

Single permit for third-country nationals to reside and work in the EU

Directive 2011/98/EU

This briefing is one in a series of implementation appraisals produced by the European Parliamentary Research Service (EPRS) on the operation of existing EU legislation in practice. Each briefing focuses on a specific EU law that is likely to be amended or reviewed, as envisaged in the European Commission's annual work programme. Implementation appraisals aim at providing a succinct overview of publicly available material on the implementation, application and effectiveness to date of specific EU law, drawing on input from EU institutions and bodies, as well as external organisations. They are provided by the Ex-Post Evaluation Unit of the EPRS to assist parliamentary committees in their consideration of new European Commission proposals, once tabled.

SUMMARY

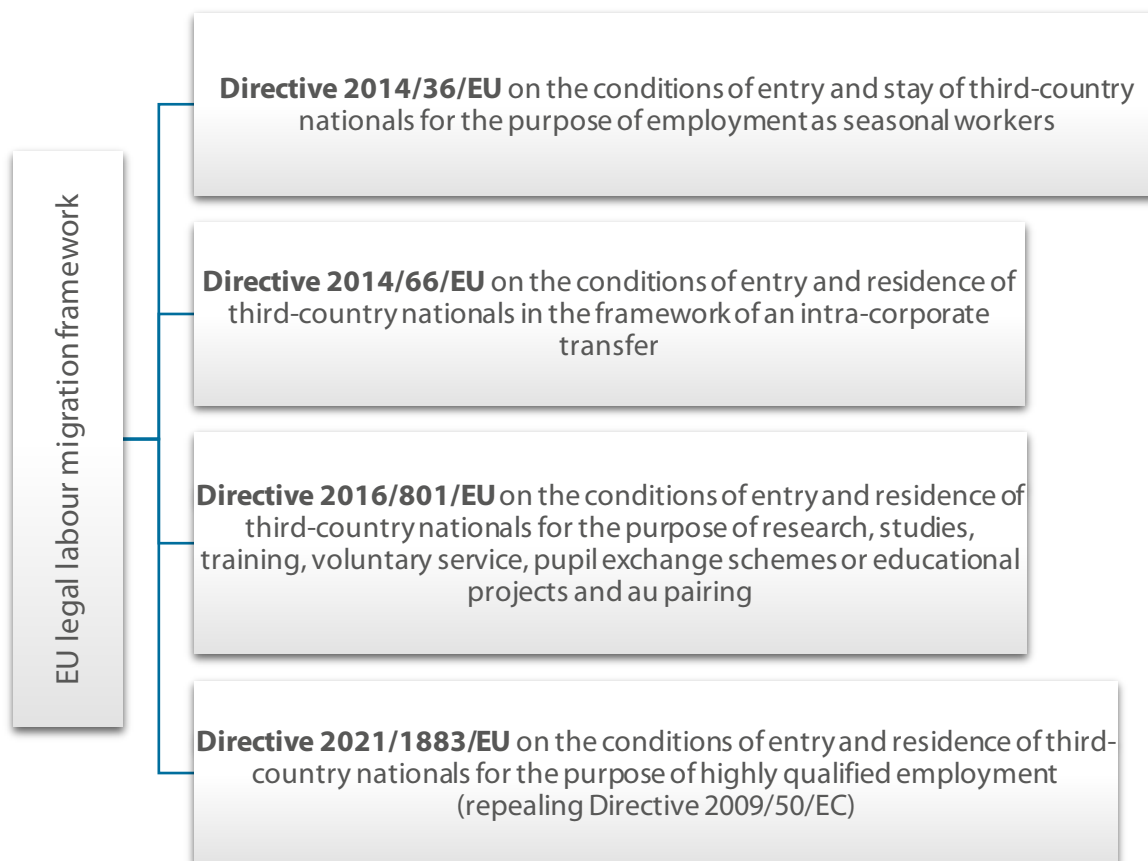
Directive 2011/98/EU (the Single Permit Directive) on a single permit for third-country nationals (non-EU nationals) to reside and work in the European Union (EU) has two main objectives. The first is to facilitate the procedure for a third-country national to be admitted to work in an EU Member State, by introducing a single application procedure for a combined work and residence permit. The second is to ensure equal treatment between third-country workers and nationals of the permit-issuing Member State, by providing a common set of rights regarding working conditions, education and training, access to goods and services, and social security.

