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

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AMENDMENTS 48-86

Draft report

(PE 302.293)

Baroness Sarah Ludford

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

Proposal for a directive (COM(2001) 127 – C5-0250/2001 –2001/0074(CNS))

Text proposed by the Commission

Amendments by Parliament

Amendment by Eva Klant

Amendment 48

Recital 3

(3) The European Council, at its special meeting in Tampere on 15 and 16 October 1999, stated that the legal status of third-country nationals should be approximated to that of Member States' nationals and that a person who has resided legally in a Member State for a period of time to be determined and who holds a long-term residence permit should be granted in that Member State a set of uniform rights *which are as near as possible* to those enjoyed by citizens of the European Union.

(3) The European Council, at its special meeting in Tampere on 15 and 16 October 1999, stated that the legal status of third-country nationals should be approximated to that of Member States' nationals and that a person who has resided legally in a Member State for a period of time to be determined and who holds a long-term residence permit should be granted in that Member State a set of uniform rights *similar* to those enjoyed by citizens of the European Union.

Justification

Although the Tampere conclusions provide for an approximation of the legal status of third-country nationals to that of Member State nationals (paragraph 21), harmonisation in the form of equal status would do away with any incentive to seek citizenship of the host Member State, a step which third-country nationals should be encouraged to take with a view to fostering integration.

Or. de

Amendment by Eva Klamt

Amendment 49

Recital 6

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

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

Justification

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

Or. de

Amendment by Eva Klamt

Amendment 50

Recital 7

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

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

Justification

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

Or. de

Amendment by Eva Klamt

Amendment 51

Recital 10

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

(10) In order to constitute a genuine instrument for the integration of long-term residents into the society in which they live, long-term resident status should ensure **that their** treatment **is approximated to that enjoyed by** citizens of the Member State in a wide range of economic and social matters. **The learning of the language of the Member State concerned is also**

fundamental to social integration. The degree of language knowledge should therefore also be taken into account as a criterion governing the award of the status of long-term resident.

Justification

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

Or. de

Amendment by Eva Klant

Amendment 52
Recital 11

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

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

Justification

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

Or. de

Amendment by Alima Boumediene-Thiery, Kathalijne Maria Buitenweg and Jean Lambert

Amendment 53
Recital 14a (new)

(14a) Particular attention must be paid to the Commission Directive of 10 October 2000 on the reunification of families (COM(2000) 624), which provides the basis for the directive on long-term resident status.

Justification

Or. fr

Amendment by Eva Klamt

Amendment 54
Recital 17

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

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

Justification

Although the Tampere conclusions provide for an approximation of the legal status of third-country nationals to that of Member State nationals (paragraph 21), harmonisation in the form of equal status would do away with any incentive to seek citizenship of the host Member State, a step which third-country nationals should be encouraged to take with a view to fostering integration.

Or. de

Amendment by Eva Klamt

Amendment 55
Recital 19a (new)

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

Justification

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

Amendment by Alima Boumediene-Thiery, Kathalijne Maria Buitenweg, Jean Lambert and Patsy Sörensen

Amendment 56
Article 3, paragraph 3

3. Third-country nationals who are members of the family of citizens of the Union who have exercised their right to free movement of persons may not acquire long-term resident status in the citizen of the Union's host Member State until they have obtained the right of permanent residence in that Member State within the meaning of the legislation on the free movement of persons.

3. Third-country nationals who are members of the family of citizens of the Union who have exercised their right to free movement of persons may not acquire long-term resident status in the citizen of the Union's host Member State until they have obtained the right of permanent residence in that Member State within the meaning of the legislation on the free movement of persons. ***However, they shall be granted that status at the latest after three years' legal residence.***

Justification

Amendment by Alima Boumediene-Thiery, Kathalijne Maria Buitenweg, Jean Lambert and Patsy Sörensen

Amendment 57
Article 4

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

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

Justification

Or. fr

Amendment by Eva Klamt

Amendment 58
Article 5, paragraph 1a (new)

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

Justification

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

Or. de

Amendment by Eva Klamt

Amendment 59
Article 5, paragraph 3, subparagraph (a)

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

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

Justification

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

Or. de

Amendment by Eva Klamt

Amendment 60

Article 5, paragraph 3, subparagraph (b)

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

(b) related to the discharge of military obligations, detachment for employment purposes, including the provision of cross-border services, studies, with the exception of study for a doctorate, or research, serious illness *or* pregnancy, ***including the first eight weeks of maternity as part of maternity leave***

Justification

With a view to the successful integration of mother and child, it is important that the permitted period of absence on grounds of maternity should be limited.

