A common set of rights for foreign workers under the new single permit

Committees: Committee on Civil Liberties, Justice and Home Affairs / Committee on Employment and Social Affairs

Third country migrants working legally within the EU should enjoy comparable rights to those of EU nationals as regards working conditions, social security and access to public services, under a new "single permit" directive agreed by Parliament and Council and backed by the Civil Liberties and Employment committees on Monday. The new law would also cut red tape, by enabling foreign workers to obtain work and residence permits via a single procedure.

The "single permit" directive - which complements other measures on legal migration - is designed to facilitate such migration where it meets the needs of the EU labour market.

Following the vote, rapporteur Véronique Mathieu (EPP, FR) commented: "This is the first report on legal migration to be adopted by co-decision. This directive is a first step towards a common European policy on economic migration. It will allow more effective action against illegal migration, which benefits mafia networks, and help to meet the labour needs that Europe will face in coming years. It also recognises that all persons working legally in Europe must have the same rights as European workers. It will therefore also help to combat unfair competition for European workers".

The proposed directive would simplify administrative requirements for third-country nationals by enabling them to obtain work and residence permits via a single procedure and grant them a standard set of rights comparable to those enjoyed by EU workers, such as decent basic working conditions, recognition of educational and professional qualifications and access to social security.

Member States would have four months within which to decide on a single permit application. These rules do not affect EU countries’ power to decide whether or not to admit non-EU workers or how many to admit.

The compromise text approved by the Civil Liberties Committee had already won the backing of the Employment Committee (associated committees).

Who is covered?

The agreed rules would apply to non-EU nationals who wish to reside and work in a Member State, or who already legally reside or work in a Member State. The new law would not cover long-term residents, refugees and posted workers (who are already subject to other EU rules), seasonal workers or intra-company transferees (who will be covered by other EU directives). Au pairs and seafarers sailing under the flag of a Member State are also excluded.

A new set of rights

Under the agreement, single permit holders would enjoy equal treatment with EU nationals as regards pay and dismissal, health and safety at work, the right to join trade unions, recognition of diplomas, access to public goods and services and social security.
Non-EU workers could also claim tax benefits under the directive if they are tax residents in the Member State concerned. Their families would be able to receive these benefits only if they live in the same EU country as the worker. However, Member States could restrict access to public services, such as public housing, to those foreign workers who have jobs.

**Social security and pensions**

As a general rule, non-EU workers would have access to social security on the same terms as EU nationals. However, Member States could apply restrictions to workers with contracts of less than 6 months' duration. For non-EU citizens admitted to follow a course of study, family benefits could also be further restricted.

At the request of MEPs, the draft directive ensures that non-EU workers would be able to receive their pensions when moving back to their home country under the same conditions and at the same rates as the nationals of the Member State concerned.

**Vocational training and education**

Also at the request of MEPs, vocational training and education would be provided for non-EU workers who have a job or are registered as unemployed. During the negotiations, MEPs rejected a proposal by Member States to limit these services to foreign workers in employment. With respect to access to university or vocational training not linked directly to the work activity, EU countries could set specific conditions, such as language proficiency.

**Background**

The text backed by the Civil Liberties and Employment committees on Monday is the same as that agreed by Parliament and the Member States last July, which was endorsed by Council at the first reading on 24 November.

**Next steps**

Parliament as a whole is to put the agreed text to a vote in the next plenary session (12-15 December). Member States will have two years in which to transpose the directive into their national laws.

*Committee vote (Civil Liberties): 29 votes in favour, 3 against, 12 abstentions*

*Rapporteur: Véronique MATHIEU (EPP, FR)*

*Procedure: Co-decision, 2nd reading*

*In the chair: Juan Fernando López Aguilar (S&D, ES)*

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