



AD HOC QUERY ON 2019.99 European Union Long-term residence - Part II

Requested by EMN NCP Luxembourg on 13 November 2019

Responses from Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovakia, Slovenia, Sweden (21 in Total)

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1. Background information

The report from the Commission to the European Parliament and the Council on the implementation of Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents of 29 March 2019 (COM(2019) 161 final) concluded that “Since 2011, the implementation state of play of the long-term residents Directive across the EU has improved, also thanks to the numerous infringement cases launched by the Commission and judgements issued by the CJEU. However, some outstanding issues continue to undermine the full achievement of the Directive’s main objectives, which are to: constitute a genuine instrument for the integration of third-country nationals who are settled on a long-term basis in the Member States; and contribute to the effective attainment of an internal market. ...” and that “most Member States have not actively promoted the use of the EU LTR status, and continue to almost exclusively issue national long-term residence permits unless third-country nationals explicitly ask for the EU permit. [...]” Adding that “the way that most Member States have implemented the intra-EU mobility provisions of the Directive has not really contributed to the attainment of the EU internal market.”

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EMN Luxembourg had been raising the issue that EMN should conduct a study to determine the state of play of the long-term residence permit in the EU as the report of the Commission is based on a study conducted by an external contractor throughout the period 2014-2016, which focused on the transposition of the Directive rather than on its practical implementation.

During the 24th EMN Steering Board Meeting that took place in Brussels on 21 October 2019, EMN Luxembourg was entrusted to do an EMN Inform on the State of Play of the EU LTR. In order to obtain the information EMN Luxembourg will launch four ad-hoc queries on the subject.

This ad-hoc query relates to the Rights attached to the status of Long-term residence.

2. Questions

1. In principle, the long-term resident enjoys equal treatment with nationals in social rights matters. In some cases, the Member State may limit the equality of treatment with nationals. Does your MS apply geographical limitations to the place of registered or habitual residence of the LTR (Article 11(2))?

Available choices: Yes, No

2. a. If YES, in which domain (i.e. education, recognition of diplomas, social security, tax benefits, and access to good and services...)? Please explain.

3. Does your MS impose restrictions in access to the labour market (Article 11(3)(a))?

Available choices: Yes, No

4. a. If you answer YES, can you please detail them.

5. Does your MS require proof of appropriate language proficiency for access to education and training (Article 11(3)(b))?

Available choices: Yes, No

6. a. If you answer YES, can you please explain.

7. Does your MS limit equal treatment in respect of social assistance and social protection to core benefits (Article 11(4))?

Available choices: Yes, No

8. a. If YES, please explain detailing under which circumstances.

9. Does your MS grant equal treatment to LTR TCN in other areas not covered by the Directive (Article 11(5))?

Available choices: Yes, No

10. a. If you answer YES, can you please explain.


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We would very much appreciate your responses by **28 February 2020**.

3. Responses

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		Wider Dissemination ²	
	EMN NCP Belgium	Yes	1. No 2. N/A 3. No 4. N/A 5. No 6. N/A 7. No

¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."


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			<p>8. N/A</p> <p>9. No</p> <p>10. N/A</p>
	<p>EMN NCP Bulgaria</p>	<p>Yes</p>	<p>1. No</p> <p>2.</p> <p>3. No</p> <p>4.</p> <p>5. No</p> <p>6.</p> <p>7. No</p> <p>8.</p> <p>9. No</p> <p>10.</p>


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	<p>EMN NCP Croatia</p>	<p>Yes</p>	<p>1. No</p> <p>2. N/A</p> <p>3. Yes</p> <p>4. Law on Civil Servants (OG, No. 92/05, 140/05, 142/06, 77/07, 107/07, 27/08, 34/11, 49/11, 150/11, 34/12, 49/12, 37/13, 38/13, 01/15, 138/15, 61/17, 70/19, 98/19) in Article 48 (2) prescribed that for admission to the civil service of a person who is a foreign citizen or a stateless person, in addition to meeting the conditions prescribed by law (appropriate education, appropriate professional knowledge and work experience, etc.), prior approval from the central government body responsible for civil servants is required.</p> <p>5. Yes</p> <p>6. In case of HIGHER EDUCATION, all third country nationals who are applying to higher education studies carried out in the Croatian language, are required to take the standardized Croatian language test at Level B2 before entering the first or the second year of undergraduate or graduate study, in accordance with the decision made by a respective higher education institution. The higher education institution selects study programmes that require the Croatian language test at Level B2 (the test is not obligatory for all study programmes). The Croatian language test is not the only proof of appropriate language proficiency for access to higher education accepted for this purpose. The candidates are not required to take the test if they have passed the similar test of this level earlier or if they can provide other evidence of their knowledge of the Croatian language (e.g. if the long-term resident has completed secondary education in the Croatian language). The decision on the type of proof is made by a respective higher education institution.</p> <p>In case of PRIMARY AND SECONDARY EDUCATION, third-country nationals are not required to submit a proof of appropriate Croatian language proficiency. The Ministry of Science and Education has the overall responsibility at the national level to integrate this category of children into the additional</p>
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			<p>Croatian language courses (extra-curricular activity) in order to increase their Croatian language competences.</p> <p>In order to participate in the education of the Croatian Employment Service, a person must have a satisfactory knowledge of the Croatian language, although no proof of proficiency is required.</p> <p>7. No</p> <p>8. N/A</p> <p>9. No</p> <p>10. N/A</p>
	<p>EMN NCP Cyprus</p>	<p>Yes</p>	<p>1. Yes</p> <p>2. Third country nationals who are granted the long-term residence status in the Republic enjoy equal treatment with nationals to the entire territory of the Republic except settlement and work in the areas which are not under the control of the Government of the Republic.</p> <p>3. Yes</p> <p>4. The employment or self-employment activity of the holder should not entail even occasional involvement in the exercise of public authority. Equal treatment with nationals as regards access to employment or self-employed activity is restricted where an existing national law or community law provides that such activities can only be exercised by nationals or E.U citizens</p> <p>5. Yes</p>


