



Legal Migration Fitness check

Contextual analysis : Intervention logic Internal Coherence

Annex 1Ci

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Table of Contents

1.1	Introduction to the internal coherence intervention logic analysis.....	1
1.1.1	Purpose and structure of the internal coherence intervention logic.....	1
1.2	Personal scope of the Directives	1
1.3	Conditions for admission of third-country nationals and for renewal of their permits.....	3
1.3.1	Initial admission conditions common to all Directives	4
1.3.2	Right to admission.....	8
1.3.3	Specific admission conditions	8
1.4	Admission procedures	11
1.4.1	Single application procedure	11
1.4.2	Access to information.....	12
1.4.3	Submission of application (who can submit the application)	13
1.4.4	Submission of application (outside territory/within territory).....	14
1.4.5	Set timeframe for authorities to process the application	15
1.4.6	Requesting further information when the application is incomplete ...	15
1.4.7	Consequence of insufficient/inadequate application.....	16
1.4.8	Notification of rejection and providing reasons for rejection to the TCNs	16
1.4.9	Consequences of administrative silence.....	16
1.4.10	Right to appeal/redress	16
1.4.11	Information on the right to redress	17
1.4.12	Application fees.....	17
1.4.13	Fast-track / simplified procedure for issuing authorisations.....	17
1.4.14	Authorisations – validity	18
1.5	Equal treatment, access to employment and self-employment and free access to the entire territory of the Member State concerned	18
1.5.1	Coverage	18
1.5.2	Freedom of association and affiliation	19
1.5.3	Access to education and vocational training	20
1.5.4	Recognition of professional qualifications.....	21
1.5.5	Access to social security, social assistance and social protection.....	21
1.5.6	Tax benefits.....	23
1.5.7	Public goods and services	24
1.5.8	Working conditions	24
1.5.9	Services afforded by employment offices.....	25
1.5.10	Back payments to be made by the employer.....	25
1.6	Access to employment and self-employment	25
1.7	Intra-EU mobility	26
1.7.1	Coverage and types of intra-EU mobility.....	26
1.7.2	Procedural requirements for mobility	29
1.7.3	Documentation / evidence needed as part of the application/notification	31
1.7.4	Right of family members to join in second Member State	34
1.7.5	Limitations and rejection grounds.....	36
1.8	Right to family reunification	38
1.8.1	Persons covered by the right to family reunification	39
1.8.2	Requirement for the sponsor to have a minimum period of residence	39
1.8.3	Requirement of the sponsor having reasonable prospects of obtaining the right of permanent residence	39

1.8.4	Requirement to comply with integration measures/conditions	39
1.8.5	Maximum period for Member States examine an application for family reunification	39
1.8.6	Duration of validity of the residence permit for family members	40
1.8.7	Family members' access to the labour market.....	40
1.8.8	Family members' application for an autonomous residence permit	40
1.9	The right to cumulate residence periods	40
1.10	Grounds for rejection, loss and withdrawal of status.....	41
1.10.1	Grounds for rejection	41
1.10.2	Grounds for withdrawal or loss of status.....	43
1.11	Format and type of permits.....	45
1.11.1	Format of permit.....	45
1.11.2	Type of authorisation (permit or long-stay visa)	48
1.11.3	Format of authorisation related to intra-EU mobility.....	48
1.12	Mechanisms of cooperation	48
Annexes	51
Annex 1	Admission conditions.....	52
Annex 2	Admission procedures	68
Annex 3	Equal treatment, access to work and free access to the entire territory of the Member State concerned	89
Annex 4	Intra-EU mobility	104
Annex 5	Right to family reunification	120
Annex 6	The right to cumulate residence periods	127
Annex 7	Grounds for rejection, loss and withdrawal of status.....	129
Annex 8	Format and type of permits.....	142
Annex 9	Cooperation and bilateral agreements	146
Annex 10	Mechanisms of cooperation.....	150

1.1 Introduction to the internal coherence intervention logic analysis

1.1.1 Purpose and structure of the internal coherence intervention logic

This document includes an analysis of the internal coherence of the legal migration Directives.

The purpose of the section is to analyse the interactions between the Legal migration Directives and their internal coherence in relation to a range of themes.

This paper should be read in conjunction with other papers developed during the course of this study, notably the analysis of external coherence, gap analysis papers that deal with specific categories of third country migrants, as well as papers on specific horizontal issues, in particular, exploitation of third country workers, attractiveness and transition into irregular stay.

1.2 Personal scope of the Directives

Each of the Directives have defined their personal scope, i.e. the specific category of third-country nationals wishing to migrate that they cover:

- The FRD covers family members including the spouse and minor children, as well as optionally unmarried adult children, registered partners and their minor children and first degree family members in ascending line.
- The LTR addresses third-country nationals who have been legally residing in the Member State for an uninterrupted period of five years.
- The SD covers third-country nationals applying for admission as students and optionally school pupils, volunteers and unremunerated trainees.
- The RD covers those applying to be admitted to a Member State for the purpose of carrying out a research project.
- The BCD addresses third-country nationals who apply to be admitted to a Member State for the purpose of highly qualified employment.
- The SWD covers third-country nationals who apply to be admitted, or who have been admitted under the terms of the Directive, to a Member State for the purpose of employment as seasonal workers.
- The ICT includes third-country nationals who apply to be admitted or who have been admitted to a Member State under the terms of the Directive, in the framework of an intra-corporate transfer as managers, specialists or trainee employees.
- The SPD, as a framework Directive, covers all third-country nationals applying to be admitted for the purpose of work and those who have been admitted for that purpose, as well as those admitted for other reasons but who are allowed to work. This includes those applying for and/or residing and working on the basis of national parallel schemes for permanent residence (if they have the right to work) and highly skilled work(see BCD), and it applies to third-country national joining non-mobile EU citizens. The Directive however includes a more limited material scope than other Directives (no admission conditions).
- Finally, the S&RD covers the categories previously included in the SD and RD.

A number of specific categories of third-country nationals are however excluded from the personal scope of the Directives, but only a few exclusions give rise to a coherence issues. Most commonly a category is excluded, due to it being covered by other EU legislation, but in some cases this is not so (see Table 1 below).

Table 1. Categories explicitly excluded according to the scope of the Directives¹.

Category	SPD	FRU	LTR	BCD	SWD	ICT	SRD
Family members of citizens of the Union exercising free movement	EX	EX	EX	EX	EX	EX	EX
Equivalent to family members of citizens of the Union exercising free movement	EX				EX	EX	EX
Posted workers	EX			EX		EX	
Intra-corporate transferees	EX					IN	EX
Blue Card holders							EX
Certain trade and investment related reasons				EX			
Seasonal workers	EX		EX	EX	IN		IN
Au pairs	EX		EX				IO
Other temporary grounds, like cross-border provision of services			EX				
Temporary protection	EX	EX	EX	EX			
Applicants for refugee status/international protection	EX	EX	EX				EX
Beneficiaries of international protection	EX			EX			EX
stateless persons as refugees or as persons who otherwise need international protection and the content of the protection	EX						
Beneficiaries of protection in accordance with national law, international obligations or the practice of a Member State.	EX	EX	EX	EX			EX
Long-term residents (2003/109/EC)	EX			EX			EX
Those whose removal has been suspended on the basis of fact or law;	EX			EX			EX
Self-employed	EX					EX	
Seafarers for employment or work in any capacity on board of a ship registered in or sailing under the flag of a Member State	EX						
Those residing for study or vocational training						EX	
Researchers (RD)				EX		EX	
Diplomatic status			EX				

¹ Wording of exclusions not identical.

Key: EX: explicitly excluded. IN: Explicitly Included. IO: Included, optional. When a category is included in the scope on an optional basis, this is marked O. For the purpose of this analysis, only the new S&RD is included.

Some inconsistencies are identified. The more recent Directives (from the SPD onwards) explicitly mention that they cover those "who apply to be admitted or who have been admitted", whilst the earlier Directives refer to only those who apply to be admitted, in spite of including many provisions which apply to third-country nationals when they have been admitted and are residing in the Member State. There would be scope in correcting this.

There is some scope for overlap between the Directives, for example:

- Researchers could fall both under the RD / S&RD and under the BCD.
- The SPD in principle applies also to the BCD and, as concerns the rights granted, to those allowed to work under the FRD, SD, RD and the S&RD. These relationships are however not made explicit and may give rise to confusion.

There are also some 'gaps' in the Directives concerning the categories of third-country nationals covered, for example:

- 'Inactive' family members falling under the FRD are not granted the right to equal treatment under the SPD.
- The SWD does not apply to seasonal workers who are already in the EU.
- The SPD allows Member States to not apply the single application procedure to third-country nationals who have been authorised to work in the territory of a Member State for a period not exceeding six months and those who work on the basis of a visa.

In addition, several categories of third-country nationals are not to be fully covered by the current legal migration Directives, including for example low and medium-skilled workers who are not seasonal workers (as regards admission conditions), entrepreneurs / self-employed, service providers, third-country nationals benefiting from national forms of protection and those who cannot be returned, family members of non-mobile EU citizens, post-secondary students, trainees who are not studying or who are not in the possession of a university degree.

Finally, some of the Directives may co-exist with parallel national schemes, as allowed by the LTR and the BCD. While such parallel schemes are not allowed in respect to the FRD, SWD, ICT and S&RD, Member States may (and de facto have) national rules covering situations which are outside the personal and material scope of the Directives.

1.3 Conditions for admission of third-country nationals and for renewal of their permits

The rules on admission conditions vary across the Directives (for the detailed mapping of the provisions, see Annex 1).² In some cases the differences are a logical reflection of the specific situation of the categories of third-country nationals covered by each Directive. In other cases, as for example in relation to proof of sufficient resources, the differences across Directives are more difficult to explain. This section first reviews the conditions which are similar across all categories, followed by an analysis of the category-specific conditions.

² The Single Permit Directive does not include admission conditions, as the purpose of the Directive is not to regulate the admission of third-country nationals but rather to simplify the procedures for issuing residence and work permits for third-country nationals who have been admitted to the territory of a Member State, and to establish a common set of rights to be accrued on the basis of the single permit. The Long-term residence Directive does not include initial admission conditions since by its nature it applies to TCNs already admitted in the MS; therefore for this Directive admission conditions need to be considered as "eligibility conditions".

The SPD is excluded from the internal coherence analysis of the admission conditions, as it does not include admission conditions, as the purpose of the Directive is not to regulate the conditions for initial admission of and renewals of permits for third-country nationals but rather to simplify the procedures for issuing residence and permits for work purposes for third-country nationals who have been admitted to the territory of a Member State, and to establish a common set of rights to be accrued on the basis of the single permit. Indeed, Article 4(4) of the SPD stipulates that “*Member States shall issue a single permit, where the conditions provided for are met [...]*”.

Whilst the Long Term Residents Directive (LTR) does not include initial admission conditions, rather conditions for being granted LTR status, these conditions are analysed in this section, due to their similarities to the admission conditions in other Directives. The conditions to extend the duration of stay, or renewal of the permits, are linked to the conditions for initial admission, and this is also analysed here.

The other seven Directives are all analysed for the analysis of the common (admission) conditions and where relevant in the analysis of the specific conditions. Aspects related to renewal are addressed in section 1.9 below which assesses the internal coherence of provisions concerning rejection, loss and withdrawal of status in the Directives.

1.3.1 Initial admission conditions common to all Directives

This section provides a comparative analysis of admission conditions that are common to all Directives, including: proof of sufficient resources, sickness insurance, adequate accommodation and proof of address, proof of a valid travel document as well as conditions related to public policy, public security and public health and ensuring that there is no risk of overstaying and the costs of return are covered.

1.3.1.1 Conditions related to proof of sufficient resources

As regards initial admission conditions, all seven Directives with the exception of BCD include explicit provisions that the TCN should have either “sufficient” (in the cases of the SD, RD, SWD, S&RD) or “stable and regular” (LTR and FRD) resources during his or her stay to maintain him/herself without having recourse to the social assistance systems of the Member States. The difference between the two ways of qualifying the level of resources required reflects the fact that in the case of the LTR and FRD, the third-country national subject of the provision is already residing in the Member State and is thus expected to have a regular income or sorts.

The minimum salary threshold set in the BCD³ can be considered a ‘de facto’ guarantee that the third-country national will have sufficient resources at his/her disposal at least in the admission stage.

Three Directives (FRD, LTR and ICT) also include that the resources should be sufficient to maintain not only himself/herself but also family members. While the LTR specifies that this concern dependent family members, the ICT applies it to all family members.

Three Directives (SD, RD and S&R D) further specify what the resources should cover including subsistence, education / training costs, return travel costs, etc. For certain categories the S&RD obliges third parties to take responsibility for the third-country national (e.g. school pupils, au pairs) whilst for others (e.g. trainees).

Case law on the FRD has determined that “an application may not be rejected for the sole reason that the applicant’s resources do not reach the reference amount” and that an “individual assessment” is required of each case,⁴ which is likely to apply also to the LTR, given that in both cases the subject third-country national is already in the

³ Art. 9 (3) of the EU Blue Card Directive stipulates that lack of sufficient resources may be a reason for withdrawal or refusal to renew an EU Blue Card.

⁴ Guidelines on FRD (COM(2014) 210 final)

Member State, and possibly to the other Directives too. For example, the SD and S&RD include provisions on indicating a reference amount which is considered to constitute sufficient resources – this was an obligation in the SD but became a ‘may clause’ in the S&RD. The latter however stresses that the assessment of the sufficient resources “shall be based on an individual examination of the case”, thus reflecting the need for a case-by-case assessment.

All Directives are consistent in requiring proof of respectively “sufficient” or “stable and regular” resources from the applicant. The difference between the two expressions is justified by the nature of the Directives. The BCD does not have an explicit provision but the salary threshold requirement constitutes a de facto guarantee of sufficient resources. Similarly, the ICT and SWD require that the salary meets the applicable collective agreements and/or salary level of a national in a comparable position.

With regard to the quantification of ‘sufficient’ resources, SD and its successor S&RD first required (SD) and then allowed Member States the option (S&RD) to set a ‘reference amount’ to indicate what they regard as constituting ‘sufficient resources’, while the FRD and LTR mention that amongst other things, the level of minimum wages and pensions are to be taken into account.

A minor inconsistency includes the reference to sufficient resources to also provide for family members. The FRD, which also covers (the sponsor) in five out of six other Directives (excluding the SWD) with regard to family reunification, requires that the sponsor has sufficient resources to also cover family members while this is also mentioned in the ICT (thus in certain situations overlapping with the FRD).

1.3.1.2 Conditions related to sickness insurance

As regards initial admission conditions, the Directives require that the third-country national provide evidence of sickness insurance in respect of all risks normally covered for nationals in the Member State concerned. Directives for the purpose of work (i.e. BCD, SWD, ICTs) only require this sickness insurance for periods when such insurance is not provided in connection with the work and corresponding entitlement to benefits are provided in connection with, or resulting from, the work contract.

The SD specifies that for school pupils and volunteers this should also cover healthcare costs. Similarly, the S&RD requires an insurance policy (volunteers) and evidence of coverage for accident risks (au pairs).

Some inconsistencies have been identified. All Directives (including the LTR) require the third-country national to have a ‘sickness insurance in respect of all risks normally covered for nationals in the Member State concerned, but slightly different descriptions are included as to what this would entail.

For the sake of consistency, it would be better to use the same terminology and explanations in all Directives.

1.3.1.3 Conditions related to adequate accommodation and proof of address

Four Directives (FRD, SD, SWD and S&RD) specifically require proof of accommodation (of the sponsor in the case of the FRD), while in the BCD and ICT this is formulated as “proof of address”, which can be considered as less stringent given that these statuses are assumed to have access to an acceptable level of housing⁵. The LTR stipulates that Member States may require “documentation with regard to appropriate

⁵ Although if in the case of a BCD applicant, family members would be accompanying him/her, the more stringent requirement of the FRD would apply.

accommodation” as a condition to obtaining the status. There are no provisions on accommodation or proof of address in RD. The S&RD allow the third-country national to provide a temporary address, while a permanent address is to be communicated later.

The FRD requires the accommodation to be “regarded as normal for a comparable family in the same region and which meets the general health and safety standards in force in the Member State concerned”.

In addition to the general requirement to have adequate accommodation, the SWD includes a specific provision detailing that the accommodation should ensure “adequate standard of living”. The provision further regulates situations where the accommodation is arranged by or through the employer to guarantee adequate standards, including on level of paying rent which “shall not be excessive compared with his/her net remuneration”.⁶ In addition, the Directive requires status holders to inform authorities of any changes of accommodation (Article 20).

Some inconsistencies have been identified. Four Directives (FRD, SD, SWD and S&RD) require proof of accommodation, while the LTR, BCD and ICT allow Member states to require proof of an address in the territory of the MS concerned (the ICT at the latest when the permit is issued), the latter thus reflecting a less ‘stringent’ approach. The FRD, LTR, BCD, ICT and S&RD offer Member States the option to introduce this requirement or not.

Two Directives (FRD and SWD) specify that the accommodation has to be based on certain standards to ensure family life and avoid exploitation from employers respectively. While the differences may reflect the need for higher scrutiny of applications for these statuses in view of, for example, concerns about exploitation and irregular migration (e.g. sham marriages, trafficking), other groups, such as students, could represent a similar risk of their accommodation not being adequate.

As a general point, the requirement to provide this evidence before third-country nationals may have entered the country (i.e. in the case of the SD, SWD, BCD, ICT, and S&RD) is burdensome for applicants to arrange and prove, as well as for competent authorities to verify.

1.3.1.4 Conditions related to having a valid travel document

The seven Directives all require the third-country national to present a valid travel document as determined by national and Schengen legislation. Although this provision is present in Art.6 on admission conditions for *long-term* stay in the Seasonal workers Directive, it is missing from Art.5 on admission conditions for *short-term* stay in the same Directive.

Five Directives (SD, RD, BCD, ICT and S&RD) include the same provision concerning the period during which the travel document should remain valid – i.e. “Member States may require the period of validity of the travel document to cover at least the initial duration of the residence permit”. This provision is also present in the SWD, as a ‘may clause’ for longer term stays, while for short-term stays the travel document is required to have an additional three months of validity. The FRD does not include a provision on minimum period of validity of the travel document.

The LTR also requires a “valid travel document or its certified copy”.

No coherence issues have been identified. All Directives require the third-country national to present a valid travel document as determined by national legislation. They also, with the exception of the SD, provide the option to Member States to require that the validity of the travel document corresponds as a minimum to the

⁶ Article 20 of the Seasonal workers Directive

validity of the residence permit. A requirement for a valid travel document or a certified copy is also present in the LTR.

1.3.1.5 Conditions related to public policy, public security and public health

As regards initial admission conditions, all Directives stipulate that third-country nationals who are considered to pose a threat to public policy, public security or public health shall not be granted a permit. The FRD specifies that Member States should take account of “the severity or type of offence against public policy or public security committed by the family member, or the dangers that are emanating from such person”. CJEU case law⁷ has clarified that its public order case-law developed in the context of the free movement Directive 2004/38/EC cannot be directly applied when it comes to admission of third-country students. The court further considered that public security is a negative condition to get the right to entry the EU, subject to a considerably lower threshold than in the context of free movement. The AG argued further that it is more difficult for a Member State to have all factual elements at its disposal as the applicant is from outside the EU and that there is thus considerable “fact finding” discretion when it comes to assessing whether the admission conditions have been met⁸.

This provision is also present in the LTR (as a condition to be granted this status, not for initial admission), which further stipulates that with regard to public health “only diseases that may justify a refusal to allow entry or the right of residence in the territory of the second Member State shall be the diseases as defined by the relevant applicable instruments of the World Health Organisation's and such other infectious or contagious parasite-based diseases as are the subject of protective provisions in relation to nationals in the host country (a similar reference is found in the FRD guidelines). Member States shall not introduce new more restrictive provisions or practices.” Furthermore, if medical examinations are required, these *may* be free of charge and should not be performed on a systematic basis.

Some inconsistency issues have been identified. The Directives all stipulate that third-country nationals who are considered to pose a threat to public policy, public security or public health shall not be admitted. The FRD includes a further specification as to the type of crime, the level of danger emanating from the person is to be taken into account. Relevant case law provides further guidance on the thresholds for public security.

The LTR specifies further when public health can be used as a ground for rejection, something which has not been taken up in the more recent Directives, which leave this up to the discretion of the Member States. There would be more legal certainty if some indications, such as those in the FRD and LTR, and those deriving from case law, would be included in the other Directives.

1.3.1.6 No risk of overstaying/ensuring costs of return are covered

The SWD stipulates that Member States (not applying the Schengen acquis for the short-term stay) should verify that the third-country national does not present a risk of illegal immigration and intends to leave the territory of the Member States at the latest on the date of expiry of the authorisation

The SD specifies that evidence of return costs should be provided. The RD and S&RD further specify that the responsible organisation shall incur the cost of return, however the financial responsibility of the organisation shall end at the latest six months after the termination of the agreement.

⁷ C- 544/15 and the opinion of the AG.

⁸ This in relation to Articles 6 and 7 of Directive 2004/114

The SWD requires Member States to verify that third-country national does not present a risk of irregular immigration, while the SD requires evidence of return costs and the RD and S&RD specify that the responsible organisations are to incur the cost of return. The difference between the SWD and the other Directives is 'logical' as in the former there is a higher risk of persons potentially overstaying and living in an irregular situation, whereas a 'lighter' approach is taken in the latter due to the risk being lower in particular in the case of researchers.

1.3.1.7 Integration conditions

Only two Directives (FRD and LTR) stipulate that Member States may require compliance with integration 'measures' (FRD) and 'conditions' (LTR, FRD). The FRD guidelines⁹ have specified that such measures cannot be considered an "absolute" condition and should be considered to primarily serve the objective of the measures, namely to "facilitate the integration of family members". The guidelines further set out that such measures may include language and integration courses, to be made available in an accessible way, and possibly verified through examination. In the case of the LTR, case law¹⁰ allows Member States to obligate third-country nationals to take part in integration courses and/or tests, as long as these are accessible and do not require a disproportionate level of knowledge.

No major coherence issues identified. Only two Directives stipulate that Member States may require compliance with integration 'measures' (FRD) and 'conditions' (LTR, FRD).

1.3.2 Right to admission

Six Directives (LTR, SD, RD, BCD, ICT, S&RD) include provisions which somehow refer to the right of admission. In two cases (LTR and S&RD) this right is explicitly mentioned, as the Directives clearly state that if the conditions listed are met, there is an entitlement to the status. In the other four Directives the phrasing is less clear and/or indirect, as the text for example refers to a permit being granted provided the conditions are met and a positive decision is taken.

The ECJ expressly confirmed in its judgment in *Case C-540/03 (EP vs Council)* of 27. June 2006 that "the (Family Reunification) Directive imposes precise positive obligations, with corresponding clearly defined individual rights, on the Member States, since it requires them, in the cases determined by the Directive, to authorise family reunification of certain members of the sponsor's family, without being left a margin of appreciation." In case *C-491/13 (Ben Alaya)*, the Court ruled that the conditions for the admission of students listed in Directive 2004/114/EC are exhaustive, meaning that Member States are not allowed to introduce additional conditions.

Substantial coherence issues identified. Only two Directives unequivocally require Member States to authorise the status when the conditions for admission have been met. Case law has established this principle also for two other Directives, which could also apply to the admission conditions of all other legal migration Directives where this is not explicitly mentioned. There would be scope in incorporating the ECJ results into the legislation to enhance legal certainty.

1.3.3 Specific admission conditions

- This section examines category-specific admission conditions, in particular admission conditions for the purpose of work which compares the three Directives for the purpose of work – BCD, SW and ICT. Due to the category

⁹ (COM(2014) 210 final

¹⁰ C-579/13

specific admission conditions for FRD and S&RD, **no coherence** issues with other EU legal migration acquis have been identified. The right to family reunification as stipulated in the Directives is analysed in this section below.

1.3.3.1 Admission conditions for the purpose of work

Table 1.2 in the Annex presents a comparative mapping of the admission conditions for the purpose of work, as included in the BCD, SWD and ICT.

1.3.3.2 Valid job offer/contract

BCD and SWD require as an admission condition a valid work contract or, as provided for in national law, a binding job offer. In the case of the BCD, this should be of a minimum duration of at least one year. The ICT requires a work contract and, if necessary, an assignment letter from the employer in the third country or if the TCN has been admitted as a trainee employee a training agreement required for the position. The S&RD require a hosting agreement (Article 8) or, if provided for in national law, a contract (Article 10).

No coherence issues identified. All three Directives, covering specific categories of third-country nationals who wish to migrate for the purpose of work, require as an admission condition the presentation of a valid work contract (BCD, SWD, ICT), a binding job offer (BCD, SWD) or a training agreement (in the case of ICT trainee employees).

1.3.3.3 Content of the contract/binding job offer

The BCD only specifies that the amount of the salary should be specified in the contract. The SWD specifies both for short term and long term stay that the following elements should be included in the contract: place and type of the work; duration of employment; remuneration; working hours per week or month; amount of any paid leave; other relevant working conditions; and date of commencement of employment. The ICT requires the following elements to be detailed in the contract: duration of the transfer and the location of the host entity or entities; evidence that the third-country national is taking a position as a manager, specialist or trainee employee; remuneration as well as other terms and conditions of employment and evidence that the TCN will transfer back at the end of the intra-corporate transfer. The S&RD stipulates that the Member States may also require the hosting agreement to contain: (a) information on the legal relationship between the research organisation and the researcher; (b) information on the working conditions of the researcher. (Article 10.3).

No major coherence issues identified. The SWD and ICT are prescriptive about the elements that should be included in the contract, while the BCD outlines that the salary amount should be specified in the contract. The more prescriptive provisions of the SWD and ICT serve to clarify the duration – as these are temporary statuses – and the modalities of the position. In the case of the SWD this is to protect the employee. For ICT, it mainly serves to ascertain that the employee will return.

1.3.3.4 Regulated professions

In order to exercise a regulated profession, according to all three Directives covering specific categories for the purpose of work, the TCN needs to present documentation certifying that s/he fulfils the conditions laid down under the national law of the Member State for the exercise of that regulated profession, as defined in Directive 2005/36/EC as amended. For further analysis of the interaction with the Directive, including the gaps, please see the Task IC external coherence paper.

It shall also be noted that the legal migration Directives include the right to equal treatment in terms of recognition of qualifications, once the person has got a permit, and this does not include the application phase for the first permit. This is a gap and inconsistency that the admission conditions include proof of qualification for certain professions, but the application phase is not covered by the equal treatment rules.

The SPD recitals highlight that recognition of professional qualification should be without prejudice to the decision to admit such professionals and the ICT recitals state that there should be no more favourable treatment of ICTs over EU or EEA nationals.

There is an inconsistency and a gap in terms of recognition of qualifications that are needed for the application, and the absence of equal treatment rights for the initial application phase.

1.3.3.5 Evidence of professional qualifications

The BCD requires evidence of higher professional qualifications relevant to the position specified in the job offer/work contract. In addition, it defines higher professional qualifications' as qualifications attested by evidence of higher education qualifications or, by way of derogation, when provided for by national law, attested by at least five years of professional experience of a level comparable to higher education qualifications and which is relevant in the profession or sector specified in the work contract or binding job offer (Article 2(g)). Recital 19 stresses that professional qualifications acquired by a third-country national in another Member State should be recognised in the same way as those of Union citizens and that qualifications acquired in a third country should be taken into account in conformity with Directive 2005/36/EC.

The ICT requires evidence of professional qualifications and experience needed in the host entity. It states that for managers and specialists, professional qualifications and experience must be proven but not necessarily by means of higher education diplomas (Article 5(1)(d)). A similar recital as in the BCD is included.

The SWD includes a 'may clause' which states that in cases where the work contract or binding job offer specifies that the third-country national will exercise a regulated profession, as defined in Directive 2005/36/EC, the Member State can ask for documentation attesting that the third-country national meets the conditions for exercising the regulated profession. The use of the may clause can be explained by the fact the seasonal work are more likely to cover professional sectors for which no professional qualifications are required (e.g. agriculture, tourism and hospitality, etc.) and thus, the need for adding the requirement is left to the discretion of the Member State.

Some inconsistencies identified between the definition of professional qualifications between BCD and ICT, with the former putting more stringent conditions on the level of qualifications, with a risk that third-country nationals who do not have higher education being excluded from the status if the national law of a Member State does not provide for the option to recognise professional experience of at least five years. There would be scope in making the BDC less stringent and harmonising it with the ICT.

1.3.3.6 Compliance with collective agreements

All the three Directives specify in the admission conditions that collective agreements or practices in the Member States are respected where applicable, although this is a 'may' clause in the BCD, as possibly the requirement of the latter to offer the third-country national a minimum salary which is 1.5 the average gross salary in the Member States could, in for some professions / in some sectors go against existing collective agreements.

No coherence issues identified

1.3.3.7 Criteria related to the employer

The ICT includes a provision on admission conditions related to the employer. Art 5(1) of the Directive stipulates that evidence should be provided that the host entity and the undertaking established in a third country belong to the same undertaking of a

group of undertakings. In addition, the ICT foresees a simplified procedure for 'recognised' employers with regard to the issuing of permits and visas both for residence, long-term mobility and family members. This provision is very specific to the context of intra-corporate transfer, but has in practice led to divergences as to what type of documents should be submitted to establish this.

In the other four Directives, no specific requirements are placed but the definition of 'employer' and 'employment' vary. In the SWD, 'employer' means any natural person or any legal entity, for or under the direction or supervision of whom or which the employment is undertaken, while in the SWD it is mentioned that the employer has to be established in Member State. In the ICT the employer has to be based in the third country (logically).