In 2019, the European Commission published its second implementation report on this directive and a fitness check on EU legal migration legislation evaluating the effectiveness, coherence and grounds for improving the existing EU laws in the field. According to these, the single permit directive has failed to address some of the issues it proposed to solve. These problems relate, for example, to the definitions provided in the directive; its scope; the lack of necessary coordination between administrative authorities for its implementation; and some inconsistencies between this directive and other instruments of the EU legal migration framework. Seeking to address these problems, one of the Commission's proposals under 2020 new pact on migration and asylum is the revision of the single permit directive.

Background

[Directive 2011/98/EU](#) on a single permit for third-country nationals to reside and work in the EU (the Single Permit Directive) is a **key instrument in EU immigration policy** in the 25 Member States¹ in which the directive applies. The gradual establishment of an area of freedom, security and justice is set out in the Treaty on the Functioning of the European Union ([TFEU](#)), **which provides for the adoption of measures in the fields of asylum, immigration and protection of the rights of third-country nationals**. The directive was adopted on 13 December 2011, and together with four other directives (Figure 1) defines the EU's framework for legal labour migration framework.

Figure 1 – EU directives defining the admission and residence conditions for different categories of third-country nationals



Source: Compiled by the author based on [European Commission](#).

In addition, there are EU directives applicable to third-country nationals who are already present in the EU and are not entering the EU for work:

- 1 the **Family Reunification Directive** ([2003/86/EC](#)), regulating admission and residence of family members of third-country nationals legally residing in Member States;
- 2 the **Long-Term Residents Directive (LTRD)** ([2003/109/EC](#)), enabling third-country nationals who have legally and continuously resided in a Member State for five years to obtain an 'EU long-term resident status' and associated rights;
- 3 the **Reception Conditions Directive** ([2013/33/EU](#)), regulating provision of material reception conditions to applicants for asylum, such as housing and food, as well as access to the labour market.

The Single Permit Directive has two main objectives. The **first main objective** is to facilitate the procedure for a third-country national to be admitted for work in an EU Member State by introducing a single application procedure for a single permit – a combined work and residence permit – and in so doing help to manage migration in a better way. In addition, the directive lays down a number of safeguards in the application procedure. The directive's **second main objective** is to ensure equal treatment between third-country workers and nationals of the Member State of residence.

The [key elements](#) established by the Single Permit Directive are as follows:

- **Scope of application**
 - The directive applies to third-country nationals who are authorised to live and work in the EU, independently of their initial reason for admission, including:
 - third-country nationals seeking to be admitted to an EU Member State in order to stay and work;
 - third-country nationals who are already resident and have access to the labour market or are already working in an EU Member State;
- **Personal scope**
 - Certain categories of third-country nationals are not covered by the directive, such as those who have been granted EU [long-term resident status](#)² (as they are covered by other EU legislation);
- **Implementation by EU Member States**
 - Authorities in EU Member States must treat any application for this single permit for residence and work (new, amended or renewed) as a single application procedure. They must decide whether the application is to be made by the third-country national or by their employer (or by both);
- **Set of rights covered**
 - The single permit allows third-country nationals to enjoy a set of rights, including:
 - the right to work, reside and move freely in the issuing EU Member State;
 - the right to the same conditions as the nationals of the Member State issuing the permit as regards working conditions (such as pay and dismissal, health and safety, working time and leave), education and training;
 - recognition of qualifications;
 - certain aspects of social security, tax benefits, and access to goods and services, including housing and employment advice services;
 - The directive sets specific criteria based on which EU countries can restrict equal treatment on certain issues (access to education/training and social security benefits such as family benefit or housing).

Implementation and functioning

There are **several problems** in the implementation and functioning of the Single Permit Directive; the Commission has received numerous complaints by citizens (more on page 4), and has launched numerous infringement procedures. These problems can be **categorised as 'regulatory'**, as the current directive has failed to solve some of the problems that it was supposed to solve at the time of adoption. The Commission produced an inception impact assessment ([IIA](#)) outlining the following **main problems**:

- 1 The **definition of 'third-country worker'** as a third-country national who is 'allowed to work' but 'does not necessarily work' has proven to be difficult to incorporate into national law and implement in many EU Member States;
- 2 The **personal scope of the directive** (the categories of third-country nationals to whom the directive applies) is very fragmented, with numerous exceptions that are difficult to implement. As a rule, the directive covers all third-country workers, but with **many exceptions**;
- 3 The single application procedure does not ensure **efficient coordination of the different administrative steps and authorities involved**, including with relation to the entry visa and labour market tests. In particular, the interaction with the national visa procedures sometimes undermines the simplification objective of the single application procedure;