Or. de

Amendment by Alima Boumediene-Thiery, Kathalijne Maria Buitenweg, Jean Lambert and Patsy Sörensen

Amendment 61

Article 6, paragraph 1, subparagraph (b)

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

(b) sickness insurance ***whose provisions governing acceptance of liability for costs are identical to those of the schemes***

subscribed to by citizens of the Member State concerned.

Justification

Or. fr

Amendment by Alima Boumediene-Thiery, Kathalijne Maria Buitenweg, Jean Lambert and Patsy Sörensen

Amendment 62
Article 6, paragraph 2, subparagraph (b)

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

(b) third-country nationals born in the territory of a Member State *or immigrants no older than seven years of age who have not yet started school.*

Justification

Or. fr

Amendment by Eva Klamt

Amendment 63
Article 6, paragraph 1, subparagraph (ba) (new)

(ba) suitable accommodation.

Justification

Since an appropriate physical environment also contributes to successful integration, suitable accommodation for third-country nationals and their dependants should be taken into account as a criterion, in line with the directive on the reunification of families.

Or. de

Amendment by Eva Klamt

Amendment 64

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

(bb) proof of contributions to a retirement provision scheme.

Justification

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

Or. de

Amendment by Eva Klamt

Amendment 65

Article 6, paragraph 2

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

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

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

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

Justification

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

Or. de

Amendment by Alima Boumediene-Thiery, Kathalijne Maria Buitenweg, Jean Lambert and Patsy Sörensen

Amendment 66
Article 7, paragraph 2a

2a. The rights laid down in Article 11 shall apply.

Justification

Or. fr

Amendment by Eva Klant

Amendment 67
Article 7

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

2. Criminal convictions shall not in themselves warrant the refusal referred to in paragraph 1. Such refusal may not be founded on economic considerations.

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

2. Such a threat shall be deemed to exist in particular if the person concerned has committed more than one or more than a minor breach of the law or has committed outside the Member State concerned an offence which in that Member State is

regarded as premeditated under the law.

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

Justification

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

Or. de

Amendment by Eva Klamt

Amendment 68 Article 8, paragraph 3

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

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

Justification

In line with the amendment to Article 7.

Amendment by Alima Boumediene-Thiery, Kathalijne Maria Buitenweg, Jean Lambert
and Patsy Sörensen

Amendment 69
Article 9, paragraph 1

1. Member States shall issue a long-term resident's EC residence permit to long-term residents. The permit shall be valid for ***ten years; it shall be automatically renewable on expiry.***

1. Member States shall issue a long-term resident's EC residence permit to long-term residents. The permit shall be valid for ***an unlimited period.***

Justification

Amendment by Eva Klamt

Amendment 70
Article 9, paragraph 3

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

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

Justification

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

Amendment by Martine Roure and Alima Boumediene-Thiery

Amendment 71

Article 10, paragraph 1, subparagraph (a)

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

(a) absence from the territory *of the European Union* for a period of two consecutive years. *Without prejudice to Article 23*, Member States *shall* provide for derogations in the event of absence related to the discharge of military obligations, detachment for employment purposes, studies or research, serious illness, pregnancy, maternity *or any other reason outside the control of the person concerned*;

Justification

Periods of residence in other Member States must be counted as absences covered by a derogation. The list of permitted grounds for absence must be binding.

Amendment by Eva Klamt

Amendment 72

Article 10, paragraph 1, subparagraph (a)

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

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

Justification

With a view to the successful integration of mother and child, it is important that the permitted period of absence on grounds of maternity should be limited.

Or. de

Amendment by Alima Boumediene-Thiery, Kathalijne Maria Buitenweg, Jean Lambert and Patsy Sörensen

Amendment 73

Article 10, paragraph 1, subparagraph (a)

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

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

Justification

Or. fr

Amendment by Alima Boumediene-Thiery, Kathalijne Maria Buitenweg, Jean Lambert and Patsy Sörensen

Amendment 74

Article 10, paragraph 5a (new)

5a. This article shall not apply to third-country nationals who were born or who have been living since at least the age of seven in the Member States concerned.