In the S&RD employment means the exercise of activities covering any form of labour or work regulated under national law or applicable collective agreements or in accordance with established practice for or under the direction or supervision of an employer.

Some inconsistencies identified. The evidence required for ICT employers could be further specified. There may also be scope in harmonising the basic definitions of employers and employment across the relevant Directives.

1.4 Admission procedures

There is substantial variation in the rules concerning admission procedures across the Directives (for the detailed mapping of these rules, see Annex 2). The following overview identifies the main commonalities and inconsistencies in relation to these rules.

1.4.1 Single application procedure

The SPD introduces the single application procedure, defining (art 1(d) it as the 'single application procedure' as *"any procedure leading, on the basis of a single application made by a third-country national, or by his or her employer, for the authorisation of residence and work in the territory of a Member State, to a decision ruling on that application for the single permit"*. Article 4 of the Single Permit Directive lays down the application procedure to obtain a single permit.

- Article 4 (1) establishes that "An application to issue, amend or renew a single permit shall be submitted by way of a single application procedure" and goes on to define that the employer and/or the third country national can submit the application, and that " the application is to be submitted by the third-country national, Member States shall allow the application to be introduced from a third country or, if provided for by national law, in the territory of the Member State in which the third-country national is legally present".
- Article 4(2) of the Directive sets out how the decision on the application should be adopted and provides that: "Member States shall examine an application made under paragraph 1 and shall adopt a decision to issue, amend or renew the single permit if the applicant fulfils the requirements specified by Union or national law. A decision to issue, amend or renew the single permit shall constitute a single administrative act combining a residence permit and a work permit".
- Article 5(2) of the Directive establishes a deadline of four months of the date on which the application was lodged for the adoption of the decision.

On the basis of the provision of the SPD, the single application procedure should consist, for the applicant, of one 'starting' point (the application) and one 'ending' point (the decision). Member States should designate the authority competent to receive the application and issue the single permit, without prejudice to the role and responsibilities of other authorities in the process (Recital 12).

The assessment about the "unicity" of the single procedure is further complicated by the fact that the SPD itself excludes from the procedure (also in terms of deadline):

- the visa procedure for initial entry (Article 4(3) and Recitals 11 and 13), which cover any kind of visas (see recital 11, referring to both the uniform – Schengen – and long stay visas) and the permission to work on the basis of the visa (Article 3(4)) are excluded from the application procedure, but included in the scope of the Directive as regards other rights (equal treatment);
- the procedures for the recognition of diplomas and qualifications (Recital 13).

Moreover, as regards the role of the employer in the procedure, all Directives¹¹ related to labour migration allow Member States to carry out a so called 'labour market test'. Article 1(2) of the SPD establishes that *"This Directive is without prejudice to the Member States' powers concerning the admission of third-country nationals to their labour markets"*,

Likewise, the subsequent Directives like the SWD (Article 3(g) and the ICT (Article 3(k)) also includes the equivalent concept of a single application procedure.

Whilst the SPD provides more specific wording on what constitutes a single application procedure, this is not necessarily a coherence issue.

Potentially problematic issues relate to the clearly defining what is included in the single application procedure, in terms of labour market tests and specific authorisation for employing third country national, visa application, and determination of who is the applicant and thereby, when the procedure starts.

1.4.2 Access to information

The four more recent Directives, namely the 2011/98 (SPD), 2014/36 (SWD), 2014/66 (ICT) and 2016/801 (S&RD) all contain provisions obliging Member States to provide access to information to third-country nationals and where relevant to their employers (i.e. SPD) and host entity (i.e. ICT). In the case of the SWD, ICT and SRD it is specified that such information should be "easily" accessible.

The SPD also obliges Member States to provide information upon request, to third-country nationals and the employer, as well as to make available information to the general public. As a framework Directive, it also covers other categories of migrants such as those covered by the BCD and certain national statuses¹². The SWD, ICT S&RD specify that MS shall make the information available to applicants who can be either the third country national or the hosting entity.

Three of the four Directives which oblige Member States to provide information also include detailed provisions on what information should be provided (SWD, ICT and S&RD), covering as a minimum information on entry and stay/residence, including the rights and obligations and the procedural safeguards. The SPD states that information should be provided on "the documents required to make a complete application" and "holder's own rights linked to the permit".

Some inconsistencies have been identified. Three of the Directives (LTR, FRD¹³ and BCD) currently in force lack an explicit obligation to the Member States to provide

¹¹ The exception to this is Directive 2014/66/EU – Intra-Corporate Transferees, which is a specific case: the third-country nationals do not integrate the labour market of the EU Member State of destination but are temporarily posted in a branch of the undertaking with which they already have a work contract

¹² Art. 3(1) (c) of the Directive specifies that the Directive shall apply to "third-country nationals who have been admitted to a Member State for the purpose of work in accordance with Union or national law".

¹³ Recital 13 states that "A set of rules governing the procedure for examination of applications for family reunification and for entry and residence of family members should be laid down. Those procedures should be effective and manageable, taking account of the normal workload of the Member States' administrations, as

information, while this is a specific requirement in the four more recent ones (SPD, SWD, ICT and S&RD). Three Directives (SWD, ICT and S&RD) specify that information should be “easily” accessible. Only the SPD specifies that information should be made available upon request to the third-country national and the future employer and that it should moreover be provided to the general public (the latter also covers the BCD and national statuses for the purpose of employment). The type of information to be provided is however not specified in the SPD, while in the other Directive there are minimum requirements in this regard.

There would be benefit in addressing these inconsistencies across the Directives, by ensuring that each includes the same obligations as to providing information and by setting out what information should be provided (broadly combining the current ICT and S&RD requirements for example). In addition, it would be beneficial to specify across all Directives that information should be ‘easily’ accessible, which also means that information should be easily comparable (i.e. be made available via the same website / other information sources). Information should cover both the admission conditions and the procedure.

1.4.3 Submission of application (who can submit the application)

The Directives allow for different scenarios as to who can submit the application, as shown in Table 2 below:

- The SD includes no explicit provision
- LTR, logically, only allows the third-country national to lodge the application.
- In the case of the FRD and the RD, the Member State are obliged to decide whether they either allow the third-country national wishing to migrate or respectively the sponsor or hosting organisation to lodge the application.
- In the case of the ICT and S&RD, Member States can allow applications from either the person wishing to migrate or the employer / host.
- Finally, in the case of the SPD¹⁴ and SWD, Member States have to decide whether they either allow the third-country national wishing to migrate or respectively the sponsor or hosting organisation to lodge the application, but they can also choose to have both lodging the application.

Table 2. *Persons allowed to make the application*

	FRD	LTR	SD	RD	BCD	SPD	SWD	ICT	S&RD
TCN only	X	X		X	X	X	X	X	X
Employer / sponsor / host only	X			X	X	X	X	X	X
Both required					X		X		
One of the two								X	X

Some inconsistencies have been identified. There appears to be no clear rationale for the differences in scenarios between the ICT and S&RD, which allow for Member States to also let either the third-country national or the employer/host, and the FRD, RD, BCD and SWD, which require Member States to either choose the one or the other. The option left to Member States to require applications from both in the case

well as **transparent** and fair, in order to offer appropriate legal certainty to those concerned.” The FRD guidelines consider this an indirect call for providing information.

¹⁴ Recital 10 states that “10) [...] The Member States should decide whether the application for a single permit is to be made in the Member State of destination or from a third country. In cases where the third-country national is not allowed to make an application from a third country, Member States should ensure that the application may be made by the employer in the Member State of destination

of the BCD and SWD may make more sense given that documentary evidence is required from both, but again this could also be applied to the other Directives.

1.4.4 Submission of application (outside territory/within territory)

The table below provides an overview per Directive of the modalities of application. All Directives with the (logical) exception of the LTR allow for applications from outside the territory from the Member State, although this is not explicitly mentioned in the SD¹⁵.

Six Directives allow for applications to be lodged in the territory of the Member State: The LTR (naturally) only allows applications from within the Member State's territory. The BCD obliges Member States to allow for this if the third-country national is already legally residing in the territory or already in the possession of a long-term visa¹⁶ while the S&RD allows this too. In addition, both Directives offer the Member State the option to also allow applications to be lodged in the territory if the third-country national is already legally present. The FRD and RD include may clauses which give Member State the option to also allow for applications from within the territory, The SPD also allows for applications from within the territory of the Member State, if provided for by national law.

The SWD and ICT do not allow for the submission of applications in the territory of the Member State. This may be problematic for ICTs already in the Member State when the Directive is transposed and enters into force nationally.

Table 3. Submission of applications from within or outside the territory

	FRD	LTR	SD	RD	BCD	SPD	SWD	ICT	S&RD
Outside the territory	X			X	X	X	X	X	X
In the territory	May	X		May	X	X(for MS to decide)			
In the territory if already legally residing or having a long-term visa, or legally present					'May' clause if only 'legally present'	X			X
If provided for by national law in the territory where the third-country national is legally residing						X			

Some differences have been identified with regard to applications made in the territory of the Member States, but these mainly seem to relate to the 'logic' of the Directives. The 'older' Directives, FRD and RD, had added this as a may clause, while the later ones, the BCD and the S&RD allow this when the third-country national is already legally staying on the territory, while the SPD allows this only in accordance with national law. There may be scope to always allow applications in Member States when a third-country national is already legally residing or in the possession of a long-term visa.

¹⁵ Article 3 of the Directive states that "This Directive shall apply to third-country nationals who apply to be admitted to the territory of a Member State for the purpose of studies" which implies that the applications should be submitted from outside the territory.

¹⁶ Except when national law only allowed applications from outside before the adoption of the Directive.

1.4.5 Set timeframe for authorities to process the application

Table 4 below shows the timeframes per Directive. In addition, the FRD, LTR, BCD and SPD stipulate that “any consequence of a decision not having been taken by the end of the period” shall be stipulated in national law.

Table 4. *Submission of applications from within or outside the territory*

	FRD	LTR	SD	RD	BCD	SPD	SWD	ICT	S&RD
Timeframe	9 months	6 months	asap	Period not hampering study	90 days	4 months	90 days	90 days	60 days ¹⁷
Extension of the timeframe	Yes	Yes	No	No	Yes	Yes	No	No	No

The timeframes for national authorities to process the application vary significantly across the Directives. In part this can be explained by the different ‘purpose’ of the Directives, with those associated with employment, studies and/or research often being associated with a set start date of the position or the course. The overall reduction of time allowed for processing of applications may in part also illustrate a gradually increasing focus on more efficient and speedier processing of applications (potentially also reflecting the increased use of information technologies which de facto help to reduce processing time). There may be scope in updating the 9 months of the FRD and the 6 months of the LTR to the threshold of the SPD or to the 90 days¹⁸ in the BCD, SWD, ICT, although the verification of family relations may require more time.

Of the Directives currently in force, the SWD, ICT and S&RD do not offer the option for Member State to extend the timeframe in exceptional circumstances, which is logical considering that these statuses are of a shorter duration and have a clear start date (e.g. the start of a course).

The timeframe set in the Directives obliges Member States to take a ‘decision’, but it does not oblige them to provide, at the same time, the permit and/or other form of authorisation which would allow the third-country national to benefit from the status (e.g. by being allowed to travel to the Member State). The Directives do not specify a timeframe for the issuance of a permit or ‘usable’ authorisation, which means that the timeframe for delivering these is left to the Member States. There may be scope for the Directives to also specify a timeframe for the issuance of the permit.

1.4.6 Requesting further information when the application is incomplete

Five Directives (BCD, SPD, SWD, ICT, S&RD) provide that: “*where the information or documentation supplied in support of the application is incomplete, the competent authorities shall notify the applicant within a reasonable period of the additional information that is required and set a reasonable deadline for providing.*” The Long-Term Residence and Family Reunification Directive do not contain any provisions on this aspect, while the 2004 Students and 2005 Researchers Directive provide that “*the competent authorities shall inform the applicant of any further information they need*”, which differs from the phrasing in later Directives.

Some inconsistency has been identified. There would be scope for the ‘older’ Directives which are still in force (FRD and LTR) to also include a provision which allows applicants to submit additional information.

¹⁷ If with an approved host entity

¹⁸ From a “complete” application, hence in reality this could take more time when applications are incomplete.

1.4.7 Consequence of insufficient/inadequate application

Seven of the Directives (with the exception of FRD and LTR) oblige national authorities to notify the applicant if any further information in relation to their application is needed. All these Directives (SD, RD, BCD, SPD, SWD, ICT and S&RD) provide further procedural safeguards in favour of the applicant, including the obligation to notify applicants of the further information needed (all), within a reasonable time period (SWD, ICT, S&RD) and setting a 'reasonable' deadline (BCD, SWD, ICT, S&RD – the SPD merely refers to a deadline) for providing the documents. The timeframe for processing the application is suspended until the applicant provides the additional documents in all seven Directives, but on top of this, the BCD, SPD and S&RD allow Member State to reject an application if the deadline is not met.

Some inconsistency has been identified. There would be scope for the 'older' Directives which are still in force (FRD and LTR) to also include a provision which obliges national authorities to notify the applicant of missing information, to offer them a reasonable timeframe to provide this information and to offer some other safeguards.

There may also be scope to harmonise the other five Directives in force, so that they all oblige authorities to notify the applicant in writing within a reasonable time period, set a reasonable deadline for providing the missing information *and* inform the applicant of the consequences of not meeting the new deadline, meanwhile suspending the application. The Directives could also all allow Member States to reject the application if the information is not supplied within the deadline.

Finally, the fact that the SPD does not explicitly oblige Member States to notify applicants 'within a reasonable time' may cause tension with the relevant provisions in the BCD and S&RD researchers.

1.4.8 Notification of rejection and providing reasons for rejection to the TCNs

In terms of means of notifying the decision, all the Directives currently in force (excluding SD and RD, apart from IE) stipulate that the Member State shall notify the decision to the applicant in writing, specifying, in case of a rejection, the reasons for this. The SD and RD state that "any decision rejecting an application for a residence permit shall be notified to the third-country national concerned in accordance with the notification procedures under the relevant national legislation", without explicitly requiring that reasons be given.

No coherence issues have been identified. All Directives currently in force require a written notification of the decision and the provision of reasons for rejection.

1.4.9 Consequences of administrative silence

FRD, LTR, SP and BCD lay down the obligation for national competent authorities, when examining applications for residence permits, to give a written notification of the decision to the applicant within a set deadline. In addition, some of these Directives include provisions stating that Member States shall set out in their legislation the consequences of an absence of a decision on granting a permit within a specific deadline without specifying substantive safeguards. ICT and SWD do not contain any explicit provision on the issue.

The current situation as regards the administrative silence in the context of application for admission to the EU by TCNs for migration purposes is ambiguous and calls for more coherence.

1.4.10 Right to appeal/redress

All Directives provide for the right to mount a legal challenge to "a decision rejecting the application to issue, amend or renew or withdrawing" of residence permit in accordance with national law. The phrasing in the more recent Directives around the

right to redress is more elaborate, referring to “any” decision taken and prescribing what the written notification should contain (see also the section below).

The FRD specifies that the challenge can be mounted by the sponsor and/or the members of his/her family, while the other Directives which allow for different parties to lodge the application do not specify who can mount the challenge. The FRD guidelines encourage Member State “to grant the right to mount a legal challenge to both the sponsor and his/her family member(s) to enable the possibility of effective exercise of this right.”

No coherence issues have been identified. However, there would be benefit in making it more explicit in the Directives that both the employer / host / sponsor and the third-country national wishing to migrate can mount a legal challenge.

1.4.11 Information on the right to redress

All the Directives with the exception of the FRD specify that the written notification on the rejection of the application shall specify the possible redress procedures in accordance with national law and the time limit for lodging the appeal.

Some inconsistency has been identified. There would be scope for the FRD to be aligned with the other Directives currently in force. In addition, there may be benefit in requiring that all rejection notifications include information on the authority / court where appeals can be lodged, the redress procedure, the time limit and the language in which the appeal may be lodged.

1.4.12 Application fees

Five Directives (SD, SPD, SWD, ICT and S&RD) stipulate that Member States may require the payment of fees for handling applications. Four of them (excluding the SD) provide that the fees shall not be disproportionate or excessive.

The SPD adds that the fees may be based on the services actually provided for the processing of applications and issuance of permits, this has not been retained in the more recent Directives.

Case law¹⁹ on the issue of fees has further established, that a Member State cannot apply excessive and disproportionate charges liable to create an obstacle to the exercise of the family reunification rights and that the discretion enjoyed by Member States with regard to the amount of the fees is not unlimited. It is not permitted to charge a fee that would be excessive in the light of their significant financial impact on applicants.

Some inconsistency has been identified. The FRD, LTR and BCD do not contain any provisions on payment of application fees (although the BCD in this sense is covered by the SPD). There would be scope in aligning all Directives provisions regarding charging of proportionate fees.

1.4.13 Fast-track / simplified procedure for issuing authorisations

Three Directives (SD, RD and ICT) provide Member States with the option to put in place fast-track/accelerated procedures, while one (S&RD) provides for a simplified procedure, exempting the applicant from having to submit certain documents in case the Member State has put in place an approval procedures for research entities and education institutions respectively. The ICT further includes details on how the accelerated procedure could be put in place.

Some inconsistency has been identified. Accelerated and/or simplified procedures are stipulated as ‘may’ clauses in four Directives, the differences between the provisions can be explained by the nature of the status. However, there would be benefit in assuring that procedures for recognition are similar across the Directives and that

¹⁹ C-508/10

recognition is 'mutual', also in view of the 'trusted employers' scheme as proposed in the new BCD²⁰.

1.4.14 Authorisations – validity

All Directives set out the minimum duration of validity for the authorisations to be issued, with the exception of the Single Permit Directive.

Four Directives (FRD, SD, RD, ICT) specify that the authorisation should be for at least one year, while the S&RD provides for different durations for each of the categories covered. The ICT, SD, RD and S&RD allow permits to be issued for periods shorter than one year if the purpose of the stay (course, project, transfer) is shorter.

The LTR permit should be valid for at least 5 years²¹, while the BCD stipulates that the permit should last between 1 and 4 years, further specifying that if the work contract covers a period less than this period, the EU Blue Card shall be issued or renewed for the duration of the work contract plus three months. The SWD provides that the permit (maximum duration of stay) should be in accordance with the duration of the contract - i.e. not less than five months and not more than nine months in any 12-month period.

While the BCD offers third-country nationals a validity of the duration of the work contract plus 3 months, the ICT only covers the duration of the assignment.

No coherence issues identified with regard to the overall duration, as the different periods of validity correspond to the characteristics of the statuses. The SPD does not include a suggested duration as it concerns national permits (too). The inconsistency between the BCD and ICT could be addressed.

1.5 Equal treatment, access to employment and self-employment and free access to the entire territory of the Member State concerned

1.5.1 Coverage

Seven Directives (LTR, RD, BCD, SPD, SWD, ICT, S&RD) include provisions on equal treatment of third-country nationals with respect to nationals of the Member States, covering a number of aspects examined in detailed in this section below. The ICT also foresees such equal treatment but with regard to the terms and conditions of employment²² it guarantees at least equal treatment with posted workers under Directive 96/71/EC.

The FRD and SD do not include provisions on equal treatment. However, as per Article 12(1) of the SPD, equal treatment applies to all third-country workers²³, who consist of (i) third-country nationals who have been admitted to a Member State for purposes other than work in accordance with Union or national law, who are allowed to work and who hold a residence permit in accordance with Regulation (EC) No 1030/2002 (Art. 3(1) (b); and (ii) third-country nationals who have been admitted to a Member State for the purpose of work in accordance with Union or national law Art. 3(1) (c). This means that FRD status holders are now covered in as far as they fall within the scope of the SPD based on the provisions above. Also, as stipulated in the S&RD, equal treatment applies to researchers (as provided in the SPD subject to possible restrictions that Member States may impose as outlined in Art. 22(2) of the S&RD), as well as trainees, volunteers and au pairs when they are considered to be in

²⁰ 2016/0176 (COD), Article 12 Recognised employers

²¹ The status is permanent, but the 'physical' permit may have to be renewed.

²² In accordance with Article 3 of the posted workers directive 96/71/EC.

²³ Article 2(b) 'third-country worker' means a third-country national who has been admitted to the territory of a Member State and who is legally residing and is allowed to work in the context of a paid relationship in that Member State in accordance with national law or practice"

employment and students (subject to the provisions in the SPD). These restrictions are examined in detail below. Volunteers, trainees and au pairs, when they are not considered in an employment relationship, and school pupils are entitled to equal treatment in relation to "access to goods and services and the supply of goods and services made available to the public, as provided for by national law, as well as, where applicable, in relation to recognition of diplomas, certificates and other professional qualifications in accordance with the relevant national procedures. Member States may decide not to grant them equal treatment in relation to procedures for obtaining housing and/or services provided by public employment offices in accordance with national law." (Art. 22 (4)).

The 'double' coverage (i.e. by the SPD and another Directive) implies that some third-country nationals with a different status but falling within the scope of the SPD may benefit from a less restrictive approach to equal treatment, such as the BCD with regard to tax advantages and pensions. In other cases the equal treatment provisions for the statuses which could fall under the SPD are more generous, such as the BCD as it does not impose restrictions on equal treatment during the first six months of employment or during unemployment.²⁴

Finally, the SPD explicitly excludes applicants from the equal treatment provisions, whereas the RD and BCD explicitly refer to "holders" of the permit. The other Directives do not explicitly exclude applicants.

Several inconsistencies have been identified. As a general point, the inclusion of specific equal treatment provisions in each Directive, as well as specific restrictions, has introduced a degree of discrimination between the different categories of third-country nationals which cannot be easily justified and rather seem to have been the results of negotiations with Member States in view of the specificities of their national systems and a general concern that migrants may not contribute sufficiently to the national economy but opt for claiming benefits instead. It has been pointed out that with respect to the employment-related Directives (BCD, SPD, SWD, ICT), equal treatment is granted to third-country nationals to a different degree, depending on the economic and labour market objectives of the EU and favouring the more qualified.²⁵

Of the Directives in force, the FRD does not grant equal treatment although those allowed to work (or in employment) will benefit from the SPD. This means that those not who are not allowed to work are not benefiting from equal treatment rights, which may have serious consequences for some (e.g. the children of the sponsor who are studying may not have equal access to social security and education).

Finally, for the purpose of consistency, all Directives could make it clear that equal treatment is granted to permit holders and not applicants.

1.5.2 Freedom of association and affiliation

The right to freedom of association and affiliation concerns those categories of third-country nationals who have access to employment, or who are employers. Six of the Directives (i.e. LTR, SPD, BCD, SWD, ICT and S&RD) all stipulate that third-country nationals should have equal treatment in respect of the right to freedom of "affiliation and membership of an organisation representing workers or employers or of any organisation whose members are engaged in a specific occupation, including the benefits conferred by such organisations, without prejudice to the national provisions on public policy and public security". The wording is the same for all Directives, with the exception of the S&RD which refers to the respective SPD article for researchers

²⁴ Equal treatment of workers from third countries: the added value of the Single Permit Directive, Kees Groenendijk, 2015

²⁵ Equal treatment rights in EU law on labour migration: a human rights principle applied as a policy tool, Bjarney Fridiksdottir, 2017

and which that this provision applies to researchers and students, trainees, volunteers, and au pairs, when they are considered to be in an employment relationship in the Member State concerned. The SWD adds to this the right to strike and take industrial action, in accordance with the host Member State's national law and practice.

The provision is missing in the FRD, but family members who are allowed to work in accordance with Article 14 of the Directive are covered by the SPD.

Some inconsistencies identified. This provision is missing from the RD but its recast, the S&RD includes researchers, as well as students, trainees, volunteers and au pairs, when they are considered to be in an employment relationship. The SWD includes a reference to the right to strike and take industrial action, which could be added to the other Directives too for the sake of consistency.

1.5.3 Access to education and vocational training

Equal treatment in terms of access to education and vocational training is guaranteed in five of the Directives (LTR, SPD, BCD, SWD, S&RD), while such provision is missing from the FRD and ICT which are currently in force, and from the SD and RD. The FRD does not directly provide for equal treatment with nationals of the Member State concerned, but establishes that the sponsor's family members shall be entitled, in the same way as the sponsor, to access to education and vocational guidance, initial and further training and retraining. In addition to "education and vocational training", the LTR also includes "study grants" while in the other four Directives, Member States may restrict such grants and study loans.

Restrictions to the right to access education and training are found in all five Directives, namely:

- The SPD allows Member States to limit the right to third-country nationals who are in employment or who have been employed and who are registered as unemployed.
- The SWD specifies that Member States may limit equal treatment to education and vocational training which is directly linked to the specific employment activity. Along a similar line, the SPD includes the exception of equal treatment as regard payment of tuition fees in respect to education and vocational training which is not linked to the specific employment activity.
- The LTR and BCD specify that Member States may restrict equal treatment to cases where the registered or usual place of residence of the TCNs, or that of the family member for whom benefits are claimed, lies within its territory.
- The LTR and SPD²⁶ specify that Member States may require proof of language proficiency for access to education and training.
- Four Directives (SPD, BCD, SWD and S&RD) stipulate that Member State may restrict equal treatment as regards study and maintenance grants and loans or other grants and loans regarding secondary and higher education and vocational training.
- LTR and BC specify that access to university (LTR and BC) and post-secondary education (BC) may be subject to the fulfilment of specific educational prerequisites.

Some inconsistencies identified. Five Directives provide for equal treatment to education and vocational training, while such provision is missing in the SD, RD and ICTs. In the FRD, it is dependent on the entitlement granted to the sponsor, but it could be extended to all family members who are resident in the Member State. The

²⁶ in respect to education and vocational training which is not linked to the specific employment activity

ICT could be aligned with the SWD and grant at least access to education and vocational training linked to their professional activity.

Different restrictions are allowed in the five Directives. While some appear 'logical', such as the restriction in the SPD that the right can be limited to those who are in employment or who registered as unemployed, as otherwise the conditions for the permit may no longer be met, whilst the reason why others have been introduced in one or more Directives (but not in others) cannot be easily explained, such as the restrictions related to language proficiency and the fulfilment of specific educational prerequisites. There would be scope in reviewing and further harmonising these restrictions.

1.5.4 Recognition of professional qualifications

Seven Directives (LTR, RD, BCD, SPD, SWD, ICT, S&RD) give the right to equal treatment as regards "recognition of professional diplomas, certificates and other qualifications, in accordance with the relevant national procedures". The S&RD specifies that Member States may limit the right to equal treatment with regard to the recognition of diplomas and professional qualifications for trainees, volunteers, and au pairs, when not considered to be in employment.

The right to equal treatment in relation to recognition of qualifications may be restricted by Member States for trainees, volunteers, and au pairs, when not considered to be in employment, which is 'logical'.

As all equal treatment rights, the right to recognition of professional qualifications is granted once the third-country national has obtained the residence permit and only in that Member State, whereas arguably it would be highly beneficial if it could already be granted as part of the admission and/or mobility phase, when third-country nationals may need it most and encounter difficulties in obtaining recognition in order to be admitted.. This is a clear gap²⁷.

1.5.5 Access to social security, social assistance and social protection

Six Directives (LTR, SPD, SWD, ICT, BCD and S&RD) include provisions on access to equal treatment with regard to social security. In addition to 'social security', the LTR gives equal treatment access to 'social assistance' and 'social protection'. The FRD does not include any relevant provisions, but third-country nationals who are in employment or self-employed are covered by the SPD.

The SPD, SWD and ICT and BCD include provisions regarding the export of long term benefits to the home country that the third-country national or their survivors who reside in a third country and who derive rights from the third-country national shall receive, in relation to old age (SPD and ICT), invalidity and death (SPD and ICT), statutory pensions (SPD, ICT and SWD) based on those workers' previous employment and acquired in accordance with the legislation referred to in Article 3 of Regulation (EC) No 883/2004, under the same conditions and at the same rates as the nationals of the Member States concerned when they move to a third country.

With regard to restrictions to the right to equal treatment concerning access to social security:

- The SPD allows Member States to restrict this right, however not when the third-country national is in employment or when s/he has been employed for a minimum period of six months and is registered as unemployed. Family benefits can also be restricted if the third-country national has been allowed to work in the territory for less than six months, or when s/he has been admitted for the purpose of study, or has been allowed to work on the basis of a visa.

²⁷ See also respective chapter on external coherence

- The S&RD allows Member States to restrict the right to family benefits of those researchers who are residing on the territory for period less than 6 months. The Directive further extends the right to social security to researchers, trainees, volunteers and au pairs when they are considered in an employment relationship and students, subject to the restrictions of the SPD (as presented in the bullet point above)
- The LTR allows Member States to restrict equal treatment to cases where the registered or usual place of residence of the long-term resident, or that of family members for whom he/she claims benefits, lies within the territory of the Member State concerned. If a seasonal worker is claiming benefits for family members, the SWD allows these to be restricted to the registered or usual place of residence of the family members of the seasonal worker.
- The SPD, SWD and S&RD further specify that Member States may exclude the third-country nationals from obtaining family benefits (SPD and S&RD) and unemployment benefits (SWD). In the case of the SPD, this restriction can only be applied to third-country nationals who have been authorised to work in the territory of a Member State for a period not exceeding six months, to TCNs who have been admitted for the purpose of study, or to TCNs who are allowed to work on the basis of a visa. The S&RD also allows restricting family benefits to researchers who have been authorised to reside in the Member State concerned for a period for less than six months.

With regard to restrictions to the right to equal treatment in social protection and social assistance, the LTR stipulates that Member States may limit equal treatment in respect to social assistance and social protection to core benefits.