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			<p>6. In accordance with national law on proof of language efficiency and satisfying the appropriate academic prerequisites.</p> <p>7. Yes</p> <p>8. Social security, social assistance and social protection as defined by national law provided that the holder resides and work in the areas which are not under the control of the Government of the Republic.</p> <p>9. No</p> <p>10. N/A</p>
	<p>EMN NCP Czech Republic</p>	<p>Yes</p>	<p>1. Yes</p> <p>2.</p> <ul style="list-style-type: none"> • Taxes (§ 2 of the Act No. 586/1992 Coll.) • Education (§ 20 of the Act No. 561/2004 Coll.) • Social Security (§ 3 of the Act No. 117/1995 Coll.) – only in case of domicile on the territory of the Czech Republic. • Mobility and special tools allowance and title to card of disabled person (§ 3 of the Act No. 329/2011 Coll.) • Care allowance (§ 4 of the Act No. 108/2006 Coll.) • Living and housing allowance (§ 5 of the Act No. 111/2006 Coll.) <p>3. No</p>


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			<p>4. N/A</p> <p>5. No No, however universities are quite independent in this case and they can require the proof of proficiency.</p> <p>6. N/A</p> <p>7. No</p> <p>8. N/A</p> <p>9. Yes</p> <p>10. There are basic child allowances and additional support (for families and for housing) granted (§3 of the Act No. 117/1995 Coll.). There are also additional support for people with disabilities and in material need (§ 3 of the Act No. 329/2011 Coll.), long-term care allowance granted (§ 4 of the Act No. 108/2006 Coll.) etc.</p>
	<p>EMN NCP Estonia</p>	<p>Yes</p>	<p>1. No The rights and obligations established in the Estonian Social Code shall apply to Estonian inhabitants (Estonian citizens, foreigners, who are residing in Estonia). Estonia does not import family benefits outside of Estonia.</p> <p>2.</p> <p>3. Yes</p>


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			<p>4. Access to the labour market is restricted in cases where the precondition to apply for a position is Estonian or EU citizenship. Restrictions may arise also from language or proficiency requirements.</p> <p>5. No</p> <p>6.</p> <p>7. No</p> <p>8.</p> <p>9. No</p> <p>10.</p>
	EMN NCP France	Yes	<p>1. No</p> <p>2. n/a</p> <p>3. No</p> <p>4. NO, the 10-year EU long term residence permit gives access to the labour market, except for regulated jobs (subject to a specific diploma, qualifications or training) and arranged employments for French nationals (army).</p> <p>5. No</p> <p>6. Please note that France provides language and vocational training for TCNs during the first year after arriving to France, as part of their Republican integration pathway. In order to apply for the first</p>


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			<p>ten year residence permit the applicants has to prove sufficient knowledge of French language. Such requirements are no longer required for next steps of TCNS in the French society.</p> <p>7. No</p> <p>8. n/a</p> <p>9. No</p> <p>10. n/a</p>
	EMN NCP Germany	Yes	<p>1. Yes</p> <p>2. Generally diplomas have to be recognized. Normally this recognition has already taken place in the time before the application for LTR.</p> <p>3. No</p> <p>4. n/a</p> <p>5. No No, this is already verified in the moment of applying for a LTR.</p> <p>6. n/a</p> <p>7. No</p> <p>8. n/a</p>