- 4 The equal treatment provisions that grant single permit holders a set of rights in a number of areas **are incoherent**. They include numerous exceptions and are difficult to interpret and implement, which undermines the objective of granting fair treatment and facilitating the integration of third-country workers;
- 5 The directive **provides insufficient protection** against exploitation of third-country workers.³ In particular, Member States are allowed to link the single permit with one specific employer, which can make the permit holder too dependent on the employer and more likely to be a victim of labour exploitation. Furthermore, the directive does not provide for sanctions or inspections for compliance with equal treatment provisions;
- 6 The directive regulates the application procedure and the right to equal treatment for most low- and medium-skilled workers, but not their admission conditions. As a result, there is a lack of **coordination in rules at EU level on attracting low- and medium-skilled** third-country workers in key sectors for the future of the EU economy, such as agriculture, manufacturing, construction, health care, and domestic care. Significant labour shortages in these sectors are expected in the coming years.

In 2020, 2.7 million non-EU citizens obtained the right to both reside and work in the EU through the single permit administrative procedure. Germany, Spain, France, Italy and Portugal together [issued](#) **75 % of the single permits recorded in 2020**, granting non-EU citizens the right to both reside and work in the EU.

Evaluations and reports by the European Commission

Report from the Commission to the European Parliament and the Council on the implementation of Directive 2011/98/EU (2019)

In March 2019, the Commission published a [report](#) to the Parliament and Council on the **implementation of the Single Permit Directive**. The report covers the **24 Member States** having incorporated the directive into national law (transposed) – the directive does not bind Denmark and Ireland, and Belgium had failed to transpose the directive fully.⁴

The Commission notes that it has received a number of complaints from citizens about the directive since 2011. **These dealt with** the recognition of qualifications, excessive processing times by the authorities, level of fees, concerns relating to lack of equal treatment – in particular for the export of pensions – and categories of third-country nationals excluded from the directive's scope.

The report provides a detailed overview of the extent to which the articles of the directive have been converted into national law in the 24 Member States analysed. According to the report, **some articles** of the directive have been more difficult for EU Member States to incorporate coherently into their respective legislations than others.

These included: **Article 3** on the scope of the single permit directive; **Article 4** on the single application procedure; **Article 5** on the competent authority to issue the permits; **Article 6** on the information present in a single permit; **Article 10** on fees charged; **Article 12** on the right to equal treatment; and **Article 14** on information provided to the general public.⁵

Problems with the incorporation of these articles into national law concerned mainly the **discretion left to Member States in interpreting these articles**. In particular, on the definitions of the directive; the freedom to choose between the options granted by the directive on eligible candidates; the lack of definitions on, for example, the format in which to store information or on the competent authority dealing with the issuance of the permits. This has resulted in a lack of coherence in the different Member States on the conditions, scope and application of the directive.

According to this report, other articles **were generally transposed correctly into national law**, with a few exceptions from named Member States.

Commission fitness check on EU legislation on legal migration (2019)

The Commission conducted a [fitness check](#), covering the period from 2016 to mid-2018. The fitness check aimed to assess whether the EU legal migration framework **continued to be fit for purpose**, to identify any inconsistencies and gaps, and to look for possible ways to streamline and simplify existing rules. The fitness check was **supported by a consultation process** – including an open public consultation and a targeted consultation of key stakeholders (Member States, the European Parliament, the European Economic and Social Committee (EESC), non-governmental organisations (NGOs), and economic and social partners) – and by a [study](#) carried out by an external contractor.

The [directive-specific analysis](#) of the external study noted that the rationale behind the proposal for a directive on a single permit was to bridge the 'rights gap' between third-country national workers and nationals of EU Member States. The argument was that granting migrant workers comparable rights to Member States' own nationals would recognise their economic contribution to the economy of a Member State, and would reduce possibilities of unfair competition between third-country nationals and EU citizens, thus safeguarding EU citizens from cheap labour and migrant workers from exploitation.

