

Brussels, 23 October 2007

## **Simplified admission procedures and common set of rights for third-country workers**

### **Narrowing the rights gap and cutting red tape**

Today the Commission adopted a proposal for a Directive on a single application procedure for a single permit for third-country nationals to reside and work lawfully in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State. Its aim is to simplify and streamline application procedures by providing a "one-stop-shop" system and to narrow the "rights gap" in terms of work-related socio-economic rights by guaranteeing a common set of rights for all third-country workers residing legally in the EU.

### **Part of the EU's comprehensive migration policy**

Today's proposal is presented in accordance with the December 2005 Commission Communication, Policy Plan on Legal Migration (COM(2005)669), that envisaged, for the period from 2007 to 2009, the adoption of five legislative proposals. They included a general Framework Directive and four specific directives on labour immigration. This set of legislative measures aims, on the one hand, to establish simplified admission procedures and conditions for specific categories of migrants (highly qualified workers, seasonal workers, remunerated trainees and intra-corporate transferees); and ensuring a more secure legal status for third-country workers already residing in Member States, on the other. This selective approach was endorsed by the European Council in December 2006, inviting the Commission to present these proposals as part of the comprehensive EU Migration Policy. The proposed Framework Directive, adopted together with a proposal for a Directive on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, are the first two of five legislative proposals announced in the 2005 Policy Plan on Legal Migration. The remaining proposals, relating to seasonal workers, remunerated trainees and intra-corporate transferees, are planned to be presented in 2008. Furthermore, in response to the request expressed by the European Parliament in its October opinion on the Policy Plan on Legal Migration, the Commission will launch a study to examine future labour needs in Europe, which could also be the basis for discussion on whether or not common rules for the admission of other economic immigrants should also be proposed in the future.

## **Key elements of the proposal**

The proposal provides for a "one-stop-shop" system for third-country nationals who would like to reside in a Member State for the purpose of work. It envisages a single application procedure, thereby simplifying, shortening and accelerating the procedure both for the employer and the migrant. The conditions pursuant to which the third country national can be admitted are not defined in this proposal – this remains a matter for the Member States. However, when handling the application for skilled employment certain safeguards are guaranteed. For instance, access to information on the necessary documents for an application, the obligation to provide reasons for a decision to reject an application, and to make a decision on the application within 90 days.

If granted, the permit to stay and work should be issued in a single act. The "single permit" will adopt the existing harmonised EU format for residence permits. In practical terms it means that the competent authority has simply to add information on the access to the labour market into an existing residence permit.

The proposal also obliges Member States to indicate in all other existing residence permits issued for other purposes (e.g. family reunification, asylum, study) whether the third-country national is permitted to work. This will enable the responsible authorities to easily control if a third country national is working legally simply by looking at his/her residence permit.

By acknowledging that legally employed third country nationals contribute to the European economy the same way EU citizens do, the proposal further grants legally working third-country nationals basic socio-economic rights on an equal footing with its own nationals. Equal treatment with nationals of a Member State, in principle, would apply to all third-country workers legally residing and not yet holding long-term resident status. Such equal treatment would include, working conditions (including pay and dismissal), health and safety at the workplace, education, vocational training, recognition of qualifications, social security (including health care), export of pensions once they are paid, access to goods and services (including procedures for housing) and tax benefits.

## **The EU adding value**

By introducing a single application procedure and a single permit, the proposed Directive would simplify admission procedures for the purpose of work and would contribute to a better control of immigration. Such a single application and permit is already applied in nine Member States already recognising its advantages. Another five Member States are currently envisaging introducing it.

Granting a common set of work related rights - among them equal treatment in pay and other working conditions - to lawfully residing third-country workers would not only reduce the rights gap and protect them from exploitation, but it would also protect EU citizens from cheap labour. Furthermore the proposal would create a level playing field across the EU for all third-country nationals residing and working legally.

## **Impact assessment**

The proposal is accompanied by an impact assessment which will be published at the following address:

[http://ec.europa.eu/dgs/justice\\_home/evaluation/dg\\_coordination\\_evaluation\\_annexe\\_en.htm](http://ec.europa.eu/dgs/justice_home/evaluation/dg_coordination_evaluation_annexe_en.htm)

To find out more about Vice President Frattini's work please visit his website:

[http://www.ec.europa.eu/commission\\_barroso/frattini/index\\_en.htm](http://www.ec.europa.eu/commission_barroso/frattini/index_en.htm)