Some inconsistencies identified. While it is justified that equal treatment with regard to social security is primarily granted in the employment-related Directives, as in the others there is a need for the permit holders to have sufficient resources so that they do not have to make use of social assistance (e.g. employment benefits), the references to social security are different in the Directives. Some refer to branches of social security as defined in Regulation 883/2004 (SPD, SWD) and others to provisions in national law regarding these branches (BCD, ICT), still as defined by the respective Regulation.

The LTR allows for limiting the equal treatment regarding social assistance and social protection as defined per national law to core benefits, but the extent to which this is justified is not clear.

Restrictions are in place for short-term employment / short-term stay in the SPD (a 6 months exclusion applies) and the S&RD and ICT (researchers and ICT²⁸ are excluded from family benefits if their stay is authorised for respectively less than 6 and 9 months). While such restrictions may be justified, the differences in the period of stay could be aligned.

Some incoherencies have also been identified with regard to the export of benefits associated with old age. The ICT refers to payment of old age, invalidity and death statutory pensions²⁹, the BCD to statutory pensions in respect of old age and the SWD to statutory pensions³⁰ (based on previous employment). These could be further aligned for more coherence. In addition, the BCD includes details on how these should be calculated, which could either be added to all other Directives or be removed.

Bilateral agreements on social security

²⁸ It is worth noting that such period is not applied to posted workers

²⁹ Without prejudice to Regulation 1231/2010 and bilateral agreements

³⁰ Without prejudice to existing bilateral agreements

One important issue, relevant in particular for the BCD and the ICT, is the room for manoeuvre left to Member States in negotiating bilateral agreements in the area of social security, and to what extent such agreements can derogate from the application of EU law. The other Directives, while having a general clause allowing more favourable provisions in bilateral agreements stipulated by MS with third-countries, do not foresee specific exceptions and derogations under the equal treatment provisions.

The BCD specifies that, in relation to pensions, the right to equal treatment should be *"without prejudice to existing bilateral agreements, payment of income-related acquired statutory pensions in respect of old age, at the rate applied by virtue of the law of the debtor Member State(s) when moving to a third country"* (art. 14 (1)(f)). This does not concern other branches of social security, only pensions.

The ICT goes much further than that, standing out from all other Directives, because it explicitly provides – for all branches of social security, not only pensions – that the *"law of the country of origin applies by virtue of bilateral agreements or the national law of the Member State where the work is carried out, ensuring that the intra-corporate transferee is covered by the social security legislation in one of those countries."* (Art 18 (2)(c)). This is also reiterated in point (d) of the same Article in relation to pensions, which states "without prejudice to bilateral agreements".

Furthermore, the ICT is also the only legal migration instrument that allows derogating from Regulation 1231/2010³¹ (which extends to third-country nationals moving across MS the rules on the social security coordination that apply to mobile EU citizens) in case bilateral agreements would exist "ensuring that the intra-corporate transferee is covered by the national law of the country of origin" (Art. 18(2)(c), last sentence).

This is very specific to this category because an ICT - by definition - has an employment contract with the employer based in a third country and is also usually affiliated to the social security scheme there before being sent to the EU. While the negotiations on this matter have been very controversial, the aim was to avoid that an ICT - a very specific, temporary and also numerically limited category of persons - would be obliged to switch too frequently from one social security system to another, particularly given the enhanced facilitation foreseen in the Directive for ICTs to move and work across Member States.

This broad derogation is however nuanced by the fact that the same Article - by cross-referring to the more favourable provisions under Article 4 - requires such bilateral agreements to be "more favourable" (notion further developed in recital 38). It is also very common for MS to have bilateral agreements with a number of third-countries covering the social security regime of ICT.

1.5.6 Tax benefits

The right to equal treatment with regard to tax benefits is guaranteed in five Directives (LTR, RD, SPD, SWD, S&RD). Third-country nationals covered by the BCD and FRD (in as far as they are allowed to work) are covered by the SPD.

In the S&RD, this right applies only to researchers and trainees, volunteers and au pairs when they are considered to be in an employment relationship and students (in which case they fall under the SPD). The SPD and the SWD specify that the right to equal treatment as regards tax benefits is guaranteed in so far as registered or usual place of residence of the family members of the third-country worker for whom he/she claims benefits, lies in the territory of the Member State concerned (SPD) and the seasonal worker is deemed to be resident for tax purposes in the Member State concerned (SWD).

³¹ [Regulation \(EU\) No 1231/2010 of the European Parliament and of the Council of 24 November 2010 extending Regulation \(EC\) No 883/2004 and Regulation \(EC\) No 987/2009 to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality](#)

Furthermore, all five Directives include provisions restricting this right to cases where the registered or usual place of residence of the family members of the third-country worker for whom he/she claims benefits, lies in the territory of the Member State concerned”.

No coherence issues identified. The equal treatment right to tax benefits is guaranteed in five Directives³² (LTR, RD, SPD, SWD, S&RD) and, through the SPD, which covers the FRD (in as far as the family member is allowed to work) and may also be applicable to the BCD. Of the Directives currently in force, it is not guaranteed in the ICT, which can be explained by the fact that they are only temporarily in one or several Member States and are in general not residents for tax purposes in these countries.

1.5.7 Public goods and services

Seven Directives (LTR, RD, BCD, SPD, SWD, ICT, S&RD) provide for “access to goods and services and the supply of goods and services made available to the public”. Third-country nationals covered by the FRD are only covered by the SPD if they are allowed to work.

In the case of LTR, Member States may restrict equal treatment to cases where the registered or usual place of residence of the long-term resident, or that of family members for whom he/she claims benefits, lies within the territory of the Member State concerned. The SPD and S&RD specify that access to public goods and services may be limited to those TCNs who are in employment (including researchers, trainees, volunteers and au pairs, when they are considered to be in an employment relationship in the Member State concerned, and students). When they are not, and school pupils, they are entitled to equal treatment as provided for by national law.

With regard to access to housing, different rules apply across the Directives:

- The SWD and ICT restrict access to housing (SWD) and ‘procedures for obtaining housing’ (ICT) without prejudice to the freedom of contract
- The BCD, SPD and S&RD allow Member States to restrict access to housing
- RD does not mention housing in its provisions.

Some inconsistencies identified. Seven Directives allow for equal treatment in access to goods and services (with family members being covered by the SPD if allowed to work). The LTR allows for Member States to restrict the right to persons who have their registered or usual place of residence in the MS. The SPD and S&RD specify that access to public goods and services might be limited to those TCNs who are in employment.

Of the Directives currently in force, access to housing is not provided in the SWD. Furthermore, three Directives (BC, SPD and S&RD) allow Member States to restrict equal treatment provisions regarding access to housing.

1.5.8 Working conditions

Six Directives (LTR, RD, BCD, SPD, SWD, S&RD) provide for the right to equal treatment in terms of working conditions. Third-country nationals falling under the FRD are also covered (by the SPD) on the condition that they are allowed to work³³.

In the S&RD, the right applies only to researchers, trainees, volunteers and au pairs when they are considered to be in an employment relationship and students.

³² In as far as the third-country national is resident in the country for tax purposes

³³ Article 3(1)(b) third-country nationals who have been admitted to a Member State for purposes other than work in accordance with Union or national law, who are allowed to work and who hold a residence permit in accordance with Regulation (EC) No 1030/2002

The six Directives all specify that the equal working conditions should include pay and dismissal, while the SPD, S&RD and SWD additionally include health and safety at the workplace and the SWD on top of that includes working hours, leave and holidays.

The ICT obliges Member States to grant ICTs at least equal treatment with Posted Workers regarding the terms and conditions of employment. This means that the terms and conditions of employment in the Member State to which the ICT will be transferred will be governed by the laws of his or her country of origin (the sending third country). According to the Directive, this is to ensure that undertakings established in a sending third country should not be given any more favourable treatment than undertakings established in an EU Member State, in line with Article 1(4) of the Posted Workers Directive (96/71/EC).

The ICT does not include a reference to remuneration in the article related to equal treatment, but in the articles regulating admission, it requires that the remuneration granted to the third-country national during the entire intra-corporate transfer is not less favourable than the remuneration granted to nationals of the Member State where the work is carried out occupying comparable positions in accordance with applicable laws or collective agreements or practices in the Member State where the host entity is established. The rationale for granting equal treatment with nationals to ICTs as regards remuneration is to ensure that companies established in a third country will not be able to benefit from lower labour standards, thereby distorting competition.

Some inconsistencies identified. The SPD, S&RD and SWD include health and safety at the workplace and SWD includes working hours, leave and holidays. There would be scope in harmonising and specifying working conditions across all Directives, with the exception of the ICT, for reasons set out above. Similarly, access to employment services could also be included in the LTR.

1.5.9 Services afforded by employment offices

Four Directives (BCD, SPD, SWD and S&RD) provide for the right to access services afforded by employment offices. The SWD specifies that these services should be related to seasonal work. In relation to trainees, volunteers, and au pairs, when they are not considered to be in an employment relationship (S&RD), Member States may restrict services provided by public employment offices for these categories.

1.5.10 Back payments to be made by the employer

The SWD provides for equal treatment in relation to back payments to be made by the employers, concerning any outstanding remuneration.

1.6 Access to employment and self-employment

All nine Directives include provisions on the right to access employment and restrictions to this right. The FRD and LTR provide a 'general' right to employment and self-employment (subject to some restrictions), while for the remaining categories of third-country nationals (i.e. seasonal workers, ICTs, highly qualified, researchers, students and the remaining categories under S&RD), employment is restricted to the purpose for which the third-country national has been admitted for. (e.g. seasonal work).

With regard to restrictions to access to employment and self-employment, these restrictions are category-specific:

- The FRD stipulates that Member States may decide upon the conditions under which family members shall exercise an employed or self-employed activity. Furthermore, access to employment or self-employed activity may be restricted to first-degree relatives in the direct ascending line or adult unmarried children.
- The LTR stipulates that "Member States may retain restrictions to access to employment or self-employed activities in cases where, in accordance with

existing national or Community legislation, these activities are reserved to nationals, EU or EEA citizens”.

- The SD and S&RD with respect to students provide that each Member State shall determine the maximum number of hours per week or days or months per year allowed for such an activity. The SD provides for a minimum number of 10 hours per week which has been increased to a minimum of 15 hours per week in the S&RD. Employment is also subject to the situation of the labour market as in the LTR provisions.
- The RD and S&RD with respect to researchers stipulate that Member States may set a maximum number of hours or of days for the activity of teaching.
- The SPD states that third-country nationals should be authorised to “exercise the specific employment activity authorised under the single permit in accordance with national law”. This is interpreted by some Member States that the permit applies for one specific job, and that the permit needs to be renewed if the employer changes.

Two Directives explicitly refer to the possibility for Member States to undertake a labour market test (SWD and S&RD), while others (LTR, SD, BCD) allow the Member States to take their national labour market situation into account. In the other Directives, access is ‘unconditional’, with the exception of the Union Preference principle, which obliges Member States to first verify whether a national or EU citizen cannot fill a post, which is explicitly mentioned in the LTR, BCD, SPD, SWD and S&RD.

The right to self-employment is included in the FRD (only granted “in the same way as the sponsor”), LTR, SD and S&RD (for students). This is a ‘may clause’ in the case of SD and S&RD. The SPD specifies that admission for self-employment activities is outside of its scope.

Member States according to FRD may establish conditions, including to verify the situation on the labour market before authorising family members to carry out employed or self-employed activity, but only in the first 12 months.

The S&RD allows permit holders to search for a job after graduation or end of a research project for a period of nine months, while the BCD allows Blue card holders to be unemployed (and search for another job) for a maximum period of three months.

Some inconsistencies identified. All nine Directives include provisions on access to employment subject to restrictions. The restrictions are category-specific and thus, vary depending on the category. The nine months for job searching as provided for in the S&RD could also be included in the Blue Card, instead of the current three months.

1.7 Intra-EU mobility

1.7.1 Coverage and types of intra-EU mobility

Provisions on intra EU-mobility of third country nationals from one Member State to a second one for the purpose of taking short or long-term residence and work can be found in the LTR, the BCD, the ICT, the SD, the RD as well as in the S&RD (for a detailed mapping of the provisions, see **Error! Reference source not found.**).

Two types of intra-EU mobility may be distinguished. The LTR and BCD provide for **permanent move** to another MS, with the purpose of settling and finding a new job there. The purpose of mobility under ICT; SD, RD and S&RD presumes that the objective of the third country national is **temporary mobility** to other MS.

These two presumed types of movements determine the duration limits and facilitations by the EU Directives in terms of procedural requirements.

Right to intra-EU mobility and conditions regarding residence in first and second Member States

1.7.1.1 Right to intra-EU mobility

The SD and RD confer the obligation to Member States to ensure the right of intra-EU mobility of students and researchers. SD (Art.8) states that students "shall be admitted by another Member State". RD (13) similarly states that researchers shall be allowed to carry out part of his/her research in another Member State. LTR's Art.14, on the other hand, confers a right of the third country national, rather than an obligation of the MS. Art. 14 stipulates that long-term residents "shall acquire the right to reside" in another Member State." The formulation introduced subsequently by BCD, ICT, and the recast S&RD similarly confers a right to the third country national, but uses a variety of formulations:

- "may move to a Member State other than the first Member State for the purpose of highly qualified employment (Art 18 of BCD)
- "may enter, stay and work in one or several second Member States" (Art. 20 of ICT)
- "may enter and stay in order to carry out part of the studies or research in one or several second Member States" (Art. 27 of S&RD).

The FRD does not provide for any reference to intra-EU mobility, while rights of family members are provided for in the other Directives. The SPD does not include right to mobility, rather, each Member States lays down its rules for admission, regardless of the status of the third country national in the first Member State.

No substantive coherence issues identified. For the sake of legal certainty, the Directives would benefit from more coherent wording on the right to intra EU-mobility.

1.7.1.2 Conditions regarding the length of residence in the second Member State

1.7.1.3 Long term mobility

The LTR, the ICT, the BCD, the SD, the RD and the S&RD foresee long-term intra EU mobility. The lengths of the allowed stay in the second Member States differs across the Directives.

- In terms of **permanent mobility** to another Member State, under the LTR third-country nationals need to file an application after three months in a second Member State, and there is no upper limit to the time of stay. They will be granted permanent mobility on the following grounds: (a) exercise of an economic activity in an employed or self-employed capacity; (b) pursuit of studies or vocational training; (c) other purposes.
- Under the BCD, BC holders must fulfil the same conditions as in the first Member State meaning that the second Member State can again set a standard period of validity of the EU Blue Card between one and four years. If the work contract covers a period less than this period, the EU Blue Card will be issued or renewed for the duration of the work contract plus three months. The BC can be renewed indefinitely in the second Member State.
- In terms of **temporary mobility**, under the ICT, third-country nationals have the right to reside up to the limit of their permit in the first Member State, which is 3 years for managers and specialist and (1 year for trainees).
- Regarding researchers, if the duration of stay in a second Member State under the RD exceeds three months, the Member State may require a new hosting agreement, but no specific upper time limit is set.
- The SD does not state an explicit time limit for intra-EU mobility, but the stay in the second Member State cannot exceed the time of the residence permit of the first Member State, which lasts at least one year and is renewable. Where the

duration of the course of study is less than one year, the permit under the SD will be valid for the duration of the course.

- Under the S&RD, long term mobility for researchers concerns a period over 180 days, and the second Member State may define an upper time limit of at least one year. Students are entitled to enter and stay in order to carry out part of their studies in a higher education institution in one or several second Member States for a period up to 360 days per Member State.

Table 5. Overview of allowed length of stay in second Member State for long-term mobility

	LTR	BCD	RD	SD	ICT	S&RD	
						S	RD
Long-term mobility threshold	More than 3 months	One month	More than 90 days	No threshold / Immediate	More than 90 days in any 180 day period per Member State	No threshold / Immediate	More than 180 days
Time limit for stay	No upper limit	No upper limit (one to four years-renewable)	No upper limit (new hosting agreement needed)	Cannot exceed time of the residence permit of the first MS	3 years (1 year for trainees)	Up to 360 days	No upper limit (MS to set upper limit, but at least 1 year)

No substantial inconsistencies identified

1.7.1.4 Short term mobility

The ICT, the RD and regarding researchers the S&RD stipulate rules for short-term mobility. The ICT defines short-term mobility as a period of up to 90 days in any 180-day period per Member State.

The RD allows up to three months in the second Member State and under the S&RD short-term mobility for researchers has been increased up to 180 days in any 360 days.

Table 6. Overview of allowed length of stay in second Member State for short-term mobility

	LTR	BCD	RD	SD	ICT	S&RD	
						S	R
Timeframe	No specific provision	No specific provision	90 days	No specific provisions	90 days in any 180-day period	No specific provisions	180 days in any 360 day period

Some differences have been identified. The time period for short term mobility varies between 90 days in any 180 days period for ICTs and researcher under the old RD and 180 in any 360 days for researchers under the new S&RD. When an assignment

to a second Member State lasts more than 90 days an employer of an ICT is obliged to apply for long-term mobility, while this is not the case for a researcher, as they would still be under the short term mobility provisions. The difference does not seem to be logical. Another inconsistency issue is that the BCD does not have provisions on short term work purposes.

1.7.2 Procedural requirements for mobility

1.7.2.1 Long-term mobility

Generally, Art 21 of the **Convention implementing the Schengen Agreement**, stipulates that third-country nationals who hold valid residence permits issued by one of Member States may, on the basis of that permit and a valid travel document, move freely for up to three months within the territories of other Member States. Art. 22 further leaves at the discretion of Member States to oblige third-country nationals to report their presence either at the border or within three days of their arrival.

This is also explicitly foreseen as a mandatory requirement to the second Member State in the LTR, the BCD, the SD and the RD. The RD foresees the discretionary requirement of a new hosting agreement. Under the ICT it is up to the discretion of the Member States to require a notification to the second Member State of the intended mobility or an application for a mobile ICT permit or to not require anything. As regards researchers, the S&RD gives Member States the option to either apply the same notification procedure as for short term mobility or to require an application.

The point in time when an application or notification must be submitted also differs. While the LTR foresees such an application as soon as possible and no later than three months after entering the territory of the second Member State, the BCD stipulates that the application must be presented as soon as possible and no later than one month after entering the territory of the second Member State. In such cases under the ICT, the second Member State must allow the notification to take place either at the time of the application in the first Member State, where the mobility to the second Member State is already envisaged at that stage; or after the intra-corporate transferee was admitted to the first Member State, as soon as the intended mobility to the second Member State is known. Where Member States chose to require an application for long-term mobility, it may not be submitted at the same time as a notification for short-term mobility or at least 20 days before the short-term mobility ends.

The SD keeps the timing requirement very general and stipulates that a student will be admitted by a second Member State within a period that does not hamper the pursuit of the relevant studies, whilst leaving the competent authorities sufficient time to process the application.

Within the S&RD, regarding the mobility of students, there is no differentiation between long and short term mobility. Mobility within 360 days is subject to notification. In regards to researchers, only short term mobility requires a notification. The second Member State will allow the notification to take place either at the time of the application in the first Member State, if the mobility to the second Member State is already envisaged at that stage; or after the researcher or student was admitted to the first Member State, as soon as the intended mobility to the second Member State is known. In case of long-term researcher mobility the second Member State requires an application from the researcher. The complete application has to be submitted to the second Member State at least 30 days before the long-term mobility of the researcher starts.

Table 7. Overview of procedural requirements for long- term mobility

	LTR	RD	SD	BCD	ICT	S&RD
						S R

	LTR	RD	SD	BCD	ICT	S&RD
Application	Required after 3 months stay	May be required depending on 2 nd MS' visa / residence permit requirements	Required prior to stay	Required after 1 month stay	Discretionary at least 20 days before moving from first Member State or before end of short-term mobility ends	Discretionary at least 30 days before the long-term mobility of the researcher starts
Notification						Discretionary at the time of application in first MS or as soon as intended mobility is known
Others		Discretionary requirement of a new hosting agreement				

Some inconsistencies have been identified. The different Directives provide for different mandatory requirements to apply for or to notify mobility. The point in time when an application or notification must be submitted also differs. These different rules can be challenging and confusing for third-country nationals.

For the sake of legal clarity and coherence the Directives would benefit from a more consistent approach towards procedural requirements.

1.7.2.2 Short-term mobility

Procedural requirements for short-term mobility are similar under the ICT and the S&RD and under both Directives Member States have the discretion to introduce rules to notify the first Member State and the second Member State of the intention of moving to a second Member State. In such cases, the notification must take place either at the time of the application in the first Member State, where the mobility to the second Member State is already envisaged at that stage; or after the intra-corporate transferee/researcher was admitted to the first Member State, as soon as the intended mobility to the second Member State is known.

Table 8. Overview of procedural requirements for short-term mobility

	ICT	S&RD
Notification	Discretionary for MS as soon as intended mobility is known prior to the start date of the short term mobility Article 21(5)	Discretionary for MS as soon as intended mobility is known

No coherence issues have been identified. Procedural requirements for short-term mobility are the same under the two relevant Directives – the ICT and the S&RD.

1.7.3 Documentation / evidence needed as part of the application/notification

1.7.3.1 Long-term mobility

Documentary evidence to be provided with the application or notification differs across the directives.

- Under the LTR, Member States may require the persons concerned to provide various evidence, including that they have stable and regular resources, sickness insurance a valid travel document, an employment contract, a statement by the employer that they are hired or a proposal for an employment contract, or if they are in a self-employed capacity, that they have the appropriate funds which are needed, in accordance with national law, to exercise an economic activity in such capacity, evidence of enrolment in an accredited establishment in order to pursue studies or vocational training.
- Under the BCD the same requirements as for the first Member State apply, which includes for example a valid work contract a valid travel document and evidence of a valid residence permit or of a national long term visa and a sickness insurance.
- Under the ICT, for long-term mobility, second Member States may require the notification to include the transmission of several documents, including, for example, evidence that the host entity in the second Member State and the undertaking established in a third country belong to the same undertaking or group of undertakings, a work contract, documentation certifying that the third-country national fulfils the conditions laid down under the national law of the Member State concerned for Union citizens to exercise the regulated profession to which the application relates, a valid travel document, sickness insurance, the address of the intra-corporate transferee concerned in the territory of the second Member State. Where an application for long-term mobility is submitted, the second Member State may require the applicant to transmit – in addition to what is required for notifications - evidence of having sickness insurance. The second Member State may require those documents and that information to be presented in an official language of that Member State.
- The SD requires full documentary evidence of the student's academic record and evidence that the course he/she wishes to follow genuinely complements the one he/she has completed; and that he/she participates in a Community or bilateral exchange programme or has been admitted as a student in a Member State for no less than two years (unless the student is obliged to attend a part of his/her courses in an establishment of another Member State)(Art 8).
- The RD foresees that a third-country national who applies for intra EU mobility for a period longer than three months must submit the same documentary evidence as in the first Member State, which includes a valid travel document, a

hosting agreement signed with a research organisation and where appropriate, a statement of financial responsibility issued by the research organisation.

- Finally, under the S&RD, for long-term mobility of researchers, the second Member State may require the notification as well as the application to include a valid travel document and the valid authorisation issued by the first Member State, evidence that the researcher has sickness insurance, sufficient resources to cover subsistence costs without having recourse to the Member State's social assistance system, as well as the travel costs, the hosting agreement in the first Member State (and possibly the hosting agreement in the second Member State), the planned duration and dates of the mobility. The second Member State may require the applicant to provide the address of the researcher concerned in its territory. The second Member State may require the applicant to present the documents in an official language of that Member State or in any official language of the Union determined by that Member State.
- For students under the S&RD, the notification must include the valid travel document, the valid authorisation issued by the first Member State covering the total period of the mobility. The second Member State may require the notification to include the transmission of evidence that the student carries out part of the studies in the second Member State in the framework of a Union or multilateral programme that comprises mobility measures or of an agreement between two or more higher education institutions and evidence that the student has been accepted by a higher education institution in the second Member State, the planned duration and dates of the mobility, evidence that the student has sickness insurance and sufficient resources to cover subsistence costs without having recourse to the Member State's social assistance system, study costs, as well as the travel costs to the first Member State, evidence that the fees charged by the higher education institution have been paid, an address of the student concerned in the territory of the second Member State. The second Member State may require the notifier to present the documents in an official language of that Member State or in any official language of the Union determined by that Member State.

Table 9. Overview of documentary evidence required by second MS for long-term mobility³⁴

	LTR	RD	SD	BCD	ICT	S&RD	
						S	R
Sufficient resources	x					x	
Same conditions as for first MS			x	x			
Visa/Residence permit	x			x	x	x	x
Sickness insurance (notifications only)	x			x	x	x	
Valid travel document	x	x		x	x	x	
Employment contract/job offer/proof of enrolment for studies	x		x	x	x		
Hosting agreement		x					x
Statement of financial		x					

³⁴ Green boxes refer to discretionary provisions ("may clause") and red boxes refer to compulsory provisions ("shall clause").

	LTR	RD	SD	BCD	ICT	S&RD
						S R
responsibility						
Proof of participation in a Community or bilateral exchange programme			X			X
Evidence that host entity in second MS and undertaking established in a third country belong to same undertaking or group of undertakings					X	
Documentation certifying that the third-country national fulfils national conditions for Union citizens to exercise regulated profession, if applicable					X	
Address in second MS					X	X
Duration and dates of the mobility.						X
Documents must be in language of MS					X	X

Several inconsistencies have been identified. A key finding is that the ICT and S&RD (for researchers) provide for a simplification of the mobility process. All other Directives LTR, BCD, S&RD (students) in general have the same requirements for application (not notification) as the main application in the first EU Member State.

Three main issues of internal coherence have been identified:

- The type of documentary evidence required differs across the Directives. However, this is to a large extent justified by the different types of activities granting the permit (for example the fact that the longer term mobility under the LTR requires stable and regular resources, and the S&RD requires sufficient resources, but the BCD or the ICT do not, is justified by the fact that LTR and students do not necessarily have any income linked to their permit whereas BC holders and ICT already have per definition resources through their employment).
- Requirements to provide the same type of documentary evidence are in some Directives mandatory and in others discretionary. These inconsistencies lead to incoherence and legal uncertainty.
- The numerous mandatory documents required under the BCD might be hampering intra-EU mobility. This difference to the other Directives is difficult to justify.

1.7.3.2 Short-term mobility

Under the ICT, for short-term mobility, Member States may require the notification to include the transmission of several documents, including, for example, evidence that the host entity in the second Member State and the undertaking established in a third country belong to the same undertaking or group of undertakings; the work contract and a valid travel document.

Under the S&RD, for short-term mobility of researchers, the notification shall include the valid travel document. In addition, the second Member State may require the notification to include the transmission of the hosting agreement in the first Member State and where not specified in the hosting agreement, the planned duration and dates of the mobility; evidence that the researcher has sickness insurance and sufficient resources etc.

Table 10. Overview of procedural requirements of second MS for short-term mobility³⁵

	ICT	S&RD
Evidence that the host entity in second MS and the undertaking established in a third country belong to the same undertaking	x	
Hosting agreement		x
Sickness insurance		x
Sufficient resources		x
Work contract	x	
Valid travel document	x	x
Duration and dates of the mobility.	x	x
Address in second MS		x
Documents must be in official language of MS	x	x

Some inconsistencies have been identified. Documentary evidence to be provided with the notification for short-term mobility is not coherent across the two relevant instruments. The differences are however justified given the nature of the activity carried out in the second Member State. For example, an ICT already has through his employment a sickness insurance and sufficient resources, as opposed to a researcher.

1.7.4 Right of family members to join in second Member State

1.7.4.1 Long-term mobility

The LTR, the BCD, the ICT for long-term mobility and the S&RD for researchers foresee rules for family members to accompany the third-country national in the second Member State. Family members of ICTs³⁶ exercising their right to short-term mobility as well as of students³⁷ do not have facilitated rights of intra-EU mobility.

- According to the LTR, family members who fulfil the conditions referred to in Article 4(1) of the FRD shall be authorised to accompany or to join the long-term resident. The second Member State may require the family members concerned to present with their application for a residence permit; evidence that they have resided as members of the family of the long-term resident in the first Member State; evidence that they have stable and regular resources which are sufficient to maintain themselves without recourse to the social assistance of the Member State concerned or that the long-term resident has such resources and insurance for them, as well as sickness insurance covering all risks in the second Member State.
- Family members of BC holders have the same rights as BC holders when it comes to intra-EU mobility with the following derogations from FRD:
 - Family reunification shall not be made dependent on the requirement of the EU Blue Card holder having reasonable prospects of obtaining the right of permanent residence and having a minimum period of residence

³⁵ Green boxes refer to discretionary provisions (“may clause”) and red boxes refer to compulsory provisions (“shall clause”).

³⁶ ICT Directive provides for family reunification in the first MS (Art. 19)

³⁷ Family Members may accompany / join students only within FRD (Directive 2003/86/EC).