The analysis noted also that the **adoption of the directive was particularly difficult**: it required four years of lengthy negotiations, a Treaty change, and a compromise between the Committee on Civil Liberties, Justice and Home Affairs (LIBE) and the Committee on Employment and Social Affairs (EMPL) in the European Parliament. Moreover, most of the Member States were late in transposing the directive. The Single Permit Directive is implemented in a **complex policy environment**, as there is global competition for labour across all skills levels.

The analysis highlighted that the **main added-value of the Single Permit Directive is twofold**: introducing a single application procedure and a single permit, and extending equal treatment rights also to those third-country national admitted on the basis of national rules, and some third-country nationals covered by other directives (see Figure 1 above).

On inconsistencies and gaps between the seven existing directives of the EU's legal migration framework (referred to above), the directive-specific analysis noted the following:

- The Single Permit Directive does not include the same rules on admission conditions as other directives, and these **rules vary across the directives**. For example, some directives (such as the LTRD) explicitly require proof of sufficient resources and sickness insurance, while others, such as the Single Permit Directive, do not;
- The **length of admission procedures varies between directives**, with the most recent ones adopting a more uniform deadline of 90 days for processing applications;
- While the areas of equal treatment are similar across the directives, variations exist as a result of the many clauses that **Member States can invoke in the different directives**, as in the case of the Single Permit Directive;
- The **application procedure for a single permit is without prejudice to the visa procedure** (including long-term visas) that may be required for initial entry into a Member State, thus extending the application procedure for a single permit in practice.

The **overall conclusion** of the Commission fitness check conducted was that the legal migration directives [evaluated](#) continued to be largely 'fit for purpose'. However, if the EU's goal were to achieve in full the Treaty objective of developing a common legal migration policy as a key element of a comprehensive policy on management of migratory flows, the issues outlined in the fitness check would have to be addressed.

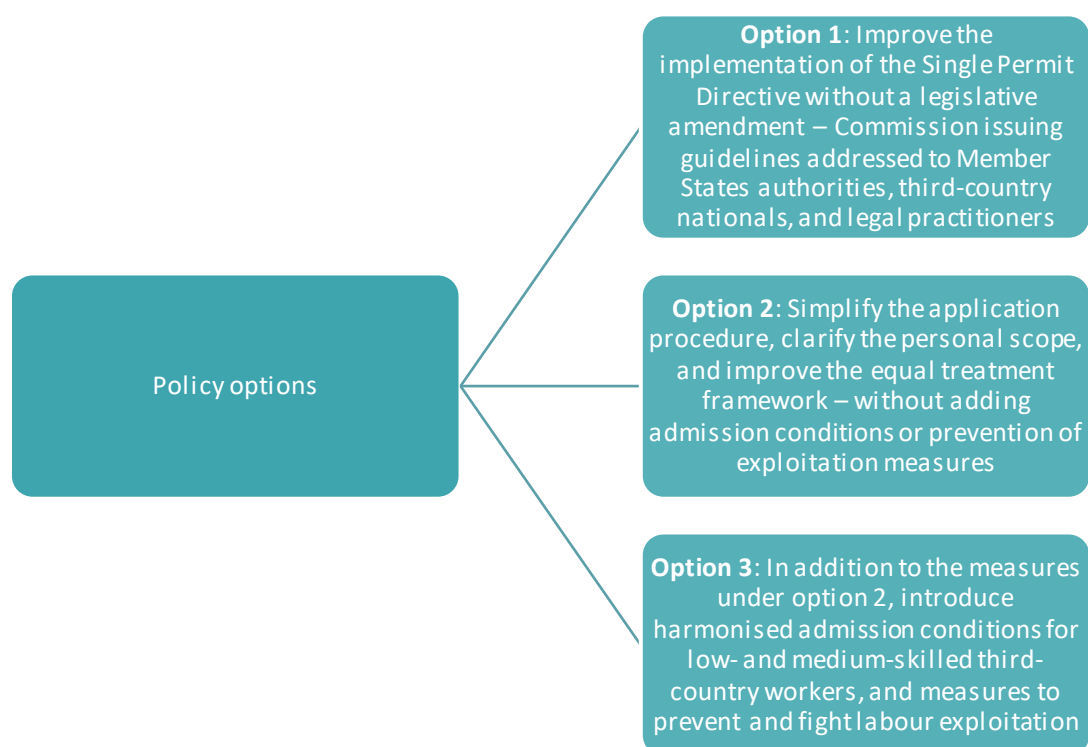
Inception impact assessment (IIA): Single permit for third-country nationals to reside and work in the EU (2020)

In December 2020, the Commission published an IIA on the revision of the Single Permit Directive. The IIA outlined **some of the objectives of the revision**, namely, to:

- find the best way to further simplify, clarify and streamline the personal scope, procedures and rights set out in the directive;
- explore the possibility of introducing admission conditions that would apply to all low- and medium-skilled third-country workers, and of measures to prevent and fight labour exploitation of third-country workers.

