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Refugees and other beneficiaries of international protection will soon be able to acquire long-term resident status in the EU

Refugees and beneficiaries of subsidiary protection will be able to acquire long-term resident status in the member states of the EU on a similar basis to other third-country nationals legally living in the EU for more than five years. The Permanent Representatives Committee of the Council of the EU agreed on the necessary amendments to Directive 2003/109/EC, as previously negotiated with the rapporteur of the European Parliament.

If the European Parliament confirms its agreement on the text as it now stands at its December plenary session, the Council will adopt the text, resulting in a first reading agreement. Member states will then have to comply with the new rules within two years after the formal adoption which will most likely take place at the beginning of 2011. The UK, Ireland and Denmark are not taking part in the amended directive.

Main benefits

Beneficiaries of international protection who are granted long-term residents status will, as all other third-country nationals with long-term residents status, enjoy a number of rights:

- free movement within the EU as well as
- under certain conditions, equality of treatment with citizens of the EU member state in which they reside in a wide range of economic and social matters. These include education, access to the labour market and social security benefits.

Thus, the new rules constitute an instrument for better integration of beneficiaries of international protection that live in their host society for a long period of time.

P R E S S

Calculation method for the five years required

The Directive will provide for dedicated arrangements for the calculation of the five years required for long-term resident status to be granted:

- The basic rule is that at least half of the period between the date on which the application for international protection was lodged and the date on which it is granted should be taken into account.
- In exceptional cases where the asylum procedure takes more than 18 months, the whole period should be taken into account.

The directive also foresees, in certain specific circumstances, possibilities to withdraw the status and expel the third-country national, in accordance with international obligations.

History / Legal background

The Commission published its proposal to amend Directive 2003/109/EC on 8 June 2007. The Council discussed the proposal but failed to reach unanimous agreement on it in 2008. Since the entry into force of the Lisbon Treaty the legal migration issues fall under the ordinary legislative procedure with qualified majority required in Council.

This directive is part of a package of six legislative proposals which EU member states have committed to adopt in order to establish a Common European Asylum System (CEAS) by 2012. The other proposals are: the Dublin and Eurodac Regulations, the Qualification, Reception Conditions and Procedures Directives.