- The integration conditions and measures referred to therein may only be applied after the persons concerned have been granted family reunification.
 - Residence permits for family members shall be granted, where the conditions for family reunification are fulfilled, at the latest within six months from the date on which the application was lodged.
 - The duration of validity of the residence permits of family members shall be the same as that of the residence permits issued to the EU Blue Card holder insofar as the period of validity of their travel documents allows it.
 - Member States shall not apply any time limit in respect of access to the labour market.
- Family members of ICTs can exercise intra-EU mobility according to the FRD with the following derogations:
 - Family reunification in the Member States shall not be made dependent on the requirement that the ICT has reasonable prospects of obtaining the right of permanent residence and has a minimum period of residence.
 - Furthermore, the integration measures referred to in the FRD may be applied by the Member States only after the persons concerned have been granted family reunification.
 - Residence permits for family members shall be granted by a Member State, if the conditions for family reunification are fulfilled, within 90 days from the date on which the complete application was submitted. The competent authority of the Member State shall process the residence permit application for the intra-corporate transferee's family members at the same time as the application for the intra-corporate transferee permit or the permit for long-term mobility, in cases where the residence permit application for the intra-corporate transferee's family members is submitted at the same time.
 - The duration of validity of the residence permits of family members in a Member State shall, as a general rule, end on the date of expiry of the intra-corporate transferee permit or the permit for long-term mobility issued by that Member State.
 - The family members of the intra-corporate transferee who have been granted family reunification shall be entitled to have access to employment and self-employed activity in the territory of the Member State which issued the family member residence permit.
 - Under the S&RD mobility of researchers' family members is guaranteed for those family members of a researcher who hold a valid residence permit issued by the first Member State and accompany the researcher. The second Member State shall require the applicant to transmit the following documents and information in relation to the family members: a valid travel document and a valid authorisation issued by the first MS, evidence that the researcher has sickness insurance, evidence that during the stay the family member will have sufficient resources and the planned dates of the mobility.

Some inconsistencies for long-term mobility of family members have been identified. The ICT, the S&RD for researchers and the BCD foresee derogations from the FRD, while the LTR does not. Depending on the Directive, additional requirements may also exist. For instance, under the LTR and BCD there are explicit mobility rights for family members, where the family was constituted in the first Member State. In case it was not, the FRD applies. This is not the case for ICTs or researchers. Such a difference is based on the presumption that the LTRs and Blue Card holders are longer term residents and their families would have joined them, while the ICTs or researchers are temporary. This presumption does not need to hold true in all cases, and therefore there is a need for consistency in legal formulations. Consistency in the derogations from the FRD (e.g. such referring to integration measures) would also allow for equal treatment of all third country national family members.

1.7.4.2 Short term mobility

Only the S&RD regarding researchers foresees in Article 30 short-term mobility of researchers' family members. Family members of a researcher who hold a valid residence permit issued by the first Member State shall be entitled to enter, and stay in one or several second Member States in order to accompany the researcher.

When the second Member State applies the notification procedure³⁸ the transmission of the following documents and information are required: a valid travel document, the hosting agreement in the first Member State, the planned duration and dates of the mobility, evidence that the researcher has sickness insurance, sufficient resources, evidence that the family member has resided as a member of the family of the researcher in the first Member State. Family members who are considered to pose a threat to public policy, public security or public health shall not be allowed to enter or to stay on the territory of the second Member State.

Inconsistencies exist in the sense that the ICT directive, which also allows for short-term mobility does not have provisions similar to the S&RD for researchers. Even though, the ICTs have shorter mobility rights than researchers (90 vs. 180 days), there is no reason do have a different approach to family members.

It is probably assumed that other family members can – based upon the Schengen acquis – travel with the third-country national for 90 days in any 180 days (in total in the Schengen Area). However the short term mobility for ICTs is for 90 days in any 180 days (per Member State) – which means that there are cases when family members might not be able to accompany the third-country national throughout his/her entire short stay in the second Member State.

1.7.5 Limitations and rejection grounds

1.7.5.1 Long-term mobility

There are two different approaches to stipulation of the rejection grounds in the Directives. The first approach, is the one of the LTR or BCD, where there are no specific grounds for the mobility per se. Rather, as LTRs and blue card holders need to apply for a permanent residence permit or blue card in the Second MS, the grounds for refusal that both Directives list (Art. 5, 6, 18 for LTR and Art 8 of the BCD) apply. The SD also does not make specific reference to rejection grounds linked to mobility.

The ICT and S&RD, on the other hand outline specific grounds for rejection of long-term mobility of researchers (Art. 29.3 of S&RD) and ICTs (Art.22.3). In these two cases, though, reference is also made to some of the general grounds for refusal of first time applicants (Art. 7 of the ICT Directive and Art.20 of the S&RD). The table below provides an overview of the specific rejection grounds on mobility linked to ICTs and researchers, and shows some links to general refusal grounds that exist BCD and LTR Directive (threats to public policy, public security or public health are common to all directives). The RD, lists only one specific ground linked to mobility (Art.13.2) where it refers to threat to public order.

Furthermore, the LTR, BCD, and S&RD provide for exclusion grounds related to the situation of the labour market or because a volumes of admission limits have been reached. The LTR allows for such limitations, only if they were already set in the existing legislation at the time of the adoption of the Directive. The Blue Card directive allows this also in case of mobility (Art.18(7)). This is because it was adopted prior to the entry into force of the Lisbon Treaty, which clearly states (Art. 79(5) TFEU) that this is only possible when third-country nationals come from third countries as workers (employed or self-employed). The second Member State may also give preference to Union citizens or third-country nationals who reside legally and receive unemployment

³⁸ If the second Member State does not apply a procedure to researchers, it is the same for the family member.

benefits in that Member State or who are entitled to preferential treatment under Union law.

The ICT, the BCD and S&RD allow the second Member State to object to the mobility to its territory for example if the documents presented were fraudulently acquired, or falsified, or tampered.

Finally, the BCD stipulates grounds to refuse application for the status and movement for ethical recruitment in sectors suffering from a lack of qualified workers in the countries of origin. The BCD, S&RD and the ICT allow rejection where the employer / hosting institution has been sanctioned for undeclared work and/or illegal employment.

Table 11. Overview of rejection grounds for long-term mobility³⁹

	LTR	BCD	ICT for long-term mobility	S&RD for researchers
Threat to public policy, security or public health	x	x	x	X
Labour market test	x	x		X
Volumes of admission	x ⁴⁰	x	x	
Documents presented have been fraudulently acquired, or falsified or tampered		x	x	X
Ethical recruitment in sectors suffering from a lack of qualified workers in the countries of origin.		x		
Sanctioning of employer / host		x	x	X
Failure of employer/host to meet certain legal obligations, e.g. social security, taxation etc.			x	x
Employer is under insolvency			x	
Terms of employment according to national law / collective agreements not met				x
Authorisation from first MS expires during procedure				x
Maximum duration of stay reached				x

No substantive coherence issues are identified, as the difference follow the

³⁹ Green boxes refer to discretionary provisions (“may clause”) and red boxes refer to compulsory provisions (“shall clause”).

⁴⁰ With a stand still clause, i.e. that such limitations must have been already set out for the admission of third-country nationals in the existing legislation at the time of the adoption of the Directive.

objectives of the respective directives. The fragmented approach for rejection grounds, where the LTR and BCD apply the first admission refusal grounds, and the ICT and S&RD apply specific linked to mobility and general refusal grounds linked to first application conditions, could be streamlined into a more coherent approach.

1.7.5.2 Short-term mobility

Under the ICT (Art. 21.6) and the S&RD (Art. 28.7) the rejection grounds for long and short term mobility are almost identical⁴¹ and have the same mixed approach of mobility specific and first-time applicant refusal grounds.

The difference between the two Directives is the time period within which the second Member State may object short-term mobility. Under the S&RD it is within 30 days whereas under the ICT, the second Member State may object to the mobility of the ICT to its territory within 20 days from having received the complete notification. This is linked to the fact that short term mobility for ICTs is shorter (90 days) than for researchers (180 days). The LTR, BCD, SD do not have short-term mobility provisions.

Non-substantive inconsistencies identified.

1.8 Right to family reunification

With the FRD as the main instrument for family reunification, additional provisions on family reunification, providing derogations from the FRD that are more 'generous' for the third-country national and his/her family, can be found in the RD, the BCD, the ICT as well as in the S&RD for the category of researchers (for a detailed mapping of the provisions, see Annex 5). The SD, the SPD and the SWD do not foresee any such derogations on the FRD, so the general conditions of the FRD applies to holders of such permits. Specific rules on family reunification in the LTR are provided only in relation to intra-EU mobility and are hence dealt with under the section on intra-EU mobility and Annex 4).

The FRD sets minimum standards for family rights and applies without prejudice to more favourable provisions. Therefore, the fact that the family reunification provisions in the BCD, the ICT and the S&RD are more generous regarding the following four aspects, is in itself not a coherence issue:

- They do not require reasonable prospects of obtaining permanent residence rights or having a minimum period of legal residence;
- No pre-departure integration requirements may be applied;
- The time limit given for processing and granting permits for family members is shorter, limited to 90 days in the ICT and the S&RD (or at the same time as the processing of the application of the researcher or the ICT) and six months in the BCD, whereas the FRD imposes a time-limit of nine months;
- Where the FRD allows Member States to restrict access to the labour market (see section 1.5) for family members during the first year of residence, the BCD, the ICT, the S&RD grant them immediate access (under the S&RD except in exceptional circumstances such as particularly high levels of unemployment). In addition, under the BCD, this right to work cannot be restricted the first year.

The extent to which the four Directives including family reunification provisions may be internally inconsistent is further discussed below.

⁴¹ The only difference is the ground for rejection "permit expires during the procedure" is not included in the short-term mobility grounds.

1.8.1 Persons covered by the right to family reunification

All Directives define family members the same way as the FRD, namely including the sponsor's spouse and the minor children of the sponsor and of his/her spouse.

No inconsistencies identified. All Directives cover the same persons under the definition of family members.

1.8.2 Requirement for the sponsor to have a minimum period of residence

The FRD applies where the sponsor is holding a residence permit issued by a Member State for a period of validity of one year or more and includes a discretionary provision for Member States to require the sponsor to have stayed lawfully in their territory for a period not exceeding two years, before having his/her family members join him/her.

The four Directives (RD, BCD, ICT and S&RD) all formulate a similar derogation from the minimum period of residence in the FRD, not requiring any minimum period of residence for the sponsor.

No inconsistencies identified.

1.8.3 Requirement of the sponsor having reasonable prospects of obtaining the right of permanent residence

The BCD, ICT and S&RD formulate a similar derogation from the FRD that they do not require the sponsor to have reasonable prospects of obtaining the right of permanent residence. The RD does not contain such derogation.

No inconsistencies identified, As a recast of the RD, the S&RD has further aligned the status of researchers with the other two EU statuses in this respect.

1.8.4 Requirement to comply with integration measures/conditions

The FRD provides the option for Member States to apply conditions for integration for children aged over 12 years and arriving independently from the rest of their family before authorising entry and residence. This is only possible when such legislation was already in place on the date of implementation of the Directive. For all other family members under the FRD, Member States may require third country nationals to comply with integration measures, in accordance with national law. With regard to refugees and/or family members of refugees, the integration measures may only be applied once the persons concerned have been granted family reunification.

In the case of family members under the BCD, ICT and S&RD, the integration measures can only be applied *after* they come to the Member State.

No inconsistencies identified, As a recast of the RD, the S&RD has further aligned the status of researchers with the other two EU statuses in this respect.

1.8.5 Maximum period for Member States examine an application for family reunification

Under the FRD, the competent authorities of the Member State shall give the person, who has submitted the application, as soon as possible a written notification of the decision and in any event no later than after nine months.

This time limit is six months under the BCD and 90 days under the ICT and the S&RD.

Some coherence issues identified. The difference between the 6 months of the BCD and the 90 days in the ICT cannot be justified and could be aligned.

1.8.6 Duration of validity of the residence permit for family members

Under the FRD, the family members' first residence permit shall last at least one year and be renewable and in principle not go beyond the date of expiry of the residence permit held by the sponsor.

Under the RD, the BCD, the ICT and the S&RD, the family member's permit duration is in principle the same as that of the residence permit issued to the sponsor.

No inconsistencies identified.

1.8.7 Family members' access to the labour market

Under the FRD, Member States may for the first 12 months of residence restrict the family members' access to the labour market. By way of derogation from the FRD, the BCD, the ICT and the S&RD do not foresee any time limit in respect of access to the labour market, although under the S&RD access can be restricted in exceptional circumstances such as particularly high levels of unemployment. Other potentially 'exceptional' circumstances are not defined,

Some coherence issues identified. It is not clear why only the S&RD Directive allows Member States to restrict access in exceptional circumstances, which in addition offer a margin of discretion as to their definition.

1.8.8 Family members' application for an autonomous residence permit

Under the FRD, family members can apply for an autonomous residence permit not later than after five years. The same applies to the RD, the ICT and the S&RD. Under the BCD, by way of derogation to the FRD, for the purposes of calculation of the five years of residence required for the acquisition of an autonomous residence permit, residence in different Member States may be cumulated.

The calculation of five years of residence required for the acquisition of an autonomous residence permit is slightly more favourable under the BCD than under the other Directives. This is however in line with the underlying aim of the BCD to further intra-EU mobility of highly skilled.

1.9 The right to cumulate residence periods

Under the LTR, third-country nationals may be granted long-term resident status after residing legally and continuously within the territory of a Member State for five years immediately prior to the submission of the relevant application. Absences shorter than six consecutive months and without exceeding in total 10 months within the period of five years prior to the submission, shall not interrupt the period. However, may clauses allow for Member States to accept longer periods of absence in 'exceptional cases'. Periods spent in other Member States do not count.

Derogations providing the right to cumulate residence periods to qualify for long-term residence as set out in the LTR can be found in the BCD:

- A Blue Card holder may be issued a permanent residence permit if s/he had five years of legal and continuous residence within the territory of the EU as an EU Blue Card holder; and legal and continuous residence for two years immediately prior to the application for a permanent residence permit. The period of absence from the EU has to be less than 12 consecutive months and 18 months in total within 5 years to qualify for permanent residence.
- Periods of stay in different Member States can be accumulated when applying for permanent residence in the EU as a Blue Card holder.

The LTR further states that only half of the periods of residence for study purposes or vocational training may be taken into account when calculating the residence periods. According to the SD, however, Member States are not be obliged to take into account

the time during which the student, exchange pupil, unremunerated trainee or volunteer has resided as such in their territory.

A detailed mapping of the provisions can be found in Annex 6.

No coherence issues identified. The conditions to gain long-term residency status are more favourable under the BCD than under the other Directives, which is in line with the underlying aim of the BCD to further intra-EU mobility of highly skilled.

1.10 Grounds for rejection, loss and withdrawal of status

This section examines the internal coherence of the grounds for rejection, refusal and withdrawal. Annex 7 provides a detailed mapping of the provisions.

1.10.1 Grounds for rejection

Three Directives (SD, RD and SPD) do not include specific provisions on grounds for rejection and thus, six Directives are compared in this section (FRD, LTR, BCD, SWD, ICT and S&RD). It is worth noting that the S&RD rectifies the omission of specific grounds for rejection in the SD and RD. Furthermore, the SPD is a framework Directive and does not, as for admission conditions, include grounds for rejection, however, it lays down the procedural guarantees in case of a rejection of the application for a single permit.

1.10.1.1 If the conditions are not complied with

All six Directives examined in this section stipulate that Member States shall reject the application if the initial conditions for obtaining the respective status are not met (as discussed above). Furthermore, Art. 17 of the FRD further stipulates that Member States shall take into account “the nature and solidity the person's family relationships” before rejecting an application.

No coherence issues identified

1.10.1.2 If the documents presented have been fraudulently acquired, falsified or tampered with

All six Directives include the same provision stipulating that the Member States shall reject the application if the documents required proving the admission conditions are “fraudulently acquired, or falsified, or tampered with”.

No coherence issues identified.

1.10.1.3 Public policy, public security and public health

All six Directives include provisions stipulating that third-country nationals who are considered to pose a threat to public policy, public security or public health shall not be admitted (see also sections on relevant case law). With regard to public health, the FRD and LTR include safeguards for the applicants stipulating that the sole ground of illness or disability shall not constitute a reason for rejection of renewal of permit (FRD) and only diseases that may justify a refusal to allow entry or the right of residence in the territory of the second Member State shall be the diseases as defined by the relevant applicable instruments of the World Health Organisation's (LTR).

Some coherence issues identified. Although all of the six Directives include public health as a reason for rejection, only two Directives (LTR and FRD) include safeguards protecting the applicant of the arbitrary application of these provisions. There would be scope for further alignment and integration of these safeguards in all Directives.

1.10.1.4 Rejection grounds related to employer/ host entity

Four Directives (BCD, SWD, ICT, S&RD) include provisions which allow for a rejection of an application on the basis of grounds related to the employer or host entity respectively.

Three of these (BCD, SWD, and S&RD) allow Member States to reject the application (a 'may clause' in the BCD and S&RD and an obligation in the SWD) if the employer has been sanctioned in conformity with national law for undeclared work and/or illegal employment. In the S&RD, this provision is specific for the case only for the host family or the organisation mediating au pairs.

The SWD, ICT and S&RD allow Member States to reject the application if "the host entity's business is being or has been wound up under national insolvency laws or no economic activity is taking place".

The same three Directives also allow rejection if the employer or the host entity has failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions.

The ICT and S&RD allow Member States to reject the application if "the host entity was established or operates for the main purpose of facilitating the entry of third-country nationals falling under the scope of this Directive".

S&RD further provides for rejection in case of not compliance with national law and collective agreements and practices, while the SWD includes a specific ground for rejection – i.e. "within the 12 months immediately preceding the date of the application, the employer has abolished a full-time position in order to create the vacancy".

Some inconsistencies identified. While some of the differences between the four employment-related Directives, including the use of 'may' clauses, can be explained by the 'nature' of the status, it is not clear why some other grounds would not apply to all statuses, such as the business not having any economic activity taking place, or being established for the purpose of facilitating the entry of third-country nationals.

1.10.1.5 Volumes of admission

Four Directives (i.e. those related to employment, i.e. the BCD, SWD, ICT, S&RD) stipulate that Member States may determine the volumes of admission for the particular categories of third-country nationals. On that basis, an application may be considered inadmissible and can be rejected. This is in accordance with Art. 79 (5) TFEU which provides for the "*right of Member States to determine volumes of admission of third-country nationals coming from third countries to their territory in order to seek work, whether employed or self-employed*".

No coherence issues identified.

1.10.1.6 Ethical recruitment

Only the BCD includes a ground for refusal (as a 'may' clause) in cases when the recruitment will result in third countries suffering from a lack of qualified workers (i.e. ethical recruitment). The provision on ethical recruitment concerns 'brain drain' of qualified workers (such as medical professions) and for this reason the provision features only in the BCD. The other categories covered for the purpose of employment under EU legal migration acquis (i.e. seasonal workers, ICTs and the categories covered under the S&RD) are temporarily admitted and some of the categories (e.g. seasonal workers) are predominantly low and medium skilled workers, and thus, the risk of 'brain drain' is lower than in the case of BCD.

No coherence issues identified. However, the extent to which the provision can be put into practice / enforced is questionable.

1.10.2 Grounds for withdrawal or loss of status

Seven Directives (FRD, LTR, RD, BCD, SWD, ICT and S&RD) include provisions on grounds for withdrawal or loss of status, closely linked to the admission conditions analysed in section 1.2 above. The SD and SPD do not include such provisions; however, the recast S&RD rectifies the omission in the SD. The SPD is a framework Directive and specific admission conditions and grounds for rejection and withdrawal are not included, although it is worth noting that the withdrawal grounds are generic in nature and could thus also be applied to national permits falling under the SPD. The detailed provisions of each Directive are included in Annex 7.

1.10.2.1 If the documents presented have been fraudulently acquired, falsified or tampered with

All seven Directives stipulate that the residence permit may be withdrawn or refused to renew in case of fraud, falsification or tampering. The BCD, SWD, ICT and S&RD include identical wording.

No major coherence issues identified. The phrasing of the FRD and LTR could be aligned with the 'newer' Directives.

1.10.2.2 When the conditions are no longer satisfied

All the seven Directives provide that if the conditions for admission are no longer satisfied this can result in withdrawal or loss of status. Safeguards for the applicants are only included in the case of two Directives (BCD and LTR):

- The BCD provides that modifications in the contract of the TCNs that affect the admission conditions shall be subject to prior communication (or, if provided by national law, prior authorisation). If such prior communication did not reach the competent authorities for reasons "independent of the holder's will", this should not be a reason for withdrawal/non-renewal.
- The LTR stipulates that the "expiry of a long-term resident's EC residence permit shall in no case entail withdrawal or loss of long-term resident status". Another safeguard is the obligation of Member States to introduce a 'facilitated procedure for the re-acquisition of long-term resident status'.

No major coherence issues identified. Possibly the safeguard in the BCD could also be included in the other Directives where changes to the contract may impact on the fulfilment conditions associated with the status.

1.10.2.3 If the holder is staying for purposes other than those for which he or she was authorised to stay

According to five Directives (RD, BCD, SWD, ICT and S&RD), a reason for non-renewal is when the applicant is residing for purposes other than those for which s/he was authorised to. As the LTR does not authorise the applicant to stay for a particular reason but rather the status is based on continuous residence in the Member State, such provision is absent from the Directive and this does not constitute a coherence issue. Regard FRD, there is no literal provision as in the other Directives; however, if the family reunification conditions (Art. 16) are not satisfied with (e.g. spouses do not live in a 'real marital or family relationship'), the permit may not be renewed.

No coherence issues identified.

1.10.2.4 Threat to public policy, public security and public health

Although six Directives (FRD, LTR, BCD, SWD, ICT and S&RD) stipulate that threat to public policy, security and health may constitute a ground for rejection of the application, the SWD and ICT do not have similar provisions on withdrawal/non-renewal related to threat to public policy, security and health. See also section 1.2.1.5 for relevant case law.

Some inconsistencies identified. Five Directives (FRD, LTR, RD, BCD and S&RD) include a as a ground for non-renewal / withdrawal the applicant being considered a threat to public policy, security and health, while the SWD and ICT do not contain such provisions.

1.10.2.5 Grounds for refusal/withdrawal related to employer/ host entity

Three Directives (SWD, ICT, S&RD) include provisions which allow for a withdrawal of the permit or refusal to renew a permit on the basis of grounds related to the employer or host entity respectively. These grounds are very similar to those listed for the rejection of the application, but the BCD does not include this as a ground for withdrawal or refusal.

Two of these (SWD, and S&RD) allow Member States to withdraw / refuse renewal (a 'may clause' in the S&RD and an obligation in the SWD) if the employer has been sanctioned in conformity with national law for undeclared work and/or illegal employment. In the S&RD, this provision is specific for the case only for the host family or the organisation mediating au pairs.

The SWD and S&RD allow Member States to reject the application if "the host entity's business is being or has been wound up under national insolvency laws or no economic activity is taking place". The ICT includes this as a ground for refusal of the application, but not for renewal.

The same two Directives also allow rejection if the employer or the host entity has failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions.

The ICT and S&RD allow Member States to reject the application if "the host entity was established or operates for the main purpose of facilitating the entry of third-country nationals falling under the scope of this Directive".

S&RD further provides for withdrawal or refusal to renew if the host entity is not (or no longer) approved (if Member States only allow admission through a approved host entity) and in case of not compliance with national law and collective agreements and practices. The SWD includes a specific ground for rejection – i.e. "within the 12 months immediately preceding the date of the application, the employer has abolished a full-time position in order to create the vacancy".

Some inconsistencies identified. While some of the differences between the four employment-related Directives, including the use of 'may' clauses, can be explained by the 'nature' of the status, it is not clear why some other grounds would not apply to all statuses, such as the business not having any economic activity taking place, or being established for the purpose of facilitating the entry of third-country nationals. Also, the fact that, compared to the grounds for rejecting applications, the BCD includes no such grounds for refusal of renewal or withdrawal and the ICT includes fewer grounds, appears inconsistent.

1.10.2.6 If the TCN applies for international protection

Only the SWD stipulates that Member States may withdraw the authorisation for the purpose of seasonal work if the third-country national applies for international protection under Directive 2011/95/EU or for protection in accordance with national law, international obligations or practice of the Member State concerned. Such provision is absent from the rest of the Directives.

While not a coherence issue, the provision seems to be at odds with the Reception Directive (2013/33/EU, Article 15) should the Member State grant applicants for international protection immediate access to the labour market.

1.11 Format and type of permits

This section examines internal coherence with regard to the type and format of the authorisation for entry/residence.

1.11.1 Format of permit

The Council Regulation (EC) No 1030/2002 and its amendment (Council Regulation (EC) No 380/2008)⁴² provides a general framework for the uniform format and the information that residence permits for third-country nationals must contain⁴³.

Residence permits are defined as “any authorisation issued by the authorities of a Member State allowing a third-country national to stay legally on its territory” (Article 1).

The Council Regulation applies to residence permits issued to third-country nationals staying legally on the territory of a Member State, with the exception of:

- i. “visas”
permits issued pending examination of a request for asylum, an application for a residence permit or an application for its extension, and (iia) permits issued in exceptional circumstances with a view to an extension of the authorised stay with a maximum duration of one month
- ii. authorisations issued for a stay of a duration not exceeding six months by Member States not applying the provisions of Article 21 of the Convention implementing the Schengen Agreement of 14 June 1985.”

The regulation does not apply to third-country nationals who are:

- family members of EU citizens exercising their right to free movement
- EEA nationals and their family members exercising their right to free movement, as well as
- nationals of third countries who are exempt from the requirement to hold a visa and who are authorised to stay in a Member State for a period of less than three months.

The Regulation established several specifications regarding the uniform format for residence permits (point (a) of the Annex):

- Specifications regarding the form and content of all the visible information to be given on the document, such as an individual’s surname and first name (in that order), the start and end of a permit’s validity and the data to be stored on the contactless chip
- Specifications regarding the type of permit noting where the type of permit should be indicated in the format (point (a)6.4 of the Annex)
- Information necessary for national use in light of Member States’ national provisions on third-country nationals, including information relating to any permission to work (point (a)7.5-9 of the Annex)

⁴² Council Regulation (EC) No 380/2008 includes specifications on the integration of biometric identifiers (an applicant’s recent photo and two fingerprints) into the uniform format for residence permits to verify the permit’s authenticity and the holder’s identity

⁴³ Most recently a new Proposal COM(2016) 434 was issued to amend Regulation (EC) No 1030/2002 and ensure uniformity of residence permits issued to TCN. The proposal states that the current permits have to be regarded as compromised due to several incidents of fraud and proposes changes to several key provisions to ensure uniformity and security of residence permits issued; most importantly changes to Article 1 stating that the Annex to Regulation (EC) 1030/2002 is to be replaced by a new Annex including the image and the general description of the new residence permit. The proposal includes a transitional period of six months for the introduction of the new residence permit. Most recently, on 9 October 2017 the modification of Council Regulation (EC) No 1030/2002 has been adopted by the European Parliament and the Council at the first reading.

- Technical specifications regarding the colour, printing process and techniques, and material to be used for the permits
- Specifications regarding security features to prevent forgery and counterfeiting.

The specifications regarding security are set out in Comitology procedure by Commission implementing provisions. They are only made known to the bodies designated by the Member State responsible for printing the permits (Article 3). Member States may add further national security features in compliance with the list in the Annex to the Regulation.

In relation to the format of the residence permits, the legal migration Directives seem to be broadly coherent with Regulation (EC) No 1030/2002 insofar as they require the use of the uniform format as laid down in the Regulation in those cases where a residence permit rather than an alternative document is issued. Hence, the requirement for the use of the uniform format when issuing residence permits is included in the provisions of all Directives (see the relevant Articles)

	Format	Other
SPD	Articles 6(1) and 7(1)	Article 3 (1b) (scope)
LTR	Article 8 (3)	
FRU	Article 2 (e)	
BCD	Article 7(3)	
SWD	Article 12 (4),	
ICT	Article 13(3) and (6) ,	Art 22(4) long-term mobility
SD	recital (23)	
RD	recital (22)	
S&RD	Article 3 (22), Article 17 (1) and (4), article 19	

Alternative documents issued by Member States specified in the case of the Seasonal Workers Directive (Article 12 (1) and (5)) and the Students and Researchers Directive (Article 3 (22)) are excluded under Article 1 of the Regulation EC No 1030/2002 and its Amendment (Regulation (EC) No 380/2008)).

While Member States are not allowed to change the uniform appearance of the permit, they may add in the relevant space of the uniform format (under the relevant heading as shown in the models of residence permits outlined in the Annex of the Regulation EC No 1030/2002 and its Amendment (Regulation (EC) No 380/2008)):

- information regarding the type of the permit ((point (a)6.4 of the Annex) and
- the legal status of the third-country national (including if the third-country national is permitted to work) (Article 1) (point (a)7.5-9 of the Annex).
- additional security features in accordance with Annex III of Commission Decision C(2009) 3770 of 20.05.2009⁴⁴.

The following Directives specify that the information regarding the type of permit should be included under the relevant heading 'type of permit' (as per point (a)6.4 of the Annex of the Regulation and its Amendment)⁴⁵:

⁴⁴ not published.

⁴⁵ Annex (a) of the Regulation EC No 1030/2002 and its Amendment (Regulation (EC) No 380/2008): 6.4. Type of permit: the specific type of residence permit issued by the Member State to the third-country national (*). The residence permit of a member of the family of a citizen of the European Union who has not exercised

The location of information is not specified in the Family reunification Directive. However in point (a)6.4 of the Annex of the Regulation and its Amendment, the location regarding the type of permit in the case of family reunification is specified and must be followed by Member States when issuing permits for the purpose of family reunification. The location is further not specified in the case of the Seasonal Workers Directive, but Article 12 (4) rather only states that: "Member States shall enter a reference on the permit stating that it is issued for the purpose of seasonal work", without the reference to the location as per point (a)6.4 of the Annex of the Regulation and its Amendment. No further information is available on the locations of the type of permit in the Students and the Researchers Directives.

The indication of the legal status of third-country nationals (as per point (a)7.5-9 of the Annex of the Regulation)⁴⁶ is specified only in the Single Permit (Article 6 (1)) and the EU Blue Card Directive (Article 7(3)).