The IIA also outlined the **main policy options** to achieve these objectives, shown in Figure 2.

Figure 2 – Main policy options



Source: Compiled by the author based on the IIA.

European Parliament

European Parliament's position

During the November 2021 II plenary session, the Parliament adopted a [resolution](#) based on a LIBE legislative-initiative report ([INL](#)) on legal migration policy and law. The resolution made **several recommendations to amend current directives**, calling on the Commission to present a legislative proposal by 31 January 2022, based on Article 79(2) TFEU, for an act that would facilitate and promote entry into and mobility within the EU for legally migrating third-country nationals applying for work or already holding a work permit. The proposed act **would also align rules across the existing legal migration directives**.

Concerning the expected **proposal amending the Single Permit Directive**, the resolution suggested that applications for a single permit could be lodged from a Member State, when holding

a residence document, or from a non-EU country. It also underlined that third-country nationals should not have to provide the same documents several times. Moreover, the resolution called for the establishment of a transnational advisory service network for legally migrating third-country workers, with a lead authority in each Member State processing applications and coordinating the advice and information provided to third-country nationals applying for work in the EU or already holding a work permit.

European Parliament Members' written questions

This section presents Members' written questions, and the respective answers given by the Commission. The questions are selected from the 7th, 8th and 9th legislative terms.

Written question by Agustín Díaz de Mera García Consuegra (EPP, Spain), 18 April 2013

Subject: 'Integration of third-country nationals'

This question highlighted the importance of integrating citizens of third countries into EU Member States, especially during a crisis. In particular, by drawing on Article 79(4) TFEU, the Member emphasised the EU's role in the integration of third-country nationals residing legally in Member States. In this context, he asked the Commission about its plans to promote the integration of third-country nationals.

Answer given by Ms Malmström on behalf of the Commission, 19 June 2013

The Commission cited a number of measures and mechanisms put in place to support national and local policies on integration of third-country nationals. These measures were established in accordance with the European [agenda](#) for the integration of third-country nationals. Furthermore, directives such as the Family Reunification Directive or the LTRD also contributed to the improvement of their integration. The Commission continues to support and develop such tools, as described by the Commissions' annual reports on immigration and asylum.

Written question by Ramon Tremosa i Balcells (ALDE, Spain), 8 July 2015

Subject: 'The Single Permit Directive (Directive 2011/98/EU)'

The Member highlighted the fact that Belgium, Spain and Slovenia still had not notified the Commission of having incorporated the Single Permit Directive into national law, despite the deadline of December 2013. In this regard, the Member enquired about these countries' replies following the two-month deadline after the Commission's expenditure of a reasoned opinion, and about the Commission's plans to close the infringement proceedings.

Answer given by Mr Avramopoulos on behalf of the Commission, 23 September 2015

The Commission answered that it received a reply to all three reasoned opinions issued in April 2015, and that information concerning its follow-up actions on infringement decisions would be published on the Europa website.⁶

Written question by Johan Danielsson (S&D, Sweden), 4 December 2019

Subject: 'Migrant workers from third countries'

The question referred to instances of third-country nationals obtaining work permits in one EU Member State and then being posted to other Member States, and to instances of haulage firms exploiting third-country workers by 'circumventing the rules' of the Single Permit Directive. The Member asked about Commission actions to tackle these problems.

Answer given by Mr Schmit on behalf of the European Commission, 21 February 2020

The Commission listed the various initiatives it undertook to control the posting of workers, also affecting the exploitation of third-country workers legally residing and working in a Member State. These initiatives included [Directive 2014/67/EU](#) – strengthening administrative cooperation between EU Member States and enforcing the rules on posting; the revision of [Directive 2018/957](#) – increasing the protection of posted temporary agency workers; and the establishment of the European Labour Authority – enforcing national rules and fair mobility.

