resident status provides the right to move and reside in other EU Member States. It also grants more extended protection against expulsion and, in some Member States, more equal treatment rights than national LTR permits do.

From a fundamental rights perspective, the EU LTR permit should therefore be promoted and made more attractive. Ensuring that any more favourable conditions applying to national LTR permits also apply to EU LTR permits could achieve this, as the Commission proposes in the 2022 recast proposal. For example, applicants for EU long-term resident status should not have to fulfil stricter conditions for integration requirements or meet higher income requirements than those who apply for a national LTR permit.

At the same time, Member States without income requirements for some of their national LTR permits should not be required to introduce them. Some holders of national LTR permit holders would not have met the requirements for EU LTR permits, FRA finds.

The information available on EU long-term resident status is very limited and is mostly only provided on request, FRA finds. To address this, Member States should increase their efforts to inform third-country nationals of the existence and conditions of EU long-term resident status. They should also promote the issuance of corresponding permits. Migration authorities should be regularly trained in the existence of EU LTR permits and the supporting documents required.

The residence and income requirements are the key barriers preventing third-country nationals from successfully applying for EU long-term resident status. Breaks in the continuity of stay often make it difficult for migrants to document the five years of legal and continuous stay needed to apply for EU long-term resident status. For example, there may be breaks in stay due to delays in renewing or changing a temporary residence permit. Revising the Long-Term Residence Directive to include a more flexible approach to the calculation of the five years required could reduce this difficulty.

Lowering or waiving the income requirement for individuals belonging to vulnerable groups could help stop EU long-term resident status from only being possible for those who are better off. This could help groups such as unaccompanied children, international protection beneficiaries, older people and people with disabilities. These groups often cannot meet the income requirement even after many years spent in a Member State.

The Long-Term Residence Directive does not establish the time for which the income requirement must be met. The duration required by law or in practice ranges between one and five years, depending on the Member State. Clarifying for how long a stable and regular income must be proven would create greater harmonisation and address disparities between and within EU Member States.

Reducing administrative complexities and arbitrariness faced by migrants when applying for the EU LTR permit would facilitate access to a secure residence status and enhance mobility to other EU Member States.

Integration requirements should be proportionate. If Member States continue to request applicants to meet language requirements, they should provide services to help applicants meet these.

Finally, barriers to intra-EU mobility should be removed. The right to intra-EU mobility is the main advantage of EU long-term resident status over national LTR permits. In practice, however, intra-EU mobility is almost non-existent and very few third-country nationals are aware of this right.

Facilitating and promoting the acquisition of long-term resident status for third-country nationals would enhance their integration, and leverage their professional track records and personal agency. In addition, it would bring social and economic benefits to society.

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PROMOTING AND PROTECTING YOUR FUNDAMENTAL RIGHTS ACROSS THE EU —

Integration and social inclusion are important aspects of EU migration and asylum policy. The fundamental rights of long-term residents in the EU are explored through this report, focussing on the Long-Term Residence Directive. EU long-term resident status includes rights to move and reside in other EU Member States. This report examines the reasons behind the low uptake of EU long-term resident permits, despite them typically giving more rights than national long-term resident permits.

These findings can inform discussions of the revision of the EU legal framework regulating long-term residence and the framework's implementation. It identifies priorities for action that will further the social inclusion and integration of long-term residents in the EU and could improve the application of the Long-Term Residence Directive across EU Member States.



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