In conclusion, seven out of nine Directives include provisions with regard to the format of the permit (FRD, LTR, BCD, SPD, SWD, ICT and S&RD). The SD and RD do not contain provisions; however, this is amended by the recast S&RD which contains a provision on the format. All seven Directives provide that Member States shall issue a single permit using the uniform format as laid down in Regulation (EC) No 1030/2002. Three (SPD, SWD and ICT) of the four employment-related Directives with the exception of BCD stipulate that Member States may indicate additional information related to the employment relationship of the third-country national. Five Directives (LTR, BCD, SWD, ICT and S&RD) provide that the type of permit (e.g. long-term residence, Blue Card, etc.) shall be included in the permit.

There are synergies in that the legal migration Directives include the requirement to use the uniform format as laid down in the Regulation (EC) No 1030/2002.

There are inconsistencies with the Single Permit Directive, and the regulation regarding the personal scope of the application of the Directive where certain third-country nationals by definition will be excluded from both, such as those working on the basis of a visa. This could be a major inconsistency with the single permit that excludes visas, which are however covered under the Regulation (EC) No 1030/2002.

Other minor issues of incoherence appear to exist. The first relates to the location within the uniform format where relevant information on the type of permit is provided. The Single Permit, ICT, Long Term Residents and EU Blue Card Directives specify that that the information regarding the type of permit should be included under the relevant heading 'type of permit' (as per point (a)6.4 of the Annex of the Regulation and its Amendment). The Students, Researchers, the recast Students and Researchers, Family Reunification, and Seasonal Workers Directives do not provide such a specification. Furthermore, the indication of the legal status of third-country nationals as per point (a)7.5-9 of the Annex of the Regulation is specified only in the Single Permit and the EU Blue Card Directive.

Whether these issues present problems in practice (e.g. permits or other documents being less easily identifiable at border crossings) requires further investigation.

the right of free movement must contain the entry "family member". In the case of beneficiaries under Article 3(2) of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (*), Member States may enter "beneficiary under Article 3(2) of Directive 2004/38/EC".

⁴⁶ Annex (a) of the Regulation EC No 1030/2002:

- 7.5.-9. Remarks: Member States may enter details and indications for national use necessary in the light of their national provisions on third-country nationals, including indications relating to any permission to work (*).

1.11.2 Type of authorisation (permit or long-stay visa)

Most Directives provide for the issuance of residence permits. The S&RD and SWD also allow for long-stay visas to be issued and the latter for both short and long-stay periods. Those Directives which provide only for a residence permit to be issued are still without prejudice of the obligation for the third-country national to obtain a long-stay visa to enter the territory, if the residence permit is not issued outside of the MS itself. The main argument explaining such national practices are practical difficulties in issuing residence permits in third countries. (See also chapter 1 External coherence).

Some inconsistencies are identified as the S&RD and SWD allow for long-stay visas instead of a residence permit, whilst the other Directives require Member States to always issue residence permits.

National practices of issuing first a visa and only as a second step a residence permit risk prolonging in practice the procedures leading to the issuing of the actual residence permit and may contribute to legal uncertainty, when it comes to applying the procedural safeguards (deadlines, right to appeal, fees, equal treatment etc.) contained in the legal migration Directives.

1.11.3 Format of authorisation related to intra-EU mobility

With regard to specifications relevant to intra-EU mobility (provided for in the LTR, the BCD, the ICT, the SD, the RD as well as in the S&RD), the ICT as well as the Students and Researchers Directives stipulate that the format of the residence permit issued by the second (or subsequent) Member State must also correspond to Regulation (EC) No 1030/2002.

The EU Blue Card Directive does not mention Regulation (EC) No 1030/2002 with regard to permits issued in the case of intra-EU mobility, although as a new EU Blue Card must be issued, the provisions on the format of the EU Blue Card would apply⁴⁷.

The FRD merely refers to the obligation of the second Member State to issue a renewable residence permit. The SD and RD include no references to the second Member State having to issue a residence permit.

Some inconsistencies identified. The LTR should include a specific reference to the format of the residence permit to be issued by the second Member State in the case of long-term mobility.

The BCD could be aligned with the other three Directives with regard to adding additional information related to the employment relationship on the permit. The FRD and SPD could also include a reference to the type of permit being mentioned on the permit.

1.12 Mechanisms of cooperation

Four Directives (LTR, BC, ICTs and S&R) contain provisions regarding the establishment of contact points in the Member States responsible for information sharing. The SPD refers to the obligation of the first Member State to cooperate with the second Member State in relation to the stay of the student in the territory of the first Member State, but does not refer to the establishment of a contact point.

Five Directives (SPD, BCD, SWD, ICT and S&RD) include the obligation to report statistics to the Commission on the volumes of third-country nationals who have been granted a permit during the previous calendar year. More specifically:

- The SPD requires statistics on the volumes of third-country nationals who have been granted a single permit.

⁴⁷ The Proposal COM (2016) 378 for a new EU Blue Card does not mention the format of residence permits in the case of intra-EU mobility either.

- The BCD stipulates that Member States to:
 - Provide statistics volumes of third-country nationals who have been granted an EU Blue Card, and:
 - As far as possible, volumes of third-country nationals whose EU Blue Card has been renewed or withdrawn, during the previous calendar year, indicating their nationality and, as far as possible, their occupation.
 - Provide statistics on admitted family members in the same manner, except as regards information on their occupation.
 - As far as possible, the Member State of previous residence in case of intra-EU mobility
- The SWD requires Member States to:
 - Provide statistics on the number of authorisations for the purpose of seasonal work issued for the first time.
 - As far as possible, the number of third-country nationals whose authorisation for the purpose of seasonal work has been extended, renewed or withdrawn.
 - Disaggregate by citizenship and as far as possible by the period of validity of the authorisation and the economic sector.
- The ICT requires Member States to:
 - Provide statistics on the number of intra-corporate transferee permits, on permits for long-term mobility issued for the first time and, where applicable, notifications of employers.
 - As far as possible, on the number of intra-corporate transferees whose permit has been renewed or withdrawn.
 - Disaggregate by citizenship and by the period of validity of the permit and, as far as possible, by the economic sector and transferee position.
- The S&RD requires Member States to:
 - Provide statistics on the number of authorisations issued by type of migrant covered
 - Insofar as possible, the number of third-country nationals whose authorisations have been renewed or withdrawn.
 - Provide statistics on admitted family members of researchers in the same manner.
 - Disaggregate by citizenship and, insofar as possible, by the period of validity of the authorisations.

Statistics on migration are further covered by Regulation 862/2007 which establishes common rules for the collection and compilation of statistics on asylum and migration, including on statistics on residence permits issued, by reason (work, study, family, other). The latter should thus, in principle (also) cover the FRD, as well as, before the recast, the SD and RD.

The BCD refers to specific reporting (to the Commission) provisions for the monitoring of the implementation of the Directive, with a view to identifying and possibly counteracting its possible impacts in terms of 'brain drain' in developing countries.

Some inconsistencies have been identified:

Very few details are requested on the SPD, although all work-related statuses are covered by the Regulation. The same applies to those moving for family reasons falling under the FRD, which itself includes no rules on statistics.

The BCD and the S&RD also require statistics on family members, whilst the ICT does not. There is no clear justification for this gap.

The BCD asks Member States, insofar possible to provide statistics on the occupation, whereas the SWD ask for statistics on the economic sector and the ICT on the economic sector and the position of the ICT. There is no justification for the gap in the BCD as regards the economic sector (which in fact would be a useful piece of information to support 'job matching' across the EU)

The ICT requires statistics on the period of validity of the authorisation, the SWD and S&RD ask for this insofar possible and the BCD does not ask for the period of validity. There is no justification for this gap (although the period of validity is requested under the Regulation for permits issued for the reason of work)

The BCD asks, insofar possible, Member States to provide the Member State of previous residence in case of intra-EU mobility. This can be explained by the fact that the BCD is specifically aimed at promoting intra-EU mobility.

There would be scope for further aligning all Directives with regard to the inconsistencies identified above and include both the obligation to establish a contact point and to report statistics.

Annexes

Due to the formatting and presentation of the information in the tables, the annexes listed below are presented in A3 format:



Annex 1Ci Internal
coherence-Appendix 1

Annex 1 Admission conditions

A1.1 Admission conditions common to all Directives

Table A1.1 Coherence table: Admission conditions common to all Directives

Directive 2003/86/EC "Family Reunification"	Directive 2003/109/EC "Long term residents"	Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"	
No burden for social security system – proof of sufficient resources								
<p>Article 7</p> <p>1. When the application for family reunification is submitted, the Member State concerned may require the person who has submitted the application to provide evidence that the sponsor has: [...]</p> <p>c) stable and regular resources which are sufficient to maintain himself/herself and the members of his/her family, without recourse to the social assistance system of the Member State concerned. Member States shall evaluate these resources by</p>	<p>Article 5 Conditions for acquiring long-term resident status</p> <p>1. Member States shall require third-country nationals to provide evidence that they have, for themselves and for dependent family members:</p> <p>(a) stable and regular resources which are sufficient to maintain himself/herself and the members of his/her family, without recourse to the social assistance system of the Member State concerned. Member States shall evaluate these resources by reference to their nature and regularity and may take into account the level of minimum wages and pensions prior to the application for long-term resident</p>	<p>Article 7 Specific conditions for students</p> <p>1. In addition to the general conditions stipulated in Article 6, a third-country national who applies to be admitted for the purpose of study shall: [...]</p> <p>b) provide the evidence requested by a Member State that during his/her stay he/she will have sufficient resources to cover his/her subsistence, study and return travel costs. Member States shall make public the minimum monthly resources required for the purpose of this provision, without prejudice to individual examination of each case [...]</p> <p>Article 9 Specific conditions for</p>	<p>Article 6 Hosting agreement</p> <p>[...]</p> <p>2. Research organisations may sign hosting agreements only if the following conditions are met: [...]</p> <p>(b) during his/her stay the researcher has sufficient monthly resources to meet his/her expenses and return travel costs in accordance with the minimum amount published for the purpose by the Member State, without having recourse to the Member State's social assistance system;</p>	<p>Article 5 Criteria for admission</p> <p>[...]</p> <p>3. In addition to the conditions laid down in paragraph 1, the gross annual salary resulting from the monthly or annual salary specified in the work contract or binding job offer shall not be inferior to a relevant salary threshold defined and published for that purpose by the Member States, which shall be at least 1,5 times the average gross annual salary in the Member State concerned.</p> <p>[...]</p> <p>5. By way of derogation to</p>	<p>Article 5 Criteria and requirement for admission for employment as a seasonal worker for stays not exceeding 90 days</p> <p>[...]</p> <p>3. On the basis of the documentation provided pursuant to paragraph 1, Member States shall require that the seasonal worker will have no recourse to their social assistance systems. [...]</p>	<p>Article 6 Criteria and requirements for admission as a seasonal worker for stays exceeding 90 days</p> <p>[...]</p> <p>3. On the basis of the documentation provided pursuant to paragraph 1, Member States shall require that the seasonal worker will have sufficient resources during his or her stay to maintain him/herself without having recourse to their social assistance systems.</p> <p>[...]</p>	<p>Article 5 Criteria for admission</p> <p>[...]</p> <p>5. On the basis of the documentation provided pursuant to paragraph 1, Member States may require that the intra-corporate transferee will have sufficient resources during his or her stay to maintain himself or herself and his or her family members without having recourse to the Member States' social assistance systems.</p> <p>[...]</p>	<p>Article 7 General conditions</p> <p>1. As regards the admission of a third-country national under this Directive, the applicant shall: [...]</p> <p>(e) provide the evidence requested by the Member State concerned that during the planned stay the third-country national will have sufficient resources to cover subsistence costs without having recourse to the Member State's social assistance system, and return travel costs. The assessment of the sufficient resources shall be based on an individual examination of the case and shall take into account resources that derive, inter alia, from a grant, a scholarship or a fellowship, a valid work contract or a binding job offer or a financial undertaking by a pupil exchange scheme organisation, an entity hosting trainees, a voluntary service scheme organisation, a host family or an organisation mediating au pairs.[...]</p> <p>3. Member States may indicate a reference amount which they regard as constituting 'sufficient resources'</p>

Directive 2003/86/EC "Family Reunification"	Directive 2003/109/EC "Long term residents"	Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2014/36/EU "Seasonal workers" Short term stay Long term stay		Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
<p>reference to their nature and regularity and may take into account the level of minimum national wages and pensions as well as the number of family members.</p> <p>[...]</p>	<p>status;</p>	<p>school pupils 1. Subject to Article 3, a third-country national who applies to be admitted in a pupil exchange scheme shall, in addition to the general conditions stipulated in Article 6:[...] (d) provides evidence that the pupil exchange organisation accepts responsibility for him/her throughout his/her period of presence in the territory of the Member State concerned, in particular as regards subsistence, study, healthcare and return travel costs[...]</p> <p>Article 10 Specific conditions for unremunerated trainees Subject to Article 3, a third-country national who applies to be admitted as an unremunerated trainee shall, in addition to the general conditions stipulated in Article 6: [...] (b) provide the evidence requested by a Member State that during his/her stay he/she will have sufficient resources to cover his/her subsistence, training and return travel costs. The Member States shall make public the minimum monthly resources required for the purpose of this provision,</p>	<p>[...]</p>	<p>paragraph 3, and for employment in professions which are in particular need of third-country national workers and which belong to the major groups 1 and 2 of ISCO, the salary threshold may be at least 1,2 times the average gross annual salary in the Member State concerned. In this case, the Member State concerned shall communicate each year to the Commission the list of the professions for which a derogation has been decided.</p>				<p>as referred to under point (e) of paragraph (1). The assessment of the sufficient resources shall be based on an individual examination of the case</p> <p>Article 11 Specific conditions for students 1. In addition to the general conditions laid down in Article 7, as regards the admission of a third-country national for the purpose of studies, the applicant shall provide evidence: [...] (d) if the Member State so requires, that the third-country national will have sufficient resources to cover the study costs. [...]</p> <p>Article 12 Specific conditions for school pupils [...] (d) that the education establishment, or, insofar as provided for by national law, a third party accepts responsibility for the third-country national throughout the stay in the territory of the Member State concerned, in particular as regards study costs</p> <p>Article 13 Specific conditions for trainees 1. In addition to the general conditions laid down in Article 7, as regards the admission of a third-country national for the purpose of training, the applicant shall: [...] (c) provide evidence, if the Member State so requires, that during the stay the third-country national will have sufficient resources to cover the training costs; [...]</p> <p>(e) provide evidence, if the Member State so requires, that the host entity accepts responsibility for the third-country national throughout the stay</p>

Directive 2003/86/EC "Family Reunification"	Directive 2003/109/EC "Long term residents"	Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2014/36/EU "Seasonal workers" Short term stay Long term stay		Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
		<p>without prejudice to individual examination of each case; [...]</p> <p>Article 11 Specific conditions for volunteers Subject to Article 3, a third-country national who applies to be admitted to a voluntary service scheme shall, in addition to the general conditions stipulated in Article 6: [...] (c) provide evidence that the organisation responsible for the voluntary service scheme in which he/she is participating has subscribed a third-party insurance policy and accepts full responsibility for him/her throughout his/her stay, in particular as regards his/her subsistence, healthcare and return travel costs [...]</p>						<p>in the territory of the Member State concerned, in particular as regards subsistence and accommodation costs [...]</p> <p>Article 14 Specific conditions for volunteers 1. In addition to the general conditions laid down in Article 7, as regards the admission of a third-country national for the purpose of voluntary service, the applicant shall: (a) provide an agreement with the host entity or, insofar as provided for by national law, another body responsible in the Member State concerned for the voluntary service scheme in which the third-country national is participating. The agreement shall contain: [...] (v) the resources available to cover the third-country national's subsistence and accommodation costs and a minimum sum of money as pocket money throughout the stay [...]</p> <p>Article 16 Specific conditions for au pairs 1. In addition to the general conditions laid down in Article 7, as regards the admission of a third-country national for the purpose of au pairing, the third-country national shall: [...] (c) provide evidence that the host family or an organisation mediating au pairs, insofar as provided for by national law, accepts responsibility for the third-country national throughout the stay in the territory of the Member State concerned, in particular with regard to living expenses, accommodation and accident risks.[...]</p>

Directive 2003/86/EC "Family Reunification"	Directive 2003/109/EC "Long term residents"	Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"	
					Short term stay Long term stay		6. Member States may set a minimum sum of money as pocket money to be paid to the au pair.	
Sickness insurance								
<p>Article 7</p> <p>1. When the application for family reunification is submitted, the Member State concerned may require the person who has submitted the application to provide evidence that the sponsor has:</p> <p>[...]</p> <p>(b) sickness insurance in respect of all risks normally covered for its own nationals in the Member State concerned for himself/herself and the members of his/her family;</p> <p>[...]</p>	<p>Article 5 Conditions for acquiring long-term resident status</p> <p>1. Member States shall require third-country nationals to provide evidence that they have, for themselves and for dependent family members</p> <p>(b) sickness insurance in respect of all risks normally covered for his/her own nationals in the Member State concerned.</p>	<p>Article 6 General conditions</p> <p>1. A third-country national who applies to be admitted for the purposes set out in Articles 7 to 11 shall:</p> <p>[...]</p> <p>c) have sickness insurance in respect of all risks normally covered for its own nationals in the Member State concerned;</p> <p>[...]</p> <p>Article 7 Specific conditions for students</p> <p>[...]</p> <p>2. Students who automatically qualify for sickness insurance in respect of all risks normally covered for the nationals of the Member State concerned as a result of enrolment at an establishment shall be presumed to meet the condition of Article 6(1)(c).</p> <p>Article 9 Specific conditions for school pupils</p> <p>1. Subject to Article 3, a third-country national who applies to be admitted in a pupil exchange scheme</p>	<p>Article 6 Hosting agreement</p> <p>[...]</p> <p>2. Research organisations may sign hosting agreements only if the following conditions are met:</p> <p>[...]</p> <p>(c) during his/her stay the researcher has sickness insurance for all the risks normally covered for nationals of the Member State concerned;</p> <p>[...]</p>	<p>Article 5 Criteria for admission</p> <p>1. Without prejudice to Article 10(1), a third-country national who applies for an EU Blue Card under the terms of this Directive shall:</p> <p>[...]</p> <p>(e) present evidence of having or, if provided for by national law, having applied for a sickness insurance for all the risks normally covered for nationals of the Member State concerned for periods where no such insurance coverage and corresponding entitlement to benefits are provided in connection with, the work contract;</p>	<p>Article 5 Criteria and requirements for admission for employment as a seasonal worker for stays not exceeding 90 days</p> <p>1. Applications for admission to a Member State under the terms of this Directive for a stay not exceeding 90 days shall be accompanied by:</p> <p>[...]</p> <p>(b) evidence of having or, if provided for by national law, having applied for sickness insurance for all the risks normally covered for nationals of the Member State concerned for periods where no such insurance coverage and corresponding entitlement to benefits are provided in connection with, or as a result of, the work carried out in that Member State;</p> <p>[...]</p> <p>3. On the basis of</p>	<p>Article 6 Criteria and requirements for admission as a seasonal worker for stays exceeding 90 days</p> <p>1. Applications for admission to a Member State under the terms of this Directive for a stay exceeding 90 days shall be accompanied by:</p> <p>[...]</p> <p>(b) evidence of having or, if provided for by national law, having applied for sickness insurance for all the risks normally covered for nationals of the Member State concerned for periods where no such insurance coverage and corresponding entitlement to benefits are</p>	<p>Article 5 Criteria for admission</p> <p>1. Without prejudice to Article 11(1), a third-country national who applies to be admitted under the terms of this Directive or the host entity shall:</p> <p>(g) without prejudice to existing bilateral agreements, provide evidence of having or, if provided for by national law, having applied for, sickness insurance for all the risks normally covered for nationals of the Member State concerned for periods where no such insurance coverage and corresponding entitlement to benefits are</p>	<p>Article 7 General conditions</p> <p>1. As regards the admission of a third-country national under this Directive, the applicant shall:</p> <p>[...]</p> <p>(c) present evidence that the third-country national has or, if provided for in national law, has applied for sickness insurance for all risks normally covered for nationals of the Member State concerned; the insurance shall be valid for the duration of the planned stay;</p> <p>[...]</p> <p>Article 11 Specific conditions for students</p> <p>[...]</p> <p>2. Third-country nationals who automatically qualify for sickness insurance for all risks normally covered for the nationals of the Member State concerned as a result of enrolment at a higher education institution shall be presumed to meet the condition laid down in point (c) of Article 7(1).</p> <p>Article 14 Specific conditions for volunteers</p> <p>1. In addition to the general conditions laid down in Article 7, as regards the admission of a third-country national for the purpose of voluntary service, the applicant shall [...]</p> <p>(c) provide evidence that the host</p>

Directive 2003/86/EC "Family Reunification"	Directive 2003/109/EC "Long term residents"	Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2014/36/EU "Seasonal workers" Short term stay Long term stay		Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
		<p>shall, in addition to the general conditions stipulated in Article 6: [...] (d) provides evidence that the pupil exchange organisation accepts responsibility for him/her throughout his/her period of presence in the territory of the Member State concerned, in particular as regards subsistence, study, healthcare and return travel costs; [...]</p> <p>Article 11 Specific conditions for volunteers Subject to Article 3, a third-country national who applies to be admitted to a voluntary service scheme shall, in addition to the general conditions stipulated in Article 6: [...] (c) provide evidence that the organisation responsible for the voluntary service scheme in which he/she is participating has subscribed a third-party insurance policy and accepts full responsibility for him/her throughout his/her stay, in particular as regards his/her subsistence, healthcare and return travel costs; [...]</p>			<p>the documentation provided pursuant to paragraph 1, Member States shall require that the seasonal worker will have no recourse to their social assistance systems. [...]</p>	<p>provided in connection with, or as a result of, the work carried out in that Member State; [...]</p> <p>3. On the basis of the documentation provided pursuant to paragraph 1, Member States shall require that the seasonal worker will have sufficient resources during his or her stay to maintain him/herself without having recourse to their social assistance systems.</p>	<p>provided in connection with, or as a result of, the work carried out in that Member State. 2. Member States may require the applicant to present the documents listed in points [...] and (g) of paragraph 1 in an official language of the Member State concerned.[...]</p>	<p>entity or, insofar as provided for by national law, another body responsible for the voluntary service scheme has subscribed to a third-party insurance policy;</p> <p>Article 16 Specific conditions for au pairs 1. In addition to the general conditions laid down in Article 7, as regards the admission of a third-country national for the purpose of au pairing, the third-country national shall: [...] (c) provide evidence that the host family or an organisation mediating au pairs, insofar as provided for by national law, accepts responsibility for the third-country national throughout the stay in the territory of the Member State concerned, in particular with regard to living expenses, accommodation and accident risks. [...]</p>
<p>Adequate accommodation/proof of address</p>								

Directive 2003/86/EC "Family Reunification"	Directive 2003/109/EC "Long term residents"	Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2014/36/EU "Seasonal workers" Short term stay Long term stay		Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
<p>Article 7 1. When the application for family reunification is submitted, the Member State concerned may require the person who has submitted the application to provide evidence that the sponsor has: (a) accommodation regarded as normal for a comparable family in the same region and which meets the general health and safety standards in force in the Member State concerned; [...]</p>	<p>Article 7 Acquisition of long-term resident status 1. To acquire long-term resident status, the third-country national concerned shall lodge an application with the competent authorities of the Member State in which he/she resides. The application shall be accompanied by documentary evidence to be determined by national law that he/she meets the conditions set out in Articles 4 and 5 as well as, if required, by a valid travel document or its certified copy. The evidence referred to in the first subparagraph may also include documentation with regard to appropriate accommodation.</p>	<p>Article 9 Specific conditions for school pupils 1. Subject to Article 3, a third-country national who applies to be admitted in a pupil exchange scheme shall, in addition to the general conditions stipulated in Article 6: [...] (e) be accommodated throughout his/her stay by a family meeting the conditions set by the Member State concerned and selected in accordance with the rules of the pupil exchange scheme in which he/she is participating. [...] Article 11 Specific conditions for volunteers Subject to Article 3, a third-country national who applies to be admitted to a voluntary service scheme shall, in addition to the general conditions stipulated in Article 6: (b) produce an agreement with the organisation responsible in the Member State concerned for the voluntary service scheme in which he/she is participating, giving a description of [...] accommodation costs [...]</p>		<p>Article 5 Criteria for admission 2. Member States may require the applicant to provide his address in the territory of the Member State concerned.</p>	<p>Article 5 Criteria and requirements for admission for employment as a seasonal worker for stays not exceeding 90 days 1. Applications for admission to a Member State under the terms of this Directive for a stay not exceeding 90 days shall be accompanied by: [...] (c) evidence that the seasonal worker will have adequate accommodation or that adequate accommodation will be provided in accordance with Article 20. [...]</p>	<p>Article 6 Criteria and requirements for admission as a seasonal worker for stays exceeding 90 days 1. Applications for admission to a Member State under the terms of this Directive for a stay exceeding 90 days shall be accompanied by: [...] (c) evidence that the seasonal worker will have adequate accommodation or that adequate accommodation will be provided, in accordance with Article 20.</p>	<p>Article 5 Criteria for admission 3. Member States may require the applicant to provide, at the latest at the time of the issue of the intra-corporate transferee permit, the address of the third-country national concerned in the territory of the Member State. [...]</p>	<p>Article 7 General conditions 2. Member States may require the applicant to provide the address of the third-country national concerned in their territory. Where the national law of a Member State requires an address to be provided at the time of application and the third country national concerned does not yet know the future address, Member States shall accept a temporary address. In such a case, the third-country national shall provide his or her permanent address at the latest at the time of the issuance of an authorisation pursuant to Article 17.[...] Article 12 Specific conditions for school pupils 1. In addition to the general conditions laid down in Article 7, as regards the admission of a third-country national for the purpose of a pupil exchange scheme or an educational project, the applicant shall provide evidence: [...] (e) that the third-country national will be accommodated throughout the stay by a family, in a special accommodation facility within the education establishment or, insofar as provided for by national law, in any other facility meeting the conditions set by the Member State concerned and selected in accordance with the rules of the pupil exchange scheme or educational project in which the third-country national is participating.[...] Article 13 Specific conditions for trainees 1. In addition to the general conditions laid down in Article 7, as regards the admission of a third-country national for the purpose of training, the applicant shall: [...]</p>
					<p>Article 20 Accommodation 1. Member States shall require evidence that the seasonal worker will benefit from accommodation that ensures an adequate standard of living according to national law and/or practice, for the duration of his or her stay. The competent authority shall be informed of any change of accommodation of the seasonal worker. 2. Where accommodation is arranged by or through the employer: (a) the seasonal worker may be required</p>			

Directive 2003/86/EC "Family Reunification"	Directive 2003/109/EC "Long term residents"	Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2014/36/EU "Seasonal workers" Short term stay Long term stay	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
					<p>to pay a rent which shall not be excessive compared with his or her net remuneration and compared with the quality of the accommodation. The rent shall not be automatically deducted from the wage of the seasonal worker;</p> <p>(b) the employer shall provide the seasonal worker with a rental contract or equivalent document in which the rental conditions of the accommodation are clearly stated;</p> <p>(c) the employer shall ensure that the accommodation meets the general health and safety standards in force in the Member State concerned.</p>		<p>e) provide evidence, if the Member State so requires, that the host entity accepts responsibility for the third-country national throughout the stay in the territory of the Member State concerned, in particular as regards subsistence and accommodation costs;</p> <p>(f) provide evidence, if the Member State so requires, that, if the third-country national is accommodated throughout the stay by the host entity, the accommodation meets the conditions set by the Member State concerned.[...]</p> <p>Article 14 Specific conditions for volunteers</p> <p>1. In addition to the general conditions laid down in Article 7, as regards the admission of a third-country national for the purpose of voluntary service, the applicant shall:</p> <p>(a) provide an agreement with the host entity or, insofar as provided for by national law, another body responsible in the Member State concerned for the voluntary service scheme in which the third-country national is participating. The agreement shall contain: [...]</p> <p>(v) the resources available to cover the third-country national's subsistence and accommodation costs and a minimum sum of money as pocket money throughout the stay; and [...]</p> <p>(b) provide evidence, if the Member State so requires, that, if the third-country national is accommodated throughout the stay by the host entity, the accommodation meets the conditions set by the Member State concerned [...]</p>
Valid travel document							