European Court of Justice

Ruling in Case [C-449/16](#)

Article 12 – Right to equal treatment – Third-country nationals holding single permits

This case concerned a request for a preliminary ruling on the interpretation of Article 3(1)(j) of [Regulation \(EC\) No 988/2009](#) on the coordination of social security systems; and Article 12(1) (e) of the Single Permit Directive regarding the right to equal treatment of third-country workers legally residing in a Member State.

In 2014, a third-country national who **held a single work permit** valid for longer than six months submitted an application to the municipality of Genoa (Italy) to be **granted a benefit introduced by a country-specific law** on public finance measures for stabilisation and development. This benefit was directed towards households having at least three minor children and an income below the limit laid down by the law. The award of the benefit was **refused for lack of a long-term residence permit**. The applicant contested this decision by citing a violation of Article 12 of the directive.

In June 2017, the Court ruled that Article 12 of the Single Permit Directive must be interpreted as **precluding national legislation**, such as the legislation discussed in the main proceedings.

Ruling in Case [C-302/19](#)

Legislation of a Member State excluding, for the purposes of determining entitlement to a family benefit, the family members of the holder of a single permit who do not reside in the territory of that Member State

This case concerned a request for a preliminary ruling regarding the interpretation of Article 12(1)(e) of the Single Permit Directive – on a common set of rights for third-country workers legally residing in a Member State. In this case, a Sri Lankan national had held a permit to carry out paid employment in Italy since 9 December 2011, and a single work permit since 28 December 2015. During the periods from January to June 2014 and July 2014 to June 2016 – when **his wife and two children resided in Sri Lanka**, their country of origin – the **Italian National Social Security Institute refused to pay him the family unit allowance** based on a national law. The Sri Lankan contested the decision by claiming that the refusal was of a **discriminatory nature**.

In November 2020, the Court ruled that Article 12(1)(e) of the Single Permit Directive **precluded such legislation of a Member State**. Since the family members of the holder of a single permit did not reside in the territory of that Member State but in a third country, they did not have access to a social security benefit, whereas family members of nationals of that Member State residing in a third-country would have access to it.

Ruling in Case [C-350/20](#)

Legislation of a Member State excluding third-country nationals holding a single permit from entitlement to a childbirth allowance and a maternity allowance

This case concerned a request for a preliminary ruling regarding the interpretation of:

- Article 34 of the Charter of Fundamental Rights of the EU;
- Article 3(1)(b) and (j) of Regulation (EC) No 883/2004 on the coordination of social security systems;
- Article 12(1)(e) of the Single Permit Directive on a common set of rights for third-country workers legally residing in a Member State.

In this case, third-country nationals residing legally in Italy, and who held **only the single work permit**, were **refused the childbirth allowance** by the Italian National Social Security Institute **on the grounds that they did not have long-term resident status**. The third-country nationals contested the decision, and the case was presented to the Constitutional Court to examine a possible **infringement of several provisions of the Italian Constitution** by the childbirth allowance regime. As the guarantees provided for by the Italian Constitution are supplemented by the guarantees enshrined in the charter, the case was passed on to the Court.

Article 12(1)(e) of the Single Permit Directive must be **interpreted as precluding** national legislation which excludes the third-country nationals referred to in Article 3(1)(b) and (c) of that directive from entitlement to a childbirth allowance and a maternity allowance provided for by that legislation.

Ruling in Case [C-462/20](#)

Access to goods and services – Legislation of a Member State excluding third-country nationals from eligibility for a 'family card'

This case concerned a request for a preliminary ruling regarding the interpretation of the following articles:

- 11(1)(d) and (f) of the LTRD;
- Article 12(1)(e) and (g) of the Single Permit Directive;
- Article 14(1)(e) of the directive on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment;
- Article 29 of [Directive 2011/95/EU](#) on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.

In March 2020, the Associazione per gli Studi Giuridici sull'Immigrazione (ASGI, Italy) asked for the halting of the application of the **legislation on the family card**, because this legislation **excluded third-country nationals** with a status protected by EU law from **eligibility for the family card**. ASGI also asked for an **amendment of that legislation** to be ordered. The action was brought before the District Court of Milan, by means of a special procedure applicable to discrimination disputes.