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			<p>9. No</p> <p>10. n/a</p>
	<p>EMN NCP Greece</p>	<p>Yes</p>	<p>1. Yes Yes concerning the right of equal treatment, No regarding geographical limitations. Third-country nationals who legally reside in the country may freely move and settle anywhere in its territory and no geographical limitations are applied to the right of equal treatment with nationals in social rights matters related to the place of residence in the country. Long term residents enjoy free access to and residence in the entire Greek territory. The immigration Code provides for the issuance of a presidential decree issued at the proposal of competent Ministers regarding the prohibition of residence or establishment in certain geographic regions of the country for reasons of public interest.</p> <p>2. According to immigration Code, the right to equal treatment to long-term residents, is restricted regarding the following:</p> <ul style="list-style-type: none"> a. work as employed or self-employed persons, which, under the provisions of the laws in force, is carried out exclusively by Greek nationals, EU nationals or EEA citizens; b. access to education and vocational training for which the long-term resident may have to produce evidence of sufficient linguistic competence required for this purpose; c. access to Higher Education Institutions and Higher Technological Education Institutions, which requires the prior fulfillment of the educational conditions laid down in the laws in force. <p>3. No No, with the exception referred in answer 2.</p> <p>4.</p>


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			<p>5. No No – This is not regulated in the Immigration Code. Depending on the level of education and training, proof of knowledge of the Greek language may be requested by the competent authorities.</p> <p>6. See above, answer 2.</p> <p>7. Yes</p> <p>8. Long term residents enjoy equal treatment with nationals regarding social security and the main benefits of social assistance and protection. The relevant provisions relate to assistance to unprotected children, social protection of disadvantaged persons, family protection etc.</p> <p>9. No</p> <p>10.</p>
	<p>EMN NCP Hungary</p>	<p>Yes</p>	<p>1. No</p> <p>2. Answer to question 1 was 'no'.</p> <p>3. No</p> <p>4. Answer to question 3 was 'no'.</p> <p>5. No</p>


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			<p>6. Hungary does not require proof of appropriate language proficiency for access to education and training. However, the educational institution may require proof from the applicants.</p> <p>7. No</p> <p>8. Answer to question 7 was 'no'.</p> <p>9. Yes</p> <p>10. According to (3) section of Article XXIII of Freedoms and responsibilities of Fundamental Law of Hungary (25 April 2011) all adult persons holding refugee, immigrant or permanent resident status in Hungary shall have the right to vote on local ballots for the election of council members and mayors.</p> <p>According to (7) section of Article XXIII of Freedoms and responsibilities of Fundamental Law of Hungary (25 April 2011), all those entitled to vote in parliamentary elections shall have the right to vote in national referenda. All those entitled to vote in local elections for the election of council members and mayors shall have the right to vote in local referenda.</p>
	EMN NCP Ireland	Yes	<p>1. No</p> <p>2. N/A</p> <p>3. No</p> <p>4. <u>Clarification to Question 3</u> In general, no. The Long Term Residence scheme provides free access to the labour market for Stamp 4 holders. However, Spouses/Dependants of Stamp 4 holders, who are on Stamp 3, are not exempted from employment permit requirements.</p>

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			<p>The Without Condition as to Time permission (stamp 5) allows free access to the labour market.</p> <p>5. No</p> <p>6. N/A</p> <p>7. No</p> <p>8. Clarification to question 7. <u>Without Condition as to Time</u> This permission does not confer entitlement to any particular public service or funding. Such entitlements are assessed by the relevant Government Department or agency. One of the conditions of this permission is that the person make every effort to gain employment and not be a burden on the State. If a person is in receipt of a means-tested social protection payment at renewal stage, this will be taken into account in assessment of the renewal of the permission.</p> <p>9. No</p> <p>10.</p>
	EMN NCP Italy	Yes	<p>1. No</p> <p>2. N.A.</p> <p>3. No</p>


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			<p>4. N.A.</p> <p>5. Yes</p> <p>6. It is necessary to specify that this is a requirement expressly provided by law (art. 9 law 286/1998) to obtain the long-term residence permit. So, a long term resident who want to access to education and training has already in possession of a certificated knowledge of Italian language. According to law n. 94/2009, the level required to obtain a long-term residence permit is at least A2, according to EU common framework for knowledge of languages (art. 9 co. 2-bis law 286/1998). The law 12/2014 extended the possibility to obtain a long-term residence permit also to beneficiaries of international protection, but they are exempt to demonstrate the knowledge of Italian languages.</p> <p>7. No</p> <p>8. N.A.</p> <p>9. No</p> <p>10. N.A.</p>
<p>==</p>	<p>EMN NCP Latvia</p>	<p>Yes</p>	<p>1. No</p> <p>2. N/A</p> <p>3. Yes</p>