Directive 2003/86/EC "Family Reunification"	Directive 2003/109/EC "Long term residents"	Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2014/36/EU "Seasonal workers" Short term stay Long term stay		Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
<p>Submission and examination of the application Article 5 2. The application shall be accompanied by documentary evidence of the family relationship and of compliance with the conditions laid down in Articles 4 and 6 and, where applicable, Articles 7 and 8, as well as certified copies of family member(s)' travel documents.</p>	<p>Article 7 Acquisition of long-term resident status 1. To acquire long-term resident status, the third-country national concerned shall lodge an application with the competent authorities of the Member State in which he/she resides. The application shall be accompanied by documentary evidence to be determined by national law that he/she meets the conditions set out in Articles 4 and 5 as well as, if required, by a valid travel document or its certified copy.</p>	<p>Article 6 General conditions 1. A third-country national who applies to be admitted for the purposes set out in Articles 7 to 11 shall: (a) present a valid travel document as determined by national legislation. Member States may require the period of validity of the travel document to cover at least the duration of the planned stay; [...]</p>	<p>Article 7 Conditions for admission 1. A third-country national who applies to be admitted for the purposes set out in this Directive shall: [...] (a) present a valid travel document, as determined by national law. Member States may require the period of the validity of the travel document to cover at least the duration of the residence permit; [...]</p>	<p>Article 5 Criteria for admission 1. Without prejudice to Article 10(1), a third-country national who applies for an EU Blue Card under the terms of this Directive shall: [...] (d) present a valid travel document, as determined by national law, an application for a visa or a visa, if required, and evidence of a valid residence permit or of a national long-term visa, if appropriate. Member States may require the period of validity of the travel document to cover at least the initial duration of the residence permit; [...]</p>	<p>Article 6 Criteria and requirements for admission as a seasonal worker for stays exceeding 90 days [...] 7. Member States shall require third-country nationals to be in possession of a valid travel document, as determined by national law. Member States shall require the period of validity of the travel document to cover at least the period of validity of the authorisation for the purpose of seasonal work. In addition, Member States may require: (a) the period of validity to exceed the intended duration of stay by a maximum of three months; (b) the travel document to have been issued within the last 10 years; and (c) the travel document to contain at least two blank pages. [...]</p>		<p>Article 5 Criteria for admission 1. Without prejudice to Article 11(1), a third-country national who applies to be admitted under the terms of this Directive or the host entity shall: [...] (f) present a valid travel document of the third-country national, as determined by national law, and, if required, an application for a visa or a visa; Member States may require the period of validity of the travel document to cover at least the period of validity of the intra-corporate transferee permit; [...]</p>	<p>Article 7 General conditions 1. As regards the admission of a third-country national under this Directive, the applicant shall: (a) present a valid travel document, as determined by national law, and, if required, an application for a visa or a valid visa or, where applicable, a valid residence permit or a valid long-stay visa; Member States may require the period of validity of the travel document to cover at least the duration of the planned stay; [...]</p>

Directive 2003/86/EC "Family Reunification"	Directive 2003/109/EC "Long term residents"	Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2014/36/EU "Seasonal workers" Short term stay Long term stay	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"	
Public security, public policy and public health								
<p>Article 6</p> <p>1. The Member States may reject an application for entry and residence of family members on grounds of public policy, public security or public health.</p> <p>2. Member States may withdraw or refuse to renew a family member's residence permit on grounds of public policy or public security or public health. When taking the relevant decision, the Member State shall consider, besides Article 17, the severity or type of offence against public policy or public security committed by the family member, or the dangers that are emanating from such person.</p> <p>3. Renewal of the residence permit may not be withheld and removal from the territory may not be ordered by the competent authority</p>	<p>Article 19 Examination of applications and issue of a residence permit</p> <p>[...]</p> <p>2. If the conditions provided for in Articles 14, 15 and 16 are met, then, subject to the provisions relating to public policy, public security and public health in Articles 17 and 18, the second Member State shall issue the long-term resident with a renewable residence permit.</p> <p>[...]</p> <p>Article 18 Public health</p> <p>1. Member States may refuse applications for residence from long-term residents or their family members where the person concerned constitutes a threat to public health.</p> <p>2. The only diseases that may justify a refusal to allow entry or the right of residence in the territory of the second Member State shall be the diseases as defined by the relevant applicable instruments of the World Health Organisation's and such other infectious or contagious parasite-based diseases as are the subject of protective</p>	<p>Article 6 General conditions</p> <p>1. A third-country national who applies to be admitted for the purposes set out in Articles 7 to 11 shall:</p> <p>[...]</p> <p>(d) not be regarded as a threat to public policy, public security or public health;</p> <p>[...]</p>	<p>Article 7 Conditions for admission</p> <p>1. A third-country national who applies to be admitted for the purposes set out in this Directive shall:</p> <p>[...]</p> <p>(d) not be considered to pose a threat to public policy, public security or public health.</p> <p>Member States shall check that all the conditions referred to in points (a), (b), (c) and (d) are met.</p> <p>[...]</p> <p>3. Once the checks referred to in paragraphs 1 and 2 have been positively concluded, researchers shall be admitted on the territory of the Member States to carry out the hosting agreement.</p>	<p>Article 5 Criteria for admission</p> <p>1. Without prejudice to Article 10(1), a third-country national who applies for an EU Blue Card under the terms of this Directive shall:</p> <p>[...]</p> <p>(f) not be considered to pose a threat to public policy, public security or public health.</p> <p>[...]</p>		<p>Article 6 Criteria and requirements for admission as a seasonal worker for stays exceeding 90 days</p> <p>4. Third-country nationals who are considered to pose a threat to public policy, public security or public health shall not be admitted</p>	<p>Article 5 Criteria for admission</p> <p>[...]</p> <p>8. Third-country nationals who are considered to pose a threat to public policy, public security or public health shall not be admitted for the purposes of this Directive.</p>	<p>Article 7 General conditions</p> <p>[...]</p> <p>6. Third-country nationals who are considered to pose a threat to public policy, public security or public health shall not be admitted</p>

Directive 2003/86/EC "Family Reunification"	Directive 2003/109/EC "Long term residents"	Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2014/36/EU "Seasonal workers" Short term stay Long term stay		Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
of the Member State concerned on the sole ground of illness or disability suffered after the issue of the residence permit.	provisions in relation to nationals in the host country. Member States shall not introduce new more restrictive provisions or practices. 3. Diseases contracted after the first residence permit was issued in the second Member State shall not justify a refusal to renew the permit or expulsion from the territory. 4. A Member State may require a medical examination, for persons to whom this Directive applies, in order to certify that they do not suffer from any of the diseases referred to in paragraph 2. Such medical examinations, which may be free of charge, shall not be performed on a systematic basis.							
No risk of overstaying/ensuring costs of return are covered								
		Article 7 Specific conditions for students 1. In addition to the general conditions stipulated in Article 6, a third-country national who applies to be admitted for the purpose of study shall: [...] b) provide the evidence requested by a Member State that during his/her stay he/she will have	Article 5 Approval [...] 3. Member States may require, in accordance with national legislation, a written undertaking of the research organisation that in cases where a researcher remains illegally in		Article 5 Criteria and requirements for admission for employment as a seasonal worker for stays not exceeding 90 days [...] 5. When examining an application for an authorisation referred to in Article 12(1), Member	Article 6 Criteria and requirements for admission as a seasonal worker for stays exceeding 90 days [...] 5. When examining an application for an authorisation referred to in Article 12(2),		Article 8 Specific conditions for researchers [...] 2. Member States may require, in accordance with national law, a written undertaking from the research organisation that, in the event that a researcher remains illegally in the territory of the Member State concerned, that research organisation is responsible for reimbursing the costs related to the stay and return incurred by public funds. The financial responsibility of the research organisation shall end at the latest six

Directive 2003/86/EC "Family Reunification"	Directive 2003/109/EC "Long term residents"	Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2014/36/EU "Seasonal workers" Short term stay Long term stay		Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
		<p>sufficient resources to cover his/her subsistence, study and return travel costs. Member States shall make public the minimum monthly resources required for the purpose of this provision, without prejudice to individual examination of each case [...]</p> <p>Article 9 Specific conditions for school pupils 1. Subject to Article 3, a third-country national who applies to be admitted in a pupil exchange scheme shall, in addition to the general conditions stipulated in Article 6:[...] (d) provides evidence [...] return travel costs[...]</p> <p>Article 10 Specific conditions for unremunerated trainees Subject to Article 3, a third-country national who applies to be admitted as an unremunerated trainee shall, in addition to the general conditions stipulated in Article 6: [...] (b) provide the evidence requested [...]return travel costs.</p> <p>Article 11 Specific conditions for</p>	<p>the territory of the Member State concerned, the said organisation is responsible for reimbursing the costs related to his/her stay and return incurred by public funds. The financial responsibility of the research organisation shall end at the latest six months after the termination of the hosting agreement. [...]</p>		<p>States not applying the Schengen acquis in full shall verify that the third-country national: (a) does not present a risk of illegal immigration; (b) intends to leave the territory of the Member States at the latest on the date of expiry of the authorisation.</p>	<p>Member States shall verify that the third-country national does not present a risk of illegal immigration and that he or she intends to leave the territory of the Member States at the latest on the date of expiry of the authorisation. [...]</p>		<p>months after the termination of the hosting agreement. Where the right of residence of the researcher is extended in accordance with Article 25, the responsibility of the research organisation referred to in the first subparagraph of this paragraph shall be limited until the starting date of the residence permit for the purpose of job-searching or entrepreneurship.</p> <p>Article 8 Specific conditions for researchers [...] 2. Member States may require, in accordance with national law, a written undertaking from the research organisation that, in the event that a researcher remains illegally in the territory of the Member State concerned, that research organisation is responsible for reimbursing the costs related to the stay and return incurred by public funds. The financial responsibility of the research organisation shall end at the latest six months after the termination of the hosting agreement.</p> <p>Where the right of residence of the researcher is extended in accordance with Article 25, the responsibility of the research organisation referred to in the first subparagraph of this paragraph shall be limited until the starting date of the residence permit for the purpose of job-searching or entrepreneurship.</p> <p>Article 13 Specific conditions for trainees [...] 4. Member States may require, in accordance with national law, a written undertaking from the host entity that, in the event that a trainee remains illegally in the territory of the Member</p>

Directive 2003/86/EC "Family Reunification"	Directive 2003/109/EC "Long term residents"	Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2014/36/EU "Seasonal workers" Short term stay Long term stay		Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
		<p>volunteers Subject to Article 3, a third-country national who applies to be admitted to a voluntary service scheme shall, in addition to the general conditions stipulated in Article 6: [...] (c) provide evidence [...] return travel costs [...]</p>						<p>State concerned, that host entity is responsible for reimbursing the costs related to the stay and return incurred by public funds. The financial responsibility of the host entity shall end at the latest six months after the termination of the training agreement.</p>
Integration measures and conditions								
<p>Article 7 2. Member States may require third country nationals to comply with integration measures, in accordance with national law.</p>	<p>Article 5 Conditions for acquiring long-term resident status 2. Member States may require third-country nationals to comply with integration conditions, in accordance with national law.</p>							

A1.2 Admission conditions specific to different categories of TCNs covered in the EU legal migration acquis

A1.2.1 Admission conditions for the purpose of work

Table A1.2 Coherence table: Admission conditions for the purpose of work

Directive 2009/50/EC "EU Blue Card"	Directive 2014/36/EU "Seasonal workers" Short term stay Long term stay	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
Valid job offer/contract			
<p>Article 5</p> <p>Criteria for admission</p> <p>1. Without prejudice to Article 10(1), a third-country national who applies for an EU Blue Card under the terms of this Directive shall:</p> <p>(a) present a valid work contract or, as provided for in national law, a binding job offer for highly qualified employment, of at least one year in the Member State concerned;</p> <p>[...]</p>	<p>Article 5</p> <p>Criteria and requirements for admission for employment as a seasonal worker for stays not exceeding 90 days</p> <p>1. Applications for admission to a Member State under the terms of this Directive for a stay not exceeding 90 days shall be accompanied by:</p> <p>(a) a valid work contract or, if provided for by national law, administrative regulations, or practice, a binding job offer to work as a seasonal worker in the Member State concerned with an employer established in that Member State [...]</p>	<p>Article 6</p> <p>Criteria and requirements for admission as a seasonal worker for stays exceeding 90 days</p> <p>1. Applications for admission to a Member State under the terms of this Directive for a stay exceeding 90 days shall be accompanied by:</p> <p>(a) a valid work contract or, if provided for by national law, administrative regulations, or practice, a binding job offer to work as a seasonal worker in the Member State concerned with an employer established in that Member State [...]</p>	<p>Article 5</p> <p>Criteria for admission</p> <p>1. Without prejudice to Article 11(1), a third-country national who applies to be admitted under the terms of this Directive or the host entity shall:</p> <p>[...]</p> <p>(c) present a work contract and, if necessary, an assignment letter from the employer [...]</p> <p>Article 5</p> <p>Criteria for admission</p> <p>[...]</p> <p>6. In addition to the evidence required under paragraph 1, any third-country national who applies to be admitted as a trainee employee may be required to present a training agreement relating to the preparation for his or her future position within the undertaking or group of undertakings, [...]</p>
Content of the contract/binding job offer			
<p>Article 5</p> <p>Criteria for admission</p> <p>3. In addition to the conditions laid down in paragraph 1, the gross annual salary resulting from the monthly or annual salary specified in the work contract or binding job offer shall not be inferior</p>	<p>Article 5</p> <p>Criteria and requirements for admission for employment as a seasonal worker for stays not exceeding 90 days</p> <p>1. Applications for admission to a Member State under the terms of this Directive for a</p>	<p>Article 6</p> <p>Criteria and requirements for admission as a seasonal worker for stays exceeding 90 days</p> <p>1. Applications for admission to a Member State under the terms of this Directive for a stay exceeding 90 days shall be accompanied by:</p>	<p>Article 5</p> <p>Criteria for admission</p> <p>1. Without prejudice to Article 11(1), a third-country national [...]</p> <p>[...]</p>

<p>to a relevant salary threshold defined and published for that purpose by the Member States, which shall be at least 1,5 times the average gross annual salary in the Member State concerned.</p> <p>[...]</p> <p>5. By way of derogation to paragraph 3, and for employment in professions which are in particular need of third-country national workers and which belong to the major groups 1 and 2 of ISCO, the salary threshold may be at least 1,2 times the average gross annual salary in the Member State concerned. In this case, the Member State concerned shall communicate each year to the Commission the list of the professions for which a derogation has been decided.</p>	<p>stay not exceeding 90 days shall be accompanied by:</p> <p>(a) a valid work contract or, [...] a binding job offer [...] which specifies:</p> <p>(i) the place and type of the work;</p> <p>(ii) the duration of employment;</p> <p>(iii) the remuneration;</p> <p>(iv) the working hours per week or month;</p> <p>(v) the amount of any paid leave;</p> <p>(vi) where applicable other relevant working conditions; and</p> <p>(vii) if possible, the date of commencement of employment; [...]</p>	<p>(a) a valid work contract or, [...], a binding job offer [...] which specifies:</p> <p>(i) the place and type of the work;</p> <p>(ii) the duration of employment;</p> <p>(iii) the remuneration;</p> <p>(iv) the working hours per week or month;</p> <p>(v) the amount of any paid leave;</p> <p>(vi) where applicable, other relevant working conditions; and</p> <p>(vii) if possible, the date of commencement of employment; [...]</p>	<p>(c) present a work contract [...] containing the following:</p> <p>(i) details of the duration of the transfer and the location of the host entity or entities;</p> <p>(ii) evidence that the third-country national is taking a position as a manager, specialist or trainee employee in the host entity or entities in the Member State concerned;</p> <p>(iii) the remuneration as well as other terms and conditions of employment granted during the intra-corporate transfer;</p> <p>(iv) evidence that the third-country national will be able to transfer back to an entity belonging to that undertaking or group of undertakings and established in a third country at the end of the intra-corporate transfer; [...]</p> <p>6. In addition to the evidence required under paragraph 1, any third-country national who applies to be admitted as a trainee employee may be required to present a training agreement [...], including a description of the training programme, which demonstrates that the purpose of the stay is to train the trainee employee for career development purposes or in order to obtain training in business techniques or methods, its duration and the conditions under which the trainee employee is supervised during the programme.</p>
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Regulated professions

Article 5	Article 5	Article 6	Article 5
<p>Criteria for admission</p> <p>[...]</p> <p>(b) present a document attesting fulfilment of the conditions set out under national law for the exercise by Union citizens of the regulated profession specified in the work contract or binding job offer as provided for in national law; [...]</p>	<p>Criteria and requirements for admission for employment as a seasonal worker for stays not exceeding 90 days</p> <p>[...]</p> <p>4. In cases where the work contract or binding job offer specifies that the third-country national will exercise a regulated profession, as defined in Directive 2005/36/EC of the European Parliament and of the Council, the Member State may require the applicant to present documentation attesting that the third-country national fulfils the conditions laid down under national law for the exercise of that regulated profession. [...]</p>	<p>Criteria and requirements for admission as a seasonal worker for stays exceeding 90 days</p> <p>[...]</p> <p>6. In cases where the work contract or binding job offer specifies that the third-country national will exercise a regulated profession, as defined in Directive 2005/36/EC, the Member State may require the applicant to present documentation attesting that the third-country national fulfils the conditions laid down under national law for the exercise of that regulated profession. [...]</p>	<p>Criteria for admission</p> <p>1. Without prejudice to Article 11(1), a third-country national who applies to be admitted under the terms of this Directive or the host entity shall:</p> <p>[...]</p> <p>(e) where applicable, present documentation certifying that the third-country national fulfils the conditions laid down under the national law of the Member State concerned for Union citizens to exercise the regulated profession to which the application relates; [...]</p>

Directive 2009/50/EC
"EU Blue Card"

Evidence of professional

qualifications			
<p>Article 5</p> <p>Criteria for admission</p> <p>[...]</p> <p>(c) for unregulated professions, present the documents attesting the relevant higher professional qualifications in the occupation or sector specified in the work contract or in the binding job offer as provided for in national law; [...]</p>	<p>Article 5</p> <p>Criteria for admission</p> <p>1. Without prejudice to Article 11(1), a third-country national who applies to be admitted under the terms of this Directive or the host entity shall:</p> <p>[...]</p> <p>(d) provide evidence that the third-country national has the professional qualifications and experience needed in the host entity to which he or she is to be transferred as manager or specialist or, in the case of a trainee employee, the university degree required;</p>		
Compliance with collective agreements			
<p>Article 5</p> <p>Criteria for admission</p> <p>[...]</p> <p>4. When implementing paragraph 3, Member States may require that all conditions in the applicable laws, collective agreements or practices in the relevant occupational branches for highly qualified employment are met.</p> <p>[...]</p> <p>6. This Article shall be without prejudice to the applicable collective agreements or practices in the relevant occupational branches for highly qualified employment.</p>	<p>Article 5</p> <p>Criteria and requirements for admission for employment as a seasonal worker for stays not exceeding 90 days</p> <p>[...]</p> <p>2. Member States shall require that the conditions referred to in point (a) of paragraph 1 comply with applicable law, collective agreements and/or practice.</p> <p>[...]</p>	<p>Article 6</p> <p>Criteria and requirements for admission as a seasonal worker for stays exceeding 90 days</p> <p>[...]</p> <p>2. Member States shall require that the conditions referred to in point (a) of paragraph 1 comply with applicable law, collective agreements and/or practice.</p> <p>[...]</p>	<p>Article 5</p> <p>Criteria for admission</p> <p>[...]</p> <p>4. Member States shall require that:</p> <p>(a) all conditions in the law, regulations, or administrative provisions and/or universally applicable collective agreements applicable to posted workers in a similar situation in the relevant occupational branches are met during the intra- corporate transfer with regard to terms and conditions of employment other than remuneration. In the absence of a system for declaring collective agreements of universal application, Member States may base themselves on collective agreements which are generally applicable to all similar undertakings in the geographical area and in the profession or industry concerned, and/or collective agreements which have been concluded by the most representative employers and employee organisations at national level and which are applied throughout their national territory;</p> <p>[...]</p>
Evidence of employment/criteria related to the employer			
<p>Article 2.b</p> <p>'highly qualified employment' means the employment of a person who:</p> <p>— in the Member State concerned, is protected as an employee under national</p>	<p>Article 2.b</p> <p>The employer has to be established in a Member State</p>		<p>Article 5</p> <p>Criteria for admission</p> <p>1. Without prejudice to Article 11(1), a third-country national who applies to be admitted under the terms of this Directive or the host entity shall:</p>

employment law and/or in accordance with national practice, irrespective of the legal relationship, for the purpose of exercising genuine and effective work for, or under the direction of, someone else, is paid, and,

— has the required adequate and specific competence, as proven by higher professional qualifications

(a) provide evidence that the host entity and the undertaking established in a third country belong to the same undertaking or group of undertakings;

(b) provide evidence of employment within the same undertaking or group of undertakings, from at least three up to twelve uninterrupted months immediately preceding the date of the intra-corporate transfer in the case of managers and specialists, and from at least three up to six uninterrupted months in the case of trainee employees [...]

6. In addition to the evidence required under paragraph 1, any third-country national who applies to be admitted as a trainee employee may be required to present a training agreement relating to the preparation for his or her future position within the undertaking or group of undertakings, including a description of the training programme, which demonstrates that the purpose of the stay is to train the trainee employee for career development purposes or in order to obtain training in business techniques or methods, its duration and the conditions under which the trainee employee is supervised during the programme.

Annex 2 Admission procedures

Table A2.1 *Coherence table: Admission procedures*

Directive 2003/86/EC	Directive 2003/109/EC	Directive 2004/114/EC	Directive 2005/71/EC	Directive 2009/50/EC	Directive 2011/98/EU	Directive 2014/36/EU	Directive 2014/66/EU	Directive (EU) 2016/801
"Family Reunification"	"Long term residents" as amended	"Students"	"Researchers"	"EU Blue Card"	"Single Permit"	"Seasonal workers"	"ICTs"	"Students and Researchers"
Access to information								
					Article 9	Article 11	Article 10	Article 35
					Access to information	Access to information	Access to information	Transparency and access to information
					Member States shall provide, upon request, adequate information to the third-country national and the future employer on the documents required to make a complete application.	1. Member States shall make easily accessible to applicants the information on all documentary evidence needed for an application and information on entry and stay, including the rights and obligations and the procedural	1. Member States shall make easily accessible to applicants the information on all the documentary evidence needed for an application and information on entry and residence, including the rights, obligations and procedural safeguards, of the intra-corporate	Member States shall make easily accessible to applicants the information on all the documentary evidence needed for an application and information on entry and residence conditions, including the rights, obligations and procedural safeguards, of the third-country nationals falling under the scope of this Directive and, where

Directive 2003/86/EC	Directive 2003/109/EC	Directive 2004/114/EC	Directive 2005/71/EC	Directive 2009/50/EC	Directive 2011/98/EU	Directive 2014/36/EU	Directive 2014/66/EU	Directive (EU) 2016/801
"Family Reunification"	"Long term residents" as amended	"Students"	"Researchers"	"EU Blue Card"	"Single Permit"	"Seasonal workers"	"ICTs"	"Students and Researchers"
					<p>Article 14</p> <p>Information to the general public</p> <p>Each Member State shall make available to the general public a regularly updated set of information concerning the conditions of third-country nationals' admission to and residence in its territory in order to work there.</p>	<p>safeguards of the seasonal worker.</p> <p>[...]</p>	<p>transferee and of his or her family members. Member States shall also make easily available information on the procedures applicable to the short-term mobility referred to in Article 21(2) and to the long-term mobility referred to in Article 22(1).</p> <p>2. The Member States concerned shall make available information to the host entity on the right of Member States to impose sanctions in accordance with Articles 9 and 23.</p>	<p>applicable, of their family members. This shall include, where applicable, the level of the monthly sufficient resources, including the sufficient resources needed to cover the study costs or the training costs, without prejudice to an individual examination of each case, and the applicable fees.</p> <p>The competent authorities in each Member State shall publish lists of the host entities approved for the purposes of this Directive. Updated versions of such lists shall be published as soon as possible following any changes to them.</p>

Submission of application (who can submit the application)							
Article 5	Article 7	Article 14	Article 10	Article 4	Article 12	Article 11	Article 7
1. Member States shall determine whether, in order to exercise the right to family reunification, an application for entry and residence	<p>Acquisition of long-term resident status</p> <p>1. To acquire long-term resident status, the third-</p>	<p>Applications for admission</p> <p>1. Member States shall determine whether applications for</p>	<p>Applications for admission</p> <p>1. Member States shall determine whether applications for</p>	<p>Single Application procedure</p> <p>1. [...] Member States shall determine whether applications for a single permit</p>	<p>Authorisations for the purpose of seasonal work</p> <p>3. Without prejudice to the Schengen acquis, Member</p>	<p>Applications for an intra-corporate transferee permit or a permit for long-term mobility</p> <p>1. Member States shall</p>	<p>General conditions</p> <p>[...]</p> <p>5. Member States shall determine whether applications are to be</p>

Directive 2003/86/EC	Directive 2003/109/EC	Directive 2004/114/EC	Directive 2005/71/EC	Directive 2009/50/EC	Directive 2011/98/EU	Directive 2014/36/EU	Directive 2014/66/EU	Directive (EU) 2016/801
"Family Reunification"	"Long term residents" as amended	"Students"	"Researchers"	"EU Blue Card"	"Single Permit"	"Seasonal workers"	"ICTs"	"Students and Researchers"
shall be submitted to the competent authorities of the Member State concerned either by the sponsor or by the family member or members. [...]	country national concerned shall lodge an application with the competent authorities of the Member State in which he/she resides.		residence permits are to be made by the researcher or by the research organisation concerned. [...]	an EU Blue Card are to be made by the third-country national and/or by his employer. [...]	are to be made by the third-country national or by the third-country national's employer. [...]	States shall determine whether an application is to be submitted by the third-country national and/or by the employer. The obligation on the Member States to determine whether the application is to be submitted by a third-country national and/or by the employer shall be without prejudice to any arrangements requiring both to be involved in the procedure.	determine whether an application is to be submitted by the third-country national or by the host entity. Member States may also decide to allow an application from either of the two. [...]	submitted by the third-country national, by the host entity, or by either of the two. [...]

Submission of application (outside territory/within territory)								
Article 5		Article 3	Article 14	Article 10	Article 4	Article 2	Article 11	Article 7
[...] 3. The application shall be submitted and examined when the family members are residing outside the territory of the Member State in which the sponsor resides. By way of derogation, a Member State may, in appropriate circumstances, accept an application submitted when the	See above art. 7(1) – the application is to be made in the Member States in which the person resides	This Directive shall apply to third-country nationals who apply to be admitted to the territory of a Member State for the purpose of studies.	Applications for admission [...] 2. The application shall be considered and examined when the third-country national residing outside the territory of the Member States to which he/she wishes to be admitted.	Applications for admission [...] 2. The application shall be considered and examined either when the third-country national residing outside the territory of the Member State to which he wishes to be admitted or when	Single Application procedure 1. [...] Member States shall allow the application to be introduced from a third country or, if provided for by national law, in the territory of the Member State in which the third-country national is legally present [...]	Scope 1. This Directive shall apply to third-country nationals who reside outside the territory of the Member States and who apply to be admitted, or who have been admitted under the terms of this Directive, to the territory of a Member State for the purpose of employment as seasonal workers. This Directive shall	Applications for an intra-corporate transferee permit or a permit for long-term mobility [...] 2. The application for an intra-corporate transferee permit shall be submitted when the third-country national is residing outside the territory of the Member State to which admission is sought. [...]	General conditions [...] 4. The application shall be submitted and examined either when the third-country national concerned is residing outside the territory of the Member State to which the third-country national wishes to be admitted or when the third country national is already residing in that Member State as holder of a valid residence permit or long-stay visa.

Directive 2003/86/EC	Directive 2003/109/EC	Directive 2004/114/EC	Directive 2005/71/EC	Directive 2009/50/EC	Directive 2011/98/EU	Directive 2014/36/EU	Directive 2014/66/EU	Directive (EU) 2016/801
"Family Reunification"	"Long term residents" as amended	"Students"	"Researchers"	"EU Blue Card"	"Single Permit"	"Seasonal workers"	"ICTs"	"Students and Researchers"
family members are already in its territory [...]			3. Member States may accept, in accordance with their national legislation, an application submitted when the third country national concerned is already in their territory. [...]	3. Member States he is already residing in that Member State as holder of a valid residence permit or national long-stay visa. 3. By way of derogation from paragraph 2, a Member State may accept, in accordance with its national law, an application submitted when the third-country national concerned is not in possession of a valid residence permit but is legally present in its territory. 4. By way of derogation from paragraph 2, a Member State may provide that an application can only be submitted from outside its territory, provided that such limitations, either for all the third-country nationals or for specific categories of third country		not apply to third-country nationals who at the time of application reside in the territory of a Member State with the exception of cases referred to in Article 15.		By way of derogation, a Member State may accept, in accordance with its national law, an application submitted when the third-country national concerned is not in possession of a valid residence permit or long-stay visa but is legally present in its territory. [...]

Directive 2003/86/EC	Directive 2003/109/EC	Directive 2004/114/EC	Directive 2005/71/EC	Directive 2009/50/EC	Directive 2011/98/EU	Directive 2014/36/EU	Directive 2014/66/EU	Directive (EU) 2016/801
"Family Reunification"	"Long term residents" as amended	"Students"	"Researchers"	"EU Blue Card"	"Single Permit"	"Seasonal workers"	"ICTs"	"Students and Researchers"

nationals, are already set out in the existing national law at the time of the adoption of this Directive.