The Court ruled that Article 12(1)(e) of the Single Permit Directive and Article 14(1)(e) of Directive 2009/50/EC, **must be interpreted as not precluding legislation of a Member State** which excludes third-country nationals covered by those directives from eligibility for a card granted to families allowing access to discounts or price reductions when purchasing goods and services

supplied by public or private entities which have entered into an agreement with the government of that Member State. Article 11(1)(d) of Directive 2003/109/EC, must be interpreted as not precluding such legislation either, in so far as such a card does not come, according to the national legislation of that Member State, within the concepts of 'social security', 'social assistance' or 'social protection'. Article 29 of Directive 2011/95/EU, must be interpreted as precluding such legislation if that card comes within an assistance scheme established by the public authorities to which recourse may be had by an individual who does not have resources sufficient to meet his or her own basic needs and those of his or her family. Article 11(1)(f) of Directive 2003/109, Article 12(1)(g) of Directive 2011/98 and Article 14(1)(g) of Directive 2009/50 must be interpreted as precluding such legislation.

Consultations and citizens' enquiries

The Commission conducted a [public consultation](#) on the future of legal migration, which ran from 23 September to 30 December 2020. The purpose of the public consultation was, on the one hand, to **identify further areas where the existing EU framework could be improved** in the longer term, based on the latest forward-looking recommendations from the 2019 fitness check. On the other, it aimed to **collect views on developing new initiatives to boost the EU's attractiveness** to foreign talents, facilitate skills matching, and protect third-country workers from exploitation more effectively.

Figure 3 – Respondents' profiles



Source: Analysis of the responses to the public consultation on the future of legal migration, [European Commission](#), 2021.

The majority of respondents agreed that the **EU should take both new legislative and practical measures in the area of legal migration**. In particular, respondents perceived that the most prominent practical measures on which the EU should focus its initiatives were improving the information on legal pathways (92 %); improving systems to recognise professional qualifications and validate professional

skills acquired (92 %); and the support in the exchange of good practices (87 %). As many as 80 % of respondents also agreed or strongly agreed on the need for improving the coordination of the national migration policies through the establishment of priorities and guidelines at EU level, while 72 % of respondents agreed or strongly agreed on the need for funding labour migration projects between Member States and third countries.

On citizens' enquiries, a dedicated unit ([Citizens' Enquiries \(Ask EP\)](#)) of Parliament's DG EPRS has received questions from non-EU citizens on **how to attain a permit**, and on **family reunification** policies in individual EU Member States. Furthermore, citizens have voiced concerns about the **processing time** of national authorisations for the granting of permits.

Research and EPRS publications

An [article](#) published in the *European Journal of Migration and Law* in 2015 argued that, despite it being an important instrument allowing for better protection of third-country nationals' social rights, the **Single Permit Directive revealed significant inconsistencies**. The author argued that, first, due to difficult negotiations at the Council during the drafting process, the final text of the

Single Permit Directive maintained the **fragmented approach to legal immigration**, excluding several categories of third-country nationals from its personal scope. Second, the directive allows Member States to impose important restrictions on social rights while implementing the directive. These restrictions could have **considerable implications for the integration of immigrants** in the host Member State. According to the author, despite existing legislation, the protection of third-country workers' social rights in the EU continued to be **largely dependent on the Member States' political will**. Similarly, in an [article](#) published in *the European Journal of Social Security* in 2018, the author stated that the Single Permit Directive was of particular importance for the employment and social security rights of labour migrants. However, the exclusions present in the directive exemplified a **'still-persisting fragmented approach of the EU to labour immigration'**.

An [article](#) published in the *Utrecht Law Review* in 2021 stated that the Commission's 2020 new pact on migration and asylum, as an opportunity for the Commission to address and overcome the crisis in the field of a common EU labour migration policy, fell short of its objectives. According to the author, the Commission **did not devote enough space to the subject of EU labour migration in the new pact**. It was emphasised that 'EU labour migration policy has always been a battle ground between the EU and the Member States'. According to the author, this has led to a **highly fragmented EU policy, which proves to be ineffective and generating resistance, rather than contributing to a common policy**.

With regard to the importance of improving EU legislation in practice in the field of legal migration, the median age in the EU is expected to increase further, with the working-age population (which accounted for 59% of the total EU population in 2019) forecast to [fall to 51 % by 2070](#). As such, research has pointed to **legal migration channels being a viable option for mitigating the issue of a declining EU workforce**. The European Parliament has [highlighted](#) that a comprehensive labour migration policy for third-country nationals and better integration of migrants were needed in order to meet the EU's goals for smart, sustainable and inclusive growth, and fill gaps identified in the EU's labour market. In relation to this, the **EPRS has identified a significant 'cost of non-Europe'** in the areas of legal migration and [asylum](#) as to the labour market.