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			<p>4. Access to the labour market is unlimited with exception of professions where only citizens of Latvia can be employed (civil service, judges, police).</p> <p>5. No</p> <p>6. N/A</p> <p>7. No</p> <p>8. N/A</p> <p>9. No</p> <p>10. N/A</p>
	EMN NCP Lithuania	Yes	<p>1. Yes</p> <p>2. Some legislation provides that certain provisions apply only to foreign nationals who are permanent residents in Lithuania. For example, the Law on social assistance provides that it applies to Lithuanian citizens and foreigners residing in Lithuania who holds a long-term residence permit in EU; The Law on Health Insurance stipulates that compulsory health insurance covers, inter alia, citizens of the Republic of Lithuania and foreigners permanently residing in Lithuania.</p> <p>3. Yes</p> <p>4. An alien may not hold public office.</p> <p>5. Yes</p>


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			<p>6. Educational institutions can set their own entry requirements for admissions. Nonetheless, as mentioned in answering the Part I of this AHQ, in order to obtain EU LTR permit requires passing examination in Lithuanian language and basic knowledge of the principles of the Constitution of the Republic of Lithuania.</p> <p>7. No</p> <p>8. If the person is in possession of a permanent residence permit (EU LTR) and has declared the place of residence in Lithuania, the person can apply for social assistance and core social benefits.</p> <p>9. No</p> <p>10. n/a</p>
	<p>EMN NCP Luxembourg</p>	<p>Yes</p>	<p>1. No</p> <p>2. N/A.</p> <p>3. Yes</p> <p>4. The long-term resident cannot have access to any position that implies the use of public force or the responsibility for safeguarding the general interest of the State (i.e. public sector mainly police, judicial branch, etc.)</p>


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			<p>According to article 2 of the amended law of 16 April 1979 laying down the general statute on civil servants, Luxemburgish nationality is required to access any position that involves direct or indirect participation in the exercise of public authority and the responsibility for safeguarding the general interest of the State or of other public law legal entities. (i.e. public sector mainly police, judicial branch, etc.) These positions are determined by the amended Grand Ducal regulation of 12 May 2010</p> <p>5. No 6. N/A 7. No 8. N/A 9. No 10. N/A</p>
	<p>EMN NCP Netherlands</p>	<p>Yes</p>	<p>1. No 2. N/A 3. Yes</p> <p>4. . A TCN holder of a LTR status in another MS that wishes to come to the Netherlands for work is not free on the labour market during his or her first year in the Netherlands. Employers would need permission to employ him or her during this first year. The are no labour market restrictions for</p>


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			<p>holders of a national LTR permit, besides a labour market test during the first year of paid employment.</p> <p>5. No</p> <p>6. N/A</p> <p>7. No</p> <p>8. N/A</p> <p>9. No</p> <p>10. N/A</p>
	EMN NCP Poland	Yes	<p>1. No</p> <p>2. N/A.</p> <p>3. Yes</p> <p>4. Poland maintains restrictions on access to employment or self-employment in cases where this activity is reserved only for nationals, EU or EEA citizens. Such restrictions apply to military units and various branches of government administration (they are specified in statutory provisions).</p> <p>5. No</p> <p>6. N/A.</p>


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			<p>7. No</p> <p>8. N/A.</p> <p>9. No</p> <p>10. N/A.</p>
	EMN NCP Portugal	Yes	<p>1. No</p> <p>2.</p> <p>3. Yes</p> <p>4. Access to independent or employed professional activities is granted, provided that such activities do not entail the exercising of public authority, including on an exceptional basis, notwithstanding the special scheme applicable to nationals from Portuguese speaking countries.</p> <p>5. No</p> <p>6.</p> <p>7. No</p> <p>8.</p> <p>9. Yes</p>



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			10. Public health care is also granted, as well as no security limitations of access to the entire Portuguese territory. Moreover, there is positive discrimination regarding working as a public authority for Portuguese speaking countries' national citizens under a specific scheme.
	EMN NCP Slovakia	Yes	<p>1. No</p> <p>2. N/A</p> <p>3. No</p> <p>4. N/A</p> <p>5. No</p> <p>6. N/A</p> <p>7. No</p> <p>8. N/A</p> <p>9. No</p> <p>10. N/A</p> <p>lu_on_eu_ltr_-_part_ii_for_ies_sk_response_details.docx</p>

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	EMN NCP Slovenia	Yes	1. No 2. / 3. No 4. / 5. No 6. / 7. No 8. / 9. No 10. /
	EMN NCP Sweden	Yes	1. No 2. Not applicable 3. No 4. Not applicable

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			<p>5. No</p> <p>6. Not applicable</p> <p>7. No</p> <p>8. Not applicable</p> <p>9. Yes</p> <p>10. LTR will have the same rights as everyone else living in the country and registered in the population registry.</p>
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