

Southern Cross Group

Report on Advocacy Activities in the European Parliament concerning the proposed Council Directive on the status of third-country nationals who are long-term residents

November 2001

In November 2001 the Southern Cross Group held two meetings with Members of the European Parliament in Brussels on the proposed EU directive on the status of third-country nationals who are long-term residents. *Third-country nationals* is the term used to identify non-EU citizens. The lead member of the European Parliament (or *rapporteur*) on this proposed legislation is Baroness Sarah Ludford, a Liberal MEP from the UK. The aim of the meetings was to put forward the main areas of support and concern of the Southern Cross Group and its members, as well as highlighting the impact of such legislation on professionals in the EU.

The proposed legislation seeks to harmonise, across the EU, the criteria for becoming a 'long-term resident' and the rights that are conferred with that status. Furthermore, it seeks to measure the length of residence in terms of residence within the EU rather than within one EU Member State, making it easier to move freely in the EU from one country to another. The proposal also impacts those married to EU citizens. However, It does not deal with immigration issues relating to entry into the EU.

This legislation should be welcomed generally by Southern Cross Group (SCG) members. However, there are areas of concern in the present draft.

Under German pressure, the Parliament would like to include in the Directive the option for EU Member States to make the award of long-term resident status contingent on adequate knowledge of a national language of the Member State concerned. This was not in the original proposal for the Directive put forward by the European Commission in March 2001.

Healthcare and retirement coverage would also be used as criteria for assessing the eligibility for long-term residence status. Absences (beyond what would constitute a holiday) from the host country are permitted for defined periods of time and for specific reasons, for example maternity leave and personal illness, but there is pressure to restrict the length of these periods.

The main issues raised by the SCG were:

- Some EU countries have more than one national language, and;
- The use of language as a possible criterion in assessing long term resident status;
- The possible requirement of evidence of pension and healthcare provision;
- Possible contradictions with EU and international obligations.

The EP's Rapporteur concurred with the position of the Southern Cross Group (SCG), and both sides were willing to see the same outcome. Baroness Ludford also stated, however, that it would be difficult to gain a consensus in the relevant Parliamentary Committee (Committee on Citizens' Freedoms and Rights, Justice and Home Affairs) on all of the issues, therefore it would be unlikely that the SCG would be able to achieve all of its aims.

A meeting also took place with an MEP from the centre-right political group, Ewa Klamt of the European People's Party, who had tabled amendments to the proposal and is a member of that Parliamentary Committee. This meeting went equally well, although it was acknowledged that they had not taken into account professionals when approaching the proposed legislation. Ms Klamt made clear that references to language skills and retirement provisions would have to be included in the legislation, however, she was willing to *soften* her line on them.

The SCG was invited to offer any possible compromises or alternatives that would be gratefully received.

See Annex for documents submitted.

Outcome

Following the meetings, the SCG sent both Baroness Ludford and Ms Klamt suggestions for compromise amendments.

A simple linguistic change was offered to acknowledge the fact that some EU countries have more than one 'official' language. Unfortunately, the Parliament's Civil Liberties Committee accepted the allowance of language ability as a criterion for long-term residency.

The proposed text was made more reasonable with regard to provisions for retirement. The proposed Parliamentary amendments to the European Commission's draft legislation adopted

by the Parliament's Committee on Citizens' Freedoms and Rights now approximate the compromise amendments written by the Southern Cross Group. These amendments are in the Final Ludford Report dated 30 November 2001, and will be put to a plenary vote in the European Parliament in Strasbourg on 4 February 2002.