Justification

Or. fr

Amendment by Eva Klamt

Amendment 75
Article 12, paragraph 1, point (h)

(h) ***freedom of association and affiliation*** ***and*** membership of an organisation representing workers or employers or of any organisation whose members are engaged in a specific occupation, including the benefits conferred by such organisations;

(h) membership of an organisation representing workers or employers or of any organisation whose members are engaged in a specific occupation, including the benefits conferred by such organisations;

Justification

In some Member States freedom of association and affiliation is a fundamental right reserved for the state's own nationals. The issue of the formation of associations by third-country nationals should not be dealt with in this directive; instead, more detailed political discussions are required. At all events, paragraph 2 gives Member States the option of authorising the formation of associations.

Or. de

Amendment by Alima Boumediene-Thiery, Kathalijne Maria Buitenweg, Jean Lambert and Patsy Sørensen

Amendment 76
Article 12, paragraph 1, point (ha) (new)

(ha) the right to vote in local elections and European Parliament elections;

Justification

Or. fr

Amendment by Eva Klamt

Amendment 77
Article 13, paragraph 3

3. Criminal convictions shall not in themselves automatically warrant an expulsion decision. Such a decision may not be founded on economic considerations.

Deleted

Justification

It is generally fundamental to a determined drive against crime - in particular in the spheres of organised crime, drug-related crime and international terrorism - that Member States should be able to expel convicted criminals as soon as possible after they have completed their terms of imprisonment. For that reason, particularly in the area of serious crime, it will continue to be essential to stipulate that legal redress procedures should not have suspensory effect and that a summary procedure offers sufficient legal protection.

Or. de

Amendment by Eva Klamt

Amendment 78
Article 13, paragraph 5

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

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

have suspensory effect.

Justification

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

Or. de

Amendment by Joke Swiebel

Amendment 79
Article 13, paragraph 7a (new)

7a. Expulsion decisions may not be accompanied by a permanent ban on residence.

Justification

Expulsion for an unlimited period should not be possible, not even in the first Member State in which third-country nationals secure long-term resident status. This provision is similar to Article 25(2).

Or. nl

Amendment by Eva Klamt

Amendment 80
Article 16, paragraph 1, point (a)

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

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

risks in the second Member State and proof of adequate retirement provision; or

Justification

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

Or. de

Amendment by Eva Klamt

Amendment 81

Article 16, paragraph 1, point (c)

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

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

Justification

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

Or. de

Amendment by Alima Boumediene-Thiery and Martine Roure

Amendment 82
Article 16, paragraph 2, point (c)

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

(c) they embark on vocational training
tailored to the needs of the labour market in the second Member State.

Justification

Retention of worker status cannot be made contingent on the relationship between occupational activity and training. This would confine third-country nationals to a single occupational activity.

Or. fr

Amendment by Eva Klamt

Amendment 83
Article 19, paragraph 1

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

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

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

Justification

A narrowing of the grounds for refusal, even in connection with the initial award of long-term

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

Or. de

Amendment by Joke Swiebel

Amendment 84
Article 20, paragraph 3

3. A Member State may impose a medical examination, performed free of charge, for persons to whom this Directive applies, in order to certify that they do not suffer from any of the diseases referred to in paragraph 1. Such medical examinations may not be performed on a systematic basis.

Deleted

Justification

The persons covered by this directive have been resident for at least five years in an EU Member State before they make use of their right to freedom of movement and move to another Member State. This reduces the need to carry out a medical examination.

Or. nl

Amendment by Joke Swiebel

Amendment 85
Article 25, paragraph 1

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

1. During a five-year transitional period, the second Member State may, ***in accordance with the provisions of Article 13***, take a decision to expel a long-term resident and/or

- (a) on grounds of public policy or domestic security as defined in Article 19;
- (b) where the conditions provided for by Articles 16 and 18 are no longer met.

family members:

- (a) on grounds of public policy or domestic security as defined in Article 19;
- (b) where the conditions provided for by Articles 16 and 18 are no longer met.

Justification

Article 13 lays down rules governing protection against expulsion which should also apply in the case referred to in Article 25.

Or. nl

Amendment by Eva Klant

Amendment 86
Article 25, paragraph 2

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

Deleted

Justification

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

Or. de