In a June 2020 [resolution](#), the European Parliament called for action to tackle the challenges triggered by the coronavirus pandemic on cross-border and seasonal workers. In May 2021, the Parliament adopted a [resolution](#) on new avenues for legal labour migration. A September 2021 [EPRS study](#) on legal migration policy and law **discusses a range of policy options**, together with an analysis of their effects, to achieve three main goals: **favouring intra-EU mobility,⁷ enhancing the rights of third-country nationals and their enforcement, and reducing the fragmentation of the EU legal migration framework**.

Conclusion

The Single Permit Directive is a **key instrument in EU immigration policy** for third-country nationals admitted to work in the EU Member States in which it applies. However, there are **several problems** with the implementation and functioning of the directive. The **revision of the directive** should find, firstly, the best way to simplify, clarify and streamline the personal scope, procedures and rights set out in the directive. Secondly, it should explore the possibility of introducing admission conditions that would apply to all low- and medium-skilled third-country workers, and of measures to prevent and fight labour exploitation of third-country workers.

The resolution adopted by the Parliament in November 2021 made many recommendations to amend current directives. It called on the Commission to present, by 2022, a legislative proposal that would facilitate and promote entry into and mobility within the EU for legally migrating third-country nationals applying for work or already holding a work permit; this proposal would also align rules across the existing legal migration directives, which have been deemed **incoherent and fragmented**, by EU-level reports and also by academics and experts in the field.

The European Commission's [2021 work programme](#) included the revision of both the Single Permit Directive and the LTRD. **In this context, the EPRS has published research** on possible [policy options](#) to reform the EU's legal migration framework, as well as the above-mentioned research into the cost of ineffective policies.

MAIN REFERENCES

De Groot D., [Legal migration policy and law](#), EPRS, European Parliament, November 2021.

De Lange T. and Groenendijk K., [The EU's legal migration *acquis*: Patching up the patchwork](#), European Policy Centre, March 2021.

[Legal migration fitness check](#), website, European Commission, March 2019.

Navarra C. and Fernandes M., [Legal migration policy and law: European added value assessment](#), EPRS, European Parliament, September 2021.

[Report on the consultation on the future of EU legal migration – Synthesis report](#), European Commission, January 2021.

van Ballegooij W. and Thirion E., [The cost of non-Europe in the area of legal migration](#), EPRS, European Parliament, March 2019.

ENDNOTES

- ¹ When the Commission finalised its implementation report, Belgium had not yet transposed the directive completely, and a conformity assessment of Belgium was not available. The assessment made in this report therefore refers to the 24 other relevant Member States. See also judgment in [Case C-564/17 – Commission v Belgium](#), European Court of Justice, February 2019.
- ² For more information, see H. Ahamad Madatali, [Rights of third-country nationals who are long-term residents in the EU– Directive 2003/109/EC](#), EPRS, European Parliament, February 2022.
- ³ For more information on this point, see B. Friðriksdóttir, *What Happened to Equality? The Construction of the Right to Equal Treatment of Third-Country Nationals in European Union Law on Labour Migration*, BRILL, 2017 (in particular Chapter 6).
- ⁴ Member States were required to transpose the directive in full by 25 December 2013. By that date, Belgium had notified the Commission of having transposed it only partially. Belgium [implemented](#) the EU Single Permit Directive on 1 January 2019.
- ⁵ [Report](#) from the Commission on the implementation of Directive 2011/98/EU (2019), pp. 2-11.
- ⁶ Infringement [decisions](#) were published on the 'European Commission at work' website.
- ⁷ Intra-EU mobility refers to the action of individuals (EU nationals or legally resident third-country nationals) exercising their right to free movement by moving from one EU Member State to another.

DISCLAIMER AND COPYRIGHT

This document is prepared for, and addressed to, the Members and staff of the European Parliament as background material to assist them in their parliamentary work. The content of the document is the sole responsibility of its author(s) and any opinions expressed herein should not be taken to represent an official position of the Parliament.

Reproduction and translation for non-commercial purposes are authorised, provided the source is acknowledged and the European Parliament is given prior notice and sent a copy.

© European Union, 2022.

eprs@ep.europa.eu (contact)

www.eprs.ep.parl.union.eu (intranet)

www.europarl.europa.eu/thinktank (internet)

<http://epthinktank.eu> (blog)