Set timeframe for authorities to process the application								
Article 5	Article 7	Article 18	Article 15	Article 11	Article 5	Article 18	Article 15	Article 34
[...] 4. The competent authorities of the Member State shall give the person, who has submitted the application, written notification of the decision as soon as possible and in any event no later than nine months from the date on which the application was lodged. In exceptional circumstances linked to the complexity of the examination of the application, the time limit referred to in the first subparagraph may be extended. Reasons shall be given for the decision rejecting the application. Any consequences of no decision being taken by the end of the period provided for in the first	Acquisition of long-term resident status [...] 2. The competent national authorities shall give the applicant written notification of the decision as soon as possible and in any event no later than six months from the date on which the application was lodged. Any such decision shall be notified to the third-country national concerned in accordance with the notification procedures under the relevant national legislation. In exceptional circumstances linked to the complexity of the examination of the application, the	Procedural guarantees and transparency 1. A decision on an application to obtain or renew a residence permit shall be adopted, and the applicant shall be notified of it, within a period that does not hamper the pursuit of the relevant studies, whilst leaving the competent authorities sufficient time to process the application. [...]	Procedural safeguards 1. The competent authorities of the Member States shall adopt a decision on the complete application as soon as possible and, where appropriate, provide for accelerated procedures. [...]	Procedural safeguards 1. The competent authorities of the Member States shall adopt a decision on the complete application for an EU Blue Card and notify the applicant in writing, in accordance with the notification procedures laid down in the national law of the Member State concerned, as soon as possible and at the latest within 90 days of the application being lodged. National law of the relevant Member State shall determine any consequence of a decision not having been	Competent authority [...] 2. The competent authority shall adopt a decision on the complete application as soon as possible and in any event within four months of the date on which the application was lodged. The time limit referred to in the first subparagraph may be extended in exceptional circumstances, linked to the complexity of the examination of the application. Where no decision is taken within the time limit provided for in this paragraph, any consequences shall be determined by national law. [...]	Procedural safeguards 1. [...] The competent authorities shall notify the decision to the applicant in writing, in accordance with the notification procedures under national law, as soon as possible but not later than 90 days from the date on which the complete application was submitted. [...]	Procedural safeguards 1. The competent authorities of the Member State concerned shall adopt a decision on the application for an intracorporate transferee permit or a renewal of it and notify the decision to the applicant in writing, in accordance with the notification procedures under national law, as soon as possible but not later than 90 days from the date on which the complete application was submitted. [...]	Procedural guarantees and transparency 1. The competent authorities of the Member State concerned shall adopt a decision on the application for an authorisation or a renewal of it and notify the decision to the applicant in writing, in accordance with the notification procedures under national law, as soon as possible but not later than 90 days from the date on which the complete application was submitted. 2. By way of derogation from paragraph 1 of this Article, in the event that the admission procedure is related to an approved host entity as referred to in Articles 9 and 15, the decision on the complete application shall be taken as soon as possible but at the latest within 60 days. [...]

Directive 2003/86/EC	Directive 2003/109/EC	Directive 2004/114/EC	Directive 2005/71/EC	Directive 2009/50/EC	Directive 2011/98/EU	Directive 2014/36/EU	Directive 2014/66/EU	Directive (EU) 2016/801
"Family Reunification"	"Long term residents" as amended	"Students"	"Researchers"	"EU Blue Card"	"Single Permit"	"Seasonal workers"	"ICTs"	"Students and Researchers"

subparagraph shall be determined by the national legislation of the relevant Member State.	time limit referred to in the first subparagraph may be extended. In addition, the person concerned shall be informed about his/ her rights and obligations under this Directive. Any consequences of no decision being taken by the end of the period provided for in this provision shall be determined by national legislation of the relevant Member State.			taken by the end of the period provided for in the first subparagraph. [...]				
[...]				[...]				

Means of notification of the decision

See above art. 5(4) para 1 – written notification	See above art. 7(2) para 1 – written notification		Article 11 Procedural safeguards [...]	Article 5 Competent authority [...]	See below art. 18(1) – written notification	See below art.15(1) – written notification	See below art.34(1) – – written notification
			3. Any decision rejecting an application for an EU Blue Card, a decision not to renew or to withdraw an EU Blue Card, shall be notified in writing to the third-country national	3. The competent authority shall notify the decision to the applicant in writing in accordance with the notification procedures laid down in the relevant national law. [...]			

Directive 2003/86/EC	Directive 2003/109/EC	Directive 2004/114/EC	Directive 2005/71/EC	Directive 2009/50/EC	Directive 2011/98/EU	Directive 2014/36/EU	Directive 2014/66/EU	Directive (EU) 2016/801
"Family Reunification"	"Long term residents" as amended	"Students"	"Researchers"	"EU Blue Card"	"Single Permit"	"Seasonal workers"	"ICTs"	"Students and Researchers"

concerned and, where relevant, to his employer in accordance with the notification procedures under the relevant national law and shall be open to legal challenge in the Member State concerned, in accordance with national law.
[...]

Consequence of insufficient/inadequate application							
Article 18	Article 15	Article 11	Article 5	Article 18	Article 15	Article 34	
Procedural guarantees and transparency	Procedural safeguards	Procedural safeguards	Competent authority	Procedural safeguards	Procedural safeguards	Procedural guarantees and transparency	
[...]	[...]	[...]	[...]	[...]	[...]	[...]	
2. If the information supplied in support of the application is inadequate, the processing of the application may be suspended and the competent authorities shall inform the applicant of any further information they need. [...]	2. If the information supplied in support of the application is inadequate, the consideration of the application may be suspended and the competent authorities shall inform the applicant of any further information they need.	2. Where the information or documents supplied in support of the application are inadequate, the competent authorities shall notify the applicant of the additional information that is required and set a reasonable deadline for providing it. The period referred to	4. [...] The time limit referred to in paragraph 2 shall be suspended until the competent authority or other relevant authorities have received the additional information or documents is not provided within the deadline set, the competent authority may reject the application.	3. Where the information or documentation supplied in support of the application is incomplete, the competent authorities shall notify the applicant within a reasonable period of the additional information that is required and set a reasonable deadline for providing it. The period referred to in paragraph 1 shall be suspended until the	2. Where the information or documentation supplied in support of the application is incomplete, the competent authorities shall notify the applicant within a reasonable period of the additional information that is required and set a reasonable deadline for providing it. The period referred to in paragraph 1 shall be suspended until the	3. Where the information or documentation supplied in support of the application is incomplete, the competent authorities shall notify the applicant within a reasonable period of the additional information that is required and set a reasonable deadline for providing it. The period referred to in paragraphs 1 or 2 shall be suspended until the competent authorities have received the additional information or documents	

Directive 2003/86/EC	Directive 2003/109/EC	Directive 2004/114/EC	Directive 2005/71/EC	Directive 2009/50/EC	Directive 2011/98/EU	Directive 2014/36/EU	Directive 2014/66/EU	Directive (EU) 2016/801
"Family Reunification"	"Long term residents" as amended	"Students"	"Researchers"	"EU Blue Card"	"Single Permit"	"Seasonal workers"	"ICTs"	"Students and Researchers"
			[...]	in paragraph 1 shall be suspended until the authorities have received the additional information or documents required. If additional information or documents have not been provided within the deadline, the application may be rejected. [...]		competent authorities have received the additional information required. [...]	competent authorities have received the additional information required. [...]	have not been provided within the deadline, the application may be rejected. [...]

Requesting further information if insufficient/inadequate application								
	See above art. 18(2) – authorities to inform the applicant of further information needs	See above art.15(2)	See below art. 11(2)	Article 5 Competent authority [...] 4. If the information or documents in support of the application are incomplete according to the criteria specified in national law, the competent authority shall notify the applicant in writing of the additional information or documents required, setting a reasonable deadline to provide them. [...]	See below art. 18(3)	See below art.15(2)	See below art. 34(3)	

Directive 2003/86/EC	Directive 2003/109/EC	Directive 2004/114/EC	Directive 2005/71/EC	Directive 2009/50/EC	Directive 2011/98/EU	Directive 2014/36/EU	Directive 2014/66/EU	Directive (EU) 2016/801
"Family Reunification"	"Long term residents" as amended	"Students"	"Researchers"	"EU Blue Card"	"Single Permit"	"Seasonal workers"	"ICTs"	"Students and Researchers"
Notification of rejection								
See above art. 5(4) para 2	Article 10	Article 18	Article 15	Article 11	Article 8	Article 18	Article 15	Article 34
	Procedural guarantees	Procedural guarantees and transparency	Procedural safeguards	Procedural safeguards	Procedural guarantees	Procedural safeguards	Procedural safeguards	Procedural guarantees and transparency
	1. Reasons shall be given for any decision rejecting an application for long-term resident status or withdrawing that status. Any such decision shall be notified to the third-country national concerned in accordance with the notification procedures under the relevant national legislation. [...]	[...] 3. Any decision rejecting an application for a residence permit shall be notified to the third-country national concerned in accordance with the notification procedures provided for under the relevant national legislation. The notification shall specify the possible redress procedures available and the time limit for taking action. [...]	[...] 3. Any decision rejecting an application for a residence permit shall be notified to the third-country national concerned in accordance with the notification procedures under the relevant national legislation. The notification shall specify the possible redress procedures available and the time limit for taking action. [...]	[...] 3. [...] The notification shall specify the reasons for the decision, the possible redress procedures available and the time limit for taking action.	1. Reasons shall be given in the written notification of a decision rejecting an application to issue, amend or renew a single permit, or a decision withdrawing a single permit on the basis of criteria provided for by Union or national law. [...]	[...] 4. Reasons for a decision declaring inadmissible an application for authorisation for the purpose of seasonal work or rejecting an application for authorisation for the purpose of seasonal work or refusing an extension of stay or renewal of the authorisation for the purpose of seasonal work shall be given in writing to the applicant. Reasons for a decision withdrawing the authorisation for the purpose of seasonal work shall be given in writing to both the seasonal worker and, if provided for in national law, the employer. [...]	[...] 3. Reasons for a decision declaring inadmissible or rejecting an application or refusing renewal shall be given to the applicant in writing. Reasons for a decision withdrawing an intra-corporate transferee permit shall be given in writing to the intra-corporate transferee and to the host entity. [...]	[...] 4. Reasons for a decision declaring inadmissible or rejecting an application or refusing renewal shall be given in writing to the applicant. Reasons for a decision withdrawing an authorisation shall be given in writing to the third-country national. Reasons for a decision withdrawing an authorisation may be given in writing also to the host entity. [...]
Right to appeal/redress								
Article 18	Article 10	Article 18	Article 15	See above art. 11(3)	Article 8	Article 18	Article 15	Article 34
The Member States shall ensure that the	Procedural	Procedural guarantees and	Procedural		Procedural	Procedural	Procedural	Procedural guarantees

Directive 2003/86/EC	Directive 2003/109/EC	Directive 2004/114/EC	Directive 2005/71/EC	Directive 2009/50/EC	Directive 2011/98/EU	Directive 2014/36/EU	Directive 2014/66/EU	Directive (EU) 2016/801
"Family Reunification"	"Long term residents" as amended	"Students"	"Researchers"	"EU Blue Card"	"Single Permit"	"Seasonal workers"	"ICTs"	"Students and Researchers"
<p>sponsor and/or the members of his/her family have the right to mount a legal challenge where an application for family reunification is rejected or a residence permit is either not renewed or is withdrawn or removal is ordered.</p> <p>The procedure and the competence according to which the right referred to in the first subparagraph is exercised shall be established by the Member States concerned.</p>	<p>guarantees</p> <p>[...]</p> <p>2. Where an application for long-term resident status is rejected or that status is withdrawn or lost or the residence permit is not renewed, the person concerned shall have the right to mount a legal challenge in the Member State concerned.</p>	<p>transparency</p> <p>[...]</p> <p>4. Where an application is rejected or a residence permit issued in accordance with this Directive is withdrawn, the person concerned shall have the right to mount a legal challenge before the authorities of the Member State concerned.</p>	<p>safeguards</p> <p>[...]</p> <p>4. Where an application is rejected, or a residence permit, issued in accordance with this Directive, is withdrawn, the person concerned shall have the right to mount a legal challenge before the authorities of the Member State concerned.</p>		<p>guarantees</p> <p>[...]</p> <p>2. A decision rejecting the application to issue, amend or renew or withdrawing a single permit shall be open to legal challenge in the Member State concerned, in accordance with national law. [...]</p>	<p>safeguards</p> <p>[...]</p> <p>5. Any decision declaring inadmissible an application for authorisation for the purpose of seasonal work or rejecting the application, refusing an extension of stay or renewal of an authorisation for the purpose of seasonal work or withdrawing an authorisation for the purpose of seasonal work shall be open to legal challenge in the Member State concerned, in accordance with national law. The written notification shall specify the court or administrative authority with which an appeal may be lodged and the time-limit for lodging the appeal.</p> <p>[...]</p>	<p>safeguards</p> <p>[...]</p> <p>4. Any decision declaring inadmissible or rejecting the application, refusing renewal, or withdrawing an intra-corporate transferee permit shall be open to legal challenge in the Member State concerned, in accordance with national law. The written notification shall specify the court or administrative authority with which an appeal may be lodged and the time-limit for lodging the appeal.</p> <p>[...]</p>	<p>and transparency</p> <p>[...]</p> <p>5. Any decision declaring inadmissible or rejecting an application, refusing renewal, or withdrawing an authorisation shall be open to legal challenge in the Member State concerned, in accordance with national law. The written notification shall specify the court or administrative authority with which an appeal may be lodged and the time limit for lodging the appeal.</p>
Information on the right to redress								
	<p>Article 10</p> <p>Procedural guarantees</p> <p>1. [...]. The notification shall specify the redress procedures</p>	See above art. 18(3)	See above art. 15(3)	See above art. 11(3)	<p>Article 8</p> <p>Procedural guarantees</p> <p>[...]</p> <p>2. [...] The written notification referred</p>	See above art. 18(5)	See above art.15(4)	See above art. 34(5)

Directive 2003/86/EC	Directive 2003/109/EC	Directive 2004/114/EC	Directive 2005/71/EC	Directive 2009/50/EC	Directive 2011/98/EU	Directive 2014/36/EU	Directive 2014/66/EU	Directive (EU) 2016/801
"Family Reunification"	"Long term residents" as amended	"Students"	"Researchers"	"EU Blue Card"	"Single Permit"	"Seasonal workers"	"ICTs"	"Students and Researchers"
	available and the time within which he/she may act. [...]				to in paragraph 1 shall specify the court or administrative authority where the person concerned may lodge an appeal and the time limit therefor. [...]			

Application fees				
Article 20	Article 10	Article 19	Article 16	Article 36
Fees	Fees	Fees and costs	Fees	Fees
Member States may require applicants to pay fees for the processing of applications in accordance with this Directive.	Member States may require applicants to pay fees, where appropriate, for handling applications in accordance with this Directive. The level of such fees shall be proportionate and may be based on the services actually provided for the processing of applications and the issuance of permits.	1. Member States may require the payment of fees for the handling of applications in accordance with this Directive. The level of such fees shall not be disproportionate or excessive. Fees for short-stay visas are regulated in the relevant provisions of the Schengen acquis. Where those fees are paid by the third country national, Member States may provide that they are reimbursed by the employer in accordance with national law. [...]	Member States may require the payment of fees for the handling of applications in accordance with this Directive. The level of such fees shall not be disproportionate or excessive.	Member States may require third-country nationals including, where applicable, family members, or host entities to pay fees for the handling of notifications and applications in accordance with this Directive. The level of such fees shall not be disproportionate or excessive.

Simplified procedure for issuing residence permits or visas

Directive 2003/86/EC	Directive 2003/109/EC	Directive 2004/114/EC	Directive 2005/71/EC	Directive 2009/50/EC	Directive 2011/98/EU	Directive 2014/36/EU	Directive 2014/66/EU	Directive (EU) 2016/801
"Family Reunification"	"Long term residents" as amended	"Students"	"Researchers"	"EU Blue Card"	"Single Permit"	"Seasonal workers"	"ICTs"	"Students and Researchers"
		<p>Article 19</p> <p>Fast-track procedure for issuing residence permits or visas to students and school pupils</p> <p>An agreement on the establishment of a fast-track admission procedure allowing residence permits or visas to be issued in the name of the third-country national concerned may be concluded between the authority of a Member State with responsibility for the entry and residence of students or school pupils who are third-country nationals and an establishment of higher education or an organisation operating pupil exchange schemes which has been recognised for this purpose by the Member State concerned in</p>	<p>Article 15</p> <p>1. The competent authorities of the Member States shall adopt a decision on the complete application as soon as possible and, where appropriate, provide for accelerated procedures.</p>				<p>Article 11</p> <p>Applications for an intra-corporate transferee permit or a permit for long-term mobility</p> <p>[...]</p> <p>6. Simplified procedures relating to the issue of intra-corporate transferee permits, permits for long-term mobility, permits granted to family members of an intra-corporate transferee, and visas may be made available to entities or to undertakings or groups of undertakings that have been recognised for that purpose by Member States in accordance with their national law or administrative practice. Recognition shall be regularly reassessed.</p> <p>7. The simplified procedures provided for in paragraph 6 shall at least include:</p> <p>(a) exempting the applicant from presenting some of the evidence referred to in Article 5 or in point (a) of Article 22(2);</p> <p>(b) a fast-track</p>	<p>Article 8</p> <p>Specific conditions for researchers</p> <p>[...]</p> <p>3. A Member State which has established an approval procedure for research organisations in accordance with Article 9 shall exempt applicants from presenting one or more of the documents or evidence referred to in paragraph 2 of this Article or in points (c), (d) or (e) of Article 7(1) or in Article 7(2), where the third-country nationals are to be hosted by approved research organisations.</p>

Directive 2003/86/EC	Directive 2003/109/EC	Directive 2004/114/EC	Directive 2005/71/EC	Directive 2009/50/EC	Directive 2011/98/EU	Directive 2014/36/EU	Directive 2014/66/EU	Directive (EU) 2016/801
"Family Reunification"	"Long term residents" as amended	"Students"	"Researchers"	"EU Blue Card"	"Single Permit"	"Seasonal workers"	"ICTs"	"Students and Researchers"
		accordance with its national legislation or administrative practice.					admission procedure allowing intra-corporate transferee permits and permits for long-term mobility to be issued within a shorter time than specified in Article 15(1) or in point (b) of Article 22(2); and/or (c) facilitated and/or accelerated procedures in relation to the issue of the requisite visas. 8. Entities or undertakings or groups of undertakings which have been recognised in accordance with paragraph 6 shall notify to the relevant authority any modification affecting the conditions for recognition without delay and, in any event, within 30 days.	
							[...]	<p>Article 11</p> <p>Specific conditions for students</p> <p>[...]</p> <p>3. A Member State which has established an approval procedure for higher education institutions in accordance with Article 15 shall exempt applicants from presenting one or more of the documents or evidence referred to in</p>

Directive 2003/86/EC	Directive 2003/109/EC	Directive 2004/114/EC	Directive 2005/71/EC	Directive 2009/50/EC	Directive 2011/98/EU	Directive 2014/36/EU	Directive 2014/66/EU	Directive (EU) 2016/801
"Family Reunification"	"Long term residents" as amended	"Students"	"Researchers"	"EU Blue Card"	"Single Permit"	"Seasonal workers"	"ICTs"	"Students and Researchers"
								<p>points (b), (c) or (d) of paragraph 1 of this Article or in point (d) of Article 7(1) or in Article 7(2), where the third-country nationals are to be hosted by approved higher education institutions.</p> <p>See art. 34(2)</p> <p>By way of derogation from paragraph 1 of this Article, in the event that the admission procedure is related to an approved host entity as referred to in Articles 9 and 15, the decision on the complete application shall be taken as soon as possible but at the latest within 60 days.</p>

Facilitation of re-entry (after loss of status/withdraw)

Article 9	Article 18	Article 16	Article 23	Article 32
<p>Withdrawal or loss of status</p> <p>1. Long-term residents shall no longer be entitled to maintain long-term resident status in the following cases:</p> <p>[...]</p> <p>(c) in the event of absence from the territory of the Community for a period of 12 consecutive</p>	<p>5. If the EU Blue Card issued by the first Member State expires during the procedure, Member States may issue, if required by national law, national temporary residence permits, or equivalent authorisations, allowing the applicant to</p>	<p>Facilitation of re-entry</p> <p>1. Member States shall facilitate re-entry of third-country nationals who were admitted to that Member State as seasonal workers at least once within the previous five years, and who fully respected the conditions applicable to seasonal workers under this Directive during each of their</p>	<p>Safeguards and sanctions</p> <p>1. Where the intra-corporate transferee permit is issued by a Member State not applying the Schengen <i>acquis</i> in full and the intra-corporate transferee crosses an external border, the second Member State shall be entitled to require as evidence that the intra-corporate transferee is moving to the second Member</p>	<p>Safeguards and sanctions in cases of mobility</p> <p>[...]</p> <p>4. Where the researcher or, where applicable, his or her family members, or the student do not or no longer fulfil the conditions for mobility:</p> <p>[...]</p> <p>(b) the first Member State shall, upon request of the second Member State, allow re-entry of the</p>

Directive 2003/86/EC	Directive 2003/109/EC	Directive 2004/114/EC	Directive 2005/71/EC	Directive 2009/50/EC	Directive 2011/98/EU	Directive 2014/36/EU	Directive 2014/66/EU	Directive (EU) 2016/801
"Family Reunification"	"Long term residents" as amended	"Students"	"Researchers"	"EU Blue Card"	"Single Permit"	"Seasonal workers"	"ICTs"	"Students and Researchers"
	<p>months.</p> <p>[...]</p> <p>4. The long-term resident who has resided in another Member State in accordance with Chapter III shall no longer be entitled to maintain his/her long-term resident status acquired in the first Member State when such a status is granted in another Member State pursuant to Article 23.</p> <p>In any case after six years of absence from the territory of the Member State that granted long-term resident status the person concerned shall no longer be entitled to maintain his/her long term resident status in the said Member State. By way of derogation from the second subparagraph the Member State concerned may provide that for specific reasons the long-term resident shall maintain his/her status in</p>			<p>continue to stay legally on its territory until a decision on the application has been taken by the competent authorities.</p>		<p>stays.</p> <p>2. The facilitation referred to in paragraph 1 may include one or more measures such as:</p> <p>(a) the grant of an exemption from the requirement to submit one or more of the documents referred to in Articles 5 or 6;</p> <p>(b) the issuing of several seasonal worker permits in a single administrative act;</p> <p>(c) an accelerated procedure leading to a decision on the application for a seasonal worker permit or a long stay visa;</p> <p>(d) priority in examining applications for admission as a seasonal worker, including taking into account previous admissions when deciding on applications with regard to the exhaustion of volumes of admission.</p>	<p>State for the purpose of an intra-corporate transfer:</p> <p>[...]</p> <p>4. The second Member State may request that the intra-corporate transferee immediately cease all employment activity and leave its territory where:</p> <p>[...]</p> <p>5. In the cases referred to in paragraph 4, the first Member State shall, upon request of the second Member State, allow re-entry of the intra-corporate transferee, and, where applicable, of his or her family members, without formalities and without delay. That shall also apply if the intra-corporate transferee permit issued by the first Member State has expired or has been withdrawn during the period of mobility within the second Member State.</p>	<p>researcher and, where applicable, of his or her family members or of the student without formalities and without delay. This shall also apply if the authorisation issued by the first Member State has expired or has been withdrawn during the period of mobility within the second Member State.</p> <p>[...]</p>

Directive 2003/86/EC	Directive 2003/109/EC	Directive 2004/114/EC	Directive 2005/71/EC	Directive 2009/50/EC	Directive 2011/98/EU	Directive 2014/36/EU	Directive 2014/66/EU	Directive (EU) 2016/801
"Family Reunification"	"Long term residents" as amended	"Students"	"Researchers"	"EU Blue Card"	"Single Permit"	"Seasonal workers"	"ICTs"	"Students and Researchers"

the said Member State in case of absences for a period exceeding six years.

5. With regard to the cases referred to in paragraph 1(c) and in paragraph 4, **Member States who have granted the status shall provide for a facilitated procedure for the re-acquisition of long-term resident status.**

Residence permit - validity

Article 13	Article 8	Article 12	Article 8	Article 7	Article 14	Article 13	Article 18
2. The Member State concerned shall grant the family members a first residence permit of at least one year's duration. This residence permit shall be renewable.	Long-term resident's EC residence permit [...] 2. Member States shall issue a long-term resident's EC residence permit to long-term residents. The permit shall be valid at least for five years; it shall, upon application if required, be automatically renewable on	Residence permit issued to students 1. A residence permit shall be issued to the student for a period of at least one year and renewable if the holder continues to meet the conditions of Articles 6 and 7. Where the duration of the course of study is less than one year, the permit shall be	Duration of residence permit Member States shall issue a residence permit for a period of at least one year and shall renew it if the conditions laid down in Articles 6 and 7 are still met. If the research project is scheduled to last less than one year, the	EU Blue Card [...] 2. Member States shall set a standard period of validity of the EU Blue Card, which shall be comprised between one and four years. If the work contract covers a period less than this period, the EU Blue Card shall be issued or	Duration of stay 1. Member States shall determine a maximum period of stay for seasonal workers which shall be not less than five months and not more than nine months in any 12-month period. After the expiry of that period, the third-country national shall leave the territory of the Member State unless the Member State concerned has issued a residence	Intra-corporate transferee permit [...] 2. The period of validity of the intra-corporate transferee permit shall be at least one year or the duration of the transfer to the territory of the Member State concerned, whichever is shorter, and may be extended to a maximum of three years for managers and specialists and one year	Duration of authorisation 1. The period of validity of an authorisation for researchers shall be at least one year, or for the duration of the hosting agreement where this is shorter. The authorisation shall be renewed if Article 21 does not apply. The duration of the authorisation for researchers who are covered by Union or multilateral programmes that comprise mobility

Directive 2003/86/EC	Directive 2003/109/EC	Directive 2004/114/EC	Directive 2005/71/EC	Directive 2009/50/EC	Directive 2011/98/EU	Directive 2014/36/EU	Directive 2014/66/EU	Directive (EU) 2016/801
"Family Reunification"	"Long term residents" as amended	"Students"	"Researchers"	"EU Blue Card"	"Single Permit"	"Seasonal workers"	"ICTs"	"Students and Researchers"
	expiry. [...]	valid for the duration of the course. [...]	residence permit shall be issued for the duration of the project.	renewed for the duration of the work contract plus three months.		permit under national or Union law for purposes other than seasonal work. 2. Member States may determine a maximum period of time within any 12-month period, during which an employer is allowed to hire seasonal workers. That period shall be not less than the maximum period of stay determined pursuant to paragraph 1.	permit under national law for trainee employees. [...]	measures shall be at least two years, or for the duration of the hosting agreement where this is shorter. If the general conditions laid down in Article 7 are not met for the two years or for the whole duration of the hosting agreement, the first subparagraph of this paragraph shall apply. Member States shall retain the right to verify that the grounds for withdrawal set out in Article 21 do not apply.
		<p>Article 13</p> <p>Residence permit issued to school pupils</p> <p>A residence permit issued to school pupils shall be issued for a period of no more than one year.</p>					<p>2. The period of validity of an authorisation for students shall be at least one year, or for the duration of studies where this is shorter. The authorisation shall be renewed if Article 21 does not apply.</p> <p>The duration of the authorisation for students who are covered by Union or multilateral programmes that comprise mobility measures or by an agreement between two or more higher education institutions shall be at least two years, or for the duration of their studies where this is shorter. If the general conditions laid down in Article 7 are not</p>	

Directive 2003/86/EC	Directive 2003/109/EC	Directive 2004/114/EC	Directive 2005/71/EC	Directive 2009/50/EC	Directive 2011/98/EU	Directive 2014/36/EU	Directive 2014/66/EU	Directive (EU) 2016/801
"Family Reunification"	"Long term residents" as amended	"Students"	"Researchers"	"EU Blue Card"	"Single Permit"	"Seasonal workers"	"ICTs"	"Students and Researchers"

met for the two years or for the whole duration of the studies, the first subparagraph of this paragraph shall apply. Member States shall retain the right to verify that the grounds for withdrawal set out in Article 21 do not apply.

3. Member States may determine that the total time of residence for studies shall not exceed the maximum duration of studies as defined in national law.

Article 14

Residence permit issued to unremunerated trainees

The period of validity of a residence permit issued to unremunerated trainees shall correspond to the duration of the placement or shall be for a maximum of one year. In exceptional cases, it may be renewed, once only and exclusively for such time as is needed to acquire a vocational qualification

4. The period of validity of an authorisation for **school pupils** shall be for the duration of the pupil exchange scheme or the educational project where this is shorter than one year, or for a maximum of one year. Member States may decide to allow the renewal of the authorisation once for the period necessary to complete the pupil exchange scheme or the educational project if Article 21 does not apply.

Directive 2003/86/EC	Directive 2003/109/EC	Directive 2004/114/EC	Directive 2005/71/EC	Directive 2009/50/EC	Directive 2011/98/EU	Directive 2014/36/EU	Directive 2014/66/EU	Directive (EU) 2016/801
"Family Reunification"	"Long term residents" as amended	"Students"	"Researchers"	"EU Blue Card"	"Single Permit"	"Seasonal workers"	"ICTs"	"Students and Researchers"
		recognised by a Member State in accordance with its national legislation or administrative practice, provided the holder still meets the conditions laid down in Articles 6 and 10.						
		<hr/> <p>Article 15</p> <p>Residence permit issued to volunteers</p> <p>A residence permit issued to volunteers shall be issued for a period of no more than one year. In exceptional cases, if the duration of the relevant programme is longer than one year, the duration of the validity of the residence permit may correspond to the period concerned.</p>						<hr/> <p>5. The period of validity of an authorisation for au pairs shall be for the duration of the agreement between the au pair and the host family where this is shorter than one year, or for a maximum period of one year. Member States may decide to allow the renewal of the authorisation once for a maximum period of six months, after a justified request by the host family, if Article 21 does not apply.</p> <hr/> <p>6. The period of validity of an authorisation for trainees shall be for the duration of the training agreement where this is shorter than six months, or for a maximum of six</p>

Directive 2003/86/EC	Directive 2003/109/EC	Directive 2004/114/EC	Directive 2005/71/EC	Directive 2009/50/EC	Directive 2011/98/EU	Directive 2014/36/EU	Directive 2014/66/EU	Directive (EU) 2016/801
"Family Reunification"	"Long term residents" as amended	"Students"	"Researchers"	"EU Blue Card"	"Single Permit"	"Seasonal workers"	"ICTs"	"Students and Researchers"

months. If the duration of the agreement is longer than six months, the duration of the validity of the authorisation may correspond to the period concerned in accordance with national law. Member States may decide to allow the renewal of the authorisation once for the period necessary to complete the traineeship if Article 21 does not apply.

7. The period of validity of an authorisation for **volunteers** shall be for the duration of the agreement referred to in point (a) of Article 14(1) where this is shorter than one year, or for a maximum period of one year. If the duration of the agreement is longer than one year, the duration of the validity of the authorisation may correspond to the period concerned in accordance with national law.

8. Member States may determine that, in case the validity of the travel document of the third-country national concerned is shorter than one year or shorter than two years in the cases referred to in paragraphs 1 and 2, the period of validity of the authorisation shall not exceed the period of

Directive 2003/86/EC	Directive 2003/109/EC	Directive 2004/114/EC	Directive 2005/71/EC	Directive 2009/50/EC	Directive 2011/98/EU	Directive 2014/36/EU	Directive 2014/66/EU	Directive (EU) 2016/801
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validity of the travel document. 9. Where Member States allow entry and residence during the first year on the basis of a long-stay visa, an application for a residence permit shall be submitted before the expiry of the long-stay visa. The residence permit shall be issued if Article 21 does not apply.

Annex 3 Equal treatment, access to work and free access to the entire territory of the Member State concerned

Table A3.1 Coherence table: Equal treatment with nationals

Directive 2003/109/EC "Long term residents" as amended	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2011/98/EU "Single Permit"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
The right to equal treatment with nationals [...]						
Article 11 Equal treatment 1. Long-term residents shall enjoy equal treatment with nationals as regards: [...]	Article 12 Equal treatment Holders of a residence permit shall be entitled to equal treatment with nationals as regards: [...]	Article 14(1) Equal treatment 1. EU Blue Card holders shall enjoy equal treatment with nationals of the Member State issuing the Blue Card as regards: [...]	Article 12(1) Right to equal treatment 1. Third-country workers as referred to in points (b) and (c) of Article 3(1) shall enjoy equal treatment with nationals of the Member State where they reside with regard to: [...]	Article 23(1) Right to equal treatment 1. Seasonal workers shall be entitled to equal treatment with nationals of the host Member State at least with regard to: [...]	Article 18(2) Right to equal treatment [...] 2. Intra-corporate transferees shall enjoy equal treatment with nationals of the Member State where the work is carried out as regards: [...]	Article 22(1), (3) and (4) Equal treatment 1. Researchers shall be entitled to equal treatment with nationals of the Member State concerned as provided for in Article 12(1) and (4) of Directive 2011/98/EU. [...] 3. Trainees, volunteers and au pairs, when they are considered to be in an employment relationship in the Member State concerned, and students shall be entitled to equal treatment with nationals of the Member State concerned as provided for in Article 12(1) and (4) of Directive 2011/98/EU subject to the restrictions provided for in paragraph 2 of that Article. 4. Trainees, volunteers, and au pairs, when they are not considered to be in an employment relationship in the Member State concerned, and school pupils shall be entitled to equal treatment in relation to [...]
[...] as regards freedom of association and affiliation						
Article 11(1)(g) Equal treatment [...] (g) freedom of association and affiliation and membership of an organisation representing workers or employers or of any organisation whose		Article 14(1)(b) Equal treatment [...] (b) freedom of association and affiliation and membership of an organisation representing workers or employers or of any organisation whose members are engaged in a	Article 12(1)(b) Right to equal treatment [...] (b) freedom of association and affiliation and membership of an organisation representing workers or employers or of any organisation whose members are engaged in a	Article 23(1)(b) Right to equal treatment [...] (b) [...] and freedom of association and affiliation and membership of an organisation representing workers or	Article 18(2)(a) Right to equal treatment [...] (a) freedom of association and affiliation and membership of an organisation representing workers	Article 22(1) and 22(3) Equal treatment [As established by Article 22(1) and Article 22(3), Article 12(1)(b) of Directive 2011/98/EU is applicable to researchers and trainees, volunteers, and au pairs, when they are considered to be in an employment relationship in the Member State concerned, and students]

Directive 2003/109/EC "Long term residents" as amended	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2011/98/EU "Single Permit"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
<p>members are engaged in a specific occupation, including the benefits conferred by such organisations, without prejudice to the national provisions on public policy and public security.</p> <p>Article 11(2) [Restrictions] 2. With respect to the provisions of paragraph 1, points [...] (g), the Member State concerned may restrict equal treatment to cases where the registered or usual place of residence of the long-term resident, or that of family members for whom he/she claims benefits, lies within the territory of the Member State concerned.</p>		<p>specific occupation, including the benefits conferred by such organisations, without prejudice to the national provisions on public policy and public security.</p>	<p>specific occupation, including the benefits conferred by such organisations, without prejudice to the national provisions on public policy and public security.</p>	<p>employers or of any organisation whose members are engaged in a specific occupation, including the benefits conferred by such organisations, without prejudice to the national provisions on public policy and public security.</p>	<p>or employers or of any organisation whose members are engaged in a specific occupation, including the benefits conferred by such organisations, without prejudice to the national provisions on public policy and public security.</p>	
[...] as regards the right to strike and take industrial action						
				<p>Article 23(1)(b) Right to equal treatment [...] (b) the right to strike and take industrial action, in accordance with the host Member States' national law and practice</p>		
[...] as regards the right to education and vocational training*						
Article 11(1)(b)		Article 14(1)(c)	Article 12(1)(c)	Article 23(1)(g)		Article 22(1) and (3)

Directive 2003/109/EC "Long term residents" as amended	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2011/98/EU "Single Permit"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
<p>Equal treatment [...] (b) education and vocational training, including study grants on accordance with national law.</p> <p>Article 11(2) and (3) [Restrictions] 2. With respect to the provisions of paragraph 1, points (b) [...] the Member State concerned may restrict equal treatment to cases where the registered or usual place of residence of the long-term resident, or that of family members for whom he/she claims benefits, lies within the territory of the Member State concerned. [...] 3. Member States may restrict equal treatment with nationals in the following cases: [...] (b) Member States may require proof of appropriate language proficiency for access to education and training. Access to university may be subject to the fulfilment of specific educational prerequisites.</p>		<p>Equal treatment [...] (c) education and vocational training</p> <p>Article 14(2) [Restrictions] 2. With respect to paragraph 1(c) [...] the Member State concerned may restrict equal treatment as regards study and maintenance grants and loans or other grants and loans regarding secondary and higher education and vocational training [...] With respect to paragraph 1(c): (a) access to university and post-secondary education may be subject to specific prerequisites in accordance with national law; (b) the Member State concerned may restrict equal treatment to cases where the registered or usual place of residence of the EU Blue Card holder, or that of the family member for whom benefits are claimed, lies within its territory.</p>	<p>Right to equal treatment [...] (c) education and vocational training</p> <p>Article 12(2)(a) [Restrictions] 2. Member States may restrict equal treatment: (a) under point (c) of paragraph 1 by: (i) limiting its application to those third-country nationals who are in employment or who have been employed and who are registered as unemployed; (ii) excluding those third-country workers who have been admitted to their territory in conformity with Directive 2004/114/EC; (iii) excluding study and maintenance grants and loans or other grants and loans; (iv) laying down specific prerequisites including language proficiency and the payment of tuition fees, in accordance with national law, with respect to access to university and post-secondary education and to vocational training which is not directly linked to the specific employment activity.</p>	<p>Right to equal treatment [...] (g) education and vocational training;</p> <p>Article 23(2)(ii) [Restrictions] 2. Member States may restrict equal treatment: [...] (ii) under point (g) of the first subparagraph of paragraph 1 by limiting its application to education and vocational training which is directly linked to the specific employment activity and by excluding study and maintenance grants and loans or other grants and loans.</p>		<p>Equal treatment [As established by Article 22(1) and Article 22(3), Article 12(1)(c) of Directive 2011/98/EU is applicable to researchers and trainees, volunteers, and au pairs, when they are considered to be in an employment relationship in the Member State concerned, and students]</p> <p>Articles 22(2) and (3) [Restrictions] 2. Member States may restrict equal treatment as regards researchers: (a) under point (c) of Article 12(1) of Directive 2011/98/EU, by excluding study and maintenance grants and loans or other grants and loans. [...] 3. [The right to education and vocational training for trainees, volunteers and au pairs, when they are considered to be in an employment relationship in the Member State concerned, and students] is subject to the restrictions provided for in paragraph 2 of that Article.</p>
[...] as regards recognition of professional qualifications						

Directive 2003/109/EC "Long term residents" as amended	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2011/98/EU "Single Permit"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
Article 11(1)(c) Equal treatment [...] (c) recognition of professional diplomas, certificates and other qualifications, in accordance with the relevant national procedures.	Article 12(a) Equal treatment [...] (a) recognition of professional diplomas, certificates and other qualifications, in accordance with the relevant national procedures.	Article 14(1)(d) Equal treatment [...] (d) recognition of professional diplomas, certificates and other qualifications, in accordance with the relevant national procedures.	Article 12(1)(d) Right to equal treatment [...] (d) recognition of professional diplomas, certificates and other qualifications, in accordance with the relevant national procedures.	Article 23(1)(h) Right to equal treatment [...] (h) recognition of professional diplomas, certificates and other qualifications, in accordance with the relevant national procedures.	Article 18(2)(b) Right to equal treatment [...] (b) recognition of professional diplomas, certificates and other qualifications, in accordance with the relevant national procedures.	Article 22(1), (3) and (4) Equal treatment [As established by Article 22(1) and Article 22(3), Article 12(1)(d) of Directive 2011/98/EU is applicable to researchers and trainees, volunteers, and au pairs, when they are considered to be in an employment relationship in the Member State concerned, and students] [...] 4. Trainees, volunteers, and au pairs, when they are not considered to be in an employment relationship in the Member State concerned, and school pupils shall be entitled to equal treatment in relation to [...] recognition of diplomas, certificates and other professional qualifications in accordance with the relevant national procedures.
[...] as regards social security, social assistance and social protection						
Article 11(1)(d) Equal treatment [...] (d) social security, social assistance and social protection as defined by national law. Article 11(2) and (4) [Restrictions] 2. With respect to the provisions of paragraph 1, points [...] (d) [...] the Member State concerned may restrict equal treatment to cases where the registered or usual place of residence of the long-term resident, or that of family members for whom he/she claims benefits, lies within the	Article 12(c) Equal treatment [...] (c) branches of social security as defined in Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community. The special provisions in the Annex to Council Regulation (EC) No 859/2003 of 14 May 2003 extending the provisions of Regulation (EEC) No 1408/71 and Regulation (EEC) No	Article 14(1)(e) Equal treatment [...] (e) provisions in national law regarding the branches of social security as defined in Regulation (EEC) No 1408/71. The special provisions in the Annex to Regulation (EC) No 859/2003 shall apply accordingly. [...] (f) without prejudice to existing bilateral agreements, payment of income-related acquired statutory pensions in respect of old age, at the rate applied by virtue of the law of the debtor Member State(s) when moving to a third country.	Article 12(1)(e) Right to equal treatment [...] (e) branches of social security, as defined in Regulation (EC) No 883/2004. Article 12(2)(b) [Restrictions] 2. Member States may restrict equal treatment: [...] (b) by limiting the rights conferred on third-country workers under point (e) of paragraph 1, but shall not restrict such rights for third-country workers who are in employment or who have been employed for a minimum period of six months and who are registered as unemployed.	Article 23(1)(d) Right to equal treatment [...] (d) branches of social security, as defined in Article 3 of Regulation (EC) No 883/2004. Article 23(2)(i) [Restrictions] 2. Member States may restrict equal treatment: (i) under point (d) of the first subparagraph of paragraph 1 by excluding family benefits and unemployed benefits, without prejudice to Regulation (EU) No 1231/2010 [...] Seasonal workers	Article 18(2)(c) Right to equal treatment [...] (c) provisions in national law regarding the branches of social security defined in Article 3 of Regulation (EC) No 883/2004, unless the law of the country of origin applies by virtue of bilateral agreements or the national law of the Member State where the work is carried out, ensuring that the intra-corporate transferee is covered by the	Article 22(1) and (3) Equal treatment [As established by Article 22(1) and Article 22(3), Article 12(1)(e) of Directive 2011/98/EU is applicable to researchers and trainees, volunteers, and au pairs, when they are considered to be in an employment relationship in the Member State concerned, and students] Article 22(2) and (3) [Restrictions] 2. Member States may restrict equal treatment as regards researchers: [...] (b) under point (e) of Article 12(1) of Directive 2011/98/EU, by not granting family benefits to researchers who have been authorised to reside in the territory of the Member State concerned for a period not exceeding six months. [...] 3. [The right to social security, social assistance and social protection for

Directive 2003/109/EC "Long term residents" as amended	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2011/98/EU "Single Permit"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
<p>territory of the Member State concerned. [...] 4. Member States may limit equal treatment in respect to social assistance and social protection to core benefits.</p>	<p>574/72 to nationals of third countries who are not already covered by these provisions solely on the ground of their nationality shall apply accordingly.</p>		<p>In addition, Member States may decide that point (e) of paragraph 1 with regard to family benefits shall not apply to third-country nationals who have been authorised to work in the territory of a Member State for a period not exceeding six months, to third-country nationals who have been admitted for the purpose of study, or to third-country nationals who are allowed to work on the basis of a visa. [...] 4. Third-country workers moving to a third country, or their survivors who reside in a third country and who derive rights from those workers, shall receive, in relation to old age, invalidity and death, statutory pensions based on those workers' previous employment and acquired in accordance with the legislation referred to in Article 3 of Regulation (EC) No 883/2004, under the same conditions and at the same rates as the nationals of the Member States concerned when they move to a third country.</p>	<p>moving to a third country, or the survivors of such seasonal workers residing in a third-country deriving rights from the seasonal worker, shall receive statutory pensions based on the seasonal worker's previous employment and acquired in accordance with the legislation set out in Article 3 of Regulation (EC) No 883/2004, under the same conditions and at the same rates as the nationals of the Member States concerned when they move to a third country.</p>	<p>social security legislation in one of those countries. In the event of intra-EU mobility, and without prejudice to bilateral agreements ensuring that the intra-corporate transferee is covered by the national law of the country of origin, Regulation (EU) No 1231/2010 shall apply accordingly. [...] (d) without prejudice to Regulation (EU) No 1231/2010 and to bilateral agreements, payment of old-age, invalidity and death statutory pensions based on the intra-corporate transferees' previous employment and acquired by intra-corporate transferees moving to a third country, or the survivors of such intra-corporate transferees residing in a third country deriving rights from the intra-corporate transferee, in accordance with the legislation set out in Article 3 of Regulation (EC) No 883/2004, under the</p>	<p>trainees, volunteers and au pairs, when they are considered to be in an employment relationship in the Member State concerned, and students] is subject to the restrictions provided for in paragraph 2 of that Article.</p>

Directive 2003/109/EC "Long term residents" as amended	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2011/98/EU "Single Permit"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
					<p>same conditions and at the same rates as the nationals of the Member State concerned when they move to a third country</p> <p>Article 18(3) [Restrictions] 3. Without prejudice to Regulation (EU) No 1231/2010, Member States may decide that point (c) of paragraph 2 with regard to family benefits shall not apply to intra-corporate transferees who have been authorised to reside and work in the territory of a Member State for a period not exceeding nine months.</p>	
[...] as regards tax benefits						
<p>Article 11(1)(e) Equal treatment [...] (e) tax benefits.</p> <p>Article 11(2) [Restrictions] 2. With respect to the provisions of paragraph 1, points [...] (e) [...] the Member State concerned may restrict equal treatment to cases where the registered or</p>	<p>Article 12(d) Equal treatment [...] (d) tax benefits</p>		<p>Article 12(1)(f) Right to equal treatment [...] (e) tax benefits, in so far as the worker is deemed to be resident for tax purposes in the Member State concerned.</p> <p>Article 12(2)(c) [Restrictions] 2. Member States may restrict equal treatment: [...] (c) under point (f) of</p>	<p>Article 23(1)(i) Right to equal treatment [...] (i) tax benefits, in so far as the seasonal worker is deemed to be resident for tax purposes in the Member State concerned.</p> <p>Article 23(2)(iii) [Restrictions] 2. Member States may restrict equal treatment:</p>		<p>Article 22(1) and (3) Equal treatment [As established by Article 22(1) and Article 22(3), Article 12(1)(f) of Directive 2011/98/EU is applicable to researchers and trainees, volunteers, and au pairs, when they are considered to be in an employment relationship in the Member State concerned, and students]</p> <p>Article 22(2) and (3) [Restrictions] 2. Member States may restrict equal treatment as regards researchers: [...]</p>

Directive 2003/109/EC "Long term residents" as amended	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2011/98/EU "Single Permit"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
usual place of residence of the long-term resident, or that of family members for whom he/she claims benefits, lies within the territory of the Member State concerned.			paragraph 1 with respect to tax benefits by limiting its application to cases where the registered or usual place of residence of the family members of the third-country worker for whom he/she claims benefits, lies in the territory of the Member State concerned.	[...] (iii) under point (i) of the first subparagraph of paragraph 1 with respect to tax benefits by limiting its application to cases where the registered or usual place of residence of the family members of the seasonal worker for whom he/she claims benefits, lies in the territory of the Member States concerned.		(c) under point (f) of Article 12(1) of Directive 2011/98/EU, by limiting its application to cases where the registered or usual place of residence of the family members of the researchers for whom he or she claims benefits lies in the territory of the Member State concerned. 3. [The right to tax benefits for trainees, volunteers and au pairs, when they are considered to be in an employment relationship in the Member State concerned, and students] is subject to the restrictions provided for in paragraph 2 of that Article.
[...] as regards access to public goods and services						
Article 11(1)(f) Equal treatment [...] (f) access to goods and services and the supply of good and services made available to the public and to procedures for obtaining housing. Article 11(2) [Restrictions] 2. With respect to the provisions of paragraph 1, points [...] (f) [...] the Member State concerned may restrict equal treatment to cases where the registered or usual place of residence of the long-term resident, or that of family members for whom he/she claims benefits, lies within the territory of the Member	Article 12(e) Equal treatment [...] (e) access to goods and services and the supply of goods and services made available to the public.	Article 14(1)(g) Equal treatment [...] (g) access to goods and services and the supply of goods and services available to the public, including procedures for obtaining housing. Article 14(2) [Restrictions] 2. With respect to paragraph [...] 1(g) the Member State concerned may restrict equal treatment as regards [...] procedures for obtaining housing. [...] Paragraph 1(g) shall be without prejudice to the freedom of contract in accordance with Community and national law.	Article 12(1)(g) Right to equal treatment [...] (g) access to goods and services and the supply of goods and services made available to the public including procedures for obtaining housing as provided by national law, without prejudice to the freedom of contract in accordance with Union and national law. Article 12(2)(d) [Restrictions] (d) under point (g) of paragraph 1 by: (i) limiting its application to those third-country workers who are in employment; (ii) restricting access to housing.	Article 23(1)(e) Right to equal treatment [...] (e) access to goods and services and the supply of goods and services made available to the public, except housing, without prejudice to the freedom of contract in accordance with Union and national law.	Article 18(2)(e) Right to equal treatment [...] (e) access to goods and services and the supply of goods and services made available to the public, except procedures for obtaining housing as provided for by national law, without prejudice to freedom of contract in accordance with Union and national law, and services afforded by public employment offices.	Article 22(1), (3) and (4) Equal treatment [As established by Article 22(1) and Article 22(3), Article 12(1)(g) of Directive 2011/98/EU is applicable to researchers and trainees, volunteers, and au pairs, when they are considered to be in an employment relationship in the Member State concerned, and students] 4. Trainees, volunteers and au pairs, when they are not considered to be in an employment relationship in the Member State concerned, and school pupils shall be entitled to equal treatment in relation to access to goods and services and the supply of goods and services made available to the public, as provided for by national law. Article 22(2), (3), and [4] [Restrictions] 2. Member States may restrict equal treatment as regards researchers: [...] (d) under point (g) of Article 12(1) of Directive 2011/98/EU by restricting access to housing. 3. [The right to access to public goods and

Directive 2003/109/EC "Long term residents" as amended	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2011/98/EU "Single Permit"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
State concerned.						services for trainees, volunteers and au pairs, when they are considered to be in an employment relationship in the Member State concerned, and students] is subject to the restrictions provided for in paragraph 2 of that Article. 4. [...] Member States may decide not to grant [trainees, volunteers, and au pairs, when they are not considered to be in an employment relationship] equal treatment in relation to procedures for obtaining housing and/or services provided by public employment offices in accordance with national law.
[...] as regards working conditions						
Article 11(1)(a) Equal treatment [...] (a) [...] conditions of employment and working conditions, including conditions regarding dismissal and remuneration.	Article 12(b) Equal treatment [...] (b) working conditions, including pay and dismissal.	Article 14(1)(a) Equal treatment [...] (a) working conditions, including pay and dismissal, as well as health and safety requirements at the workplace.	Article 12(1)(a) Right to equal treatment [...] (a) working conditions, including pay and dismissal as well as health and safety at the workplace.	Article 23(1)(a) Right to equal treatment [...] (a) terms of employment, including the minimum working age and working conditions, including pay and dismissal, working hours, leave and holidays, as well as health and safety requirements at the workplace.	Article 18 Whatever the law applicable to the employment relationship, and without prejudice to point (b) of Article 5(4), intra-corporate transferees admitted under this Directive shall enjoy at least equal treatment with persons covered by Directive 96/71/EC with regard to the terms and conditions of employment in accordance with Article 3 of Directive 96/71/EC in the Member State where the work is carried out	Article 22(1) and (3) Equal treatment [As established by Article 22(1) and Article 22(3), Article 12(1)(a) of Directive 2011/98/EU is applicable to researchers and trainees, volunteers, and au pairs, when they are considered to be in an employment relationship in the Member State concerned, and students]
[...] as regards back payments to be made by the employer						
				Article 23(1)(c)		

Directive 2003/109/EC "Long term residents" as amended	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2011/98/EU "Single Permit"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
				Equal treatment [...] (c) back payments to be made by the employers, concerning any outstanding remuneration to the third-country national		
[...] as regards advice services afforded by employment offices						
		Article 14(1)(g) Equal treatment [...] (g) [...] as well as information and counselling services afforded by employment offices.	Article 12(1)(h) Equal treatment [...] (h) advice services afforded by employment offices.	Article 23(1)(f) Equal treatment [...] (f) advice services on seasonal work afforded by employment offices.		Article 22(1) and (3) Equal treatment [As established by Article 22(1) and Article 22(3), Article 12(1)(h) of Directive 2011/98/EU is applicable to researchers and trainees, volunteers, and au pairs, when they are considered to be in an employment relationship in the Member State concerned, and students] 4. [...] Member States may decide not to grant [trainees, volunteers, and au pairs, when they are not considered to be in an employment relationship] equal treatment in relation to procedures for obtaining housing and/or services provided by public employment offices in accordance with national law.
Limitations to the right to equal treatment						
		Article 14(3) and (4) Equal treatment [...] 3. The right to equal treatment as laid down in paragraph 1 shall be without prejudice to the right of the Member State to withdraw or to refuse to renew the EU Blue Card in accordance with Article 9. 4. When the EU Blue Card holder moves to a second Member State in	Article 12(3) Equal treatment [...] 3. The right to equal treatment laid down in paragraph 1 shall be without prejudice to the right of the Member State to withdraw or to refuse to renew the residence permit issued under this Directive, the residence permit issued for purposes other than work, or any other authorisation to	Article 23(3) Equal treatment [...] 3. The right to equal treatment provided for in paragraph 1 shall be without prejudice to the right of the Member State to withdraw or to refuse to extend or renew the authorisation for the purpose of seasonal work in accordance with Articles	Article 18 Equal treatment [...] 4. This Article shall be without prejudice to the right of the Member State to withdraw or to refuse to renew the permit in accordance with Article 8.	

Directive 2003/109/EC "Long term residents" as amended	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2011/98/EU "Single Permit"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
		accordance with Article 18 and a positive decision on the issuing of an EU Blue Card has not yet been taken, Member States may limit equal treatment in the areas listed in paragraph 1, with the exception of 1(b) and (d). If, during this period, Member States allow the applicant to work, equal treatment with nationals of the second Member State in all areas of paragraph 1 shall be granted.	work in a Member State.	9 and 15.		
Extension of the right to equal treatment						
Article 11(5) Equal treatment [...] 5. Member States may decide to grant access to additional benefits in the areas referred to in paragraph 1. Member States may also decide to grant equal treatment with regard to areas not covered in paragraph 1.						

* **Directive 2003/86/EC "Family Reunification" (Article 14)** does not directly provide for equal treatment with nationals of the Member State concerned, but establishes that the sponsor's family members shall be entitled, in the **same way as the sponsor**, to access to education and vocational guidance, initial and further training and retraining.

Table A3.2 Coherence table: Access to employment and self-employed activity

Directive 2003/109/EC "Family Reunification"	Directive 2004/114/EC "Students"	Directive 2003/109/EC "Long term residents" as amended	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2011/98/EU "Single Permit"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
Right of access to employment and self-employed activity								
<p>Article 14 1. The sponsor's family members shall be entitled, in the same way as the sponsor, to: [...] (b) access to employment and self-employed activity.</p>	<p>Article 17(1) Economic activities by students 1. Outside their study time and subject to the rules and conditions applicable to the relevant activity in the host Member State, students shall be entitled to be employed and may be entitled to exercise self-employed economic activity.</p>	<p>[Provided for as part of the right to equal treatment]</p> <p>Article 11 Equal treatment 1. Long-term residents shall enjoy equal treatment with nationals as regards: (a) access to employment and self-employed activity, provided such activities do not entail even occasional involvement in the exercise of public authority, and conditions of employment and working conditions, including conditions regarding dismissal and remuneration</p>	<p>Article 11(1) Teaching 1. Researchers admitted under this Directive may teach in accordance with national legislation.</p>	<p>Article 2 Definitions For the purposes of this Directive: [...] (b) 'highly qualified employment' means the employment of a person who: — in the Member State concerned, is protected as an employee under national employment law and/or in accordance with national practice, irrespective of the legal relationship, for the purpose of exercising genuine and effective work for, or under the direction of, someone else, — is paid, and, — has the required adequate and specific competence, as proven by higher professional qualifications</p> <p>Article 12(1) Labour market access 1. For the first two</p>	<p>Article 11(c) Rights on the basis of the single permit [...] (c) exercise the specific employment activity authorised under the single permit in accordance with national law.</p> <p>Article 3 Scope [...] 2. This Directive shall not apply to third-country nationals: [...] (k) who have applied for admission or who have been admitted to the territory of a Member State as self-employed workers</p>	<p>Article 22(c) Rights on the basis of the authorisation for the purpose of seasonal work [...] (c) the right to exercise the concrete employment activity authorised under the authorisation in accordance with national law.</p>	<p>Article 17(c) Rights on the basis of the intra-corporate transferee permit (c) the right to exercise the specific employment activity authorised under the permit in accordance with national law in any host entity belonging to the undertaking or the group of undertakings in the first Member State. The rights referred to in [point (c)] of the first paragraph of this Article shall be enjoyed in second Member States in accordance with Article 20.</p>	<p>Article 23 Teaching by researchers Researchers may, in addition to research activities, teach in accordance with national law.</p> <p>Article 24(1) Economic activities by students 1. Outside their study time and subject to the rules and conditions applicable to the relevant activity in the Member State concerned, students shall be entitled to be employed and may be entitled to exercise self-employed economic activity, subject to the limitations provided for in paragraph 3.</p>

Directive 2003/109/EC "Family Reunification"	Directive 2004/114/EC "Students"	Directive 2003/109/EC "Long term residents" as amended	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2011/98/EU "Single Permit"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
				years of legal employment in the Member State concerned as an EU Blue Card holder, access to the labour market for the person concerned shall be restricted to the exercise of paid employment activities which meet the conditions for admission set out in Article 5. After these first two years, Member States may grant the persons concerned equal treatment with nationals as regards access to highly qualified employment. .				
Restrictions to the right of access to employment and self-employed activity								
Article 14(2) and (3) 2. Member States may decide according to national law the conditions under which family members shall exercise an employed or self-employed activity. These conditions shall set a time limit which shall in no case exceed 12 months, during which Member States may examine the situation	Article 17(1), (2), (3) and (4) 1. [...] The situation of the labour market in the host Member State may be taken into account. 2. Each Member State shall determine the maximum number of hours per week or days or months per year allowed for such an activity, which shall not be less than 10 hours per week, or	Article 11 Equal treatment [...] 3. Member States may restrict equal treatment with nationals in the following cases: (a) Member States may retain restrictions to access to employment or self-employed activities in cases where, in accordance with existing national or Community legislation, these	Article 11(2) Teaching [...] 2. Member States may set a maximum of hours or days for the activity of teaching.	Article 12(1), (2), (3) and (4) Labour market access 1. For the first two years of legal employment in the Member State concerned as an EU Blue Card holder, access to the labour market for the person concerned shall be restricted to the exercise of paid employment activities which meet the				Article 23 Teaching by researchers [...] Member States may set a maximum number of hours or of days for the activity of teaching. Article 24(3) 3. Each Member State shall determine the maximum number of hours per week or days or months per year

Directive 2003/109/EC "Family Reunification"	Directive 2004/114/EC "Students"	Directive 2003/109/EC "Long term residents" as amended	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2011/98/EU "Single Permit"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
<p>of their labour market before authorising family members to exercise an employed or self-employed activity. 3. Member States may restrict access to employment or self-employed activity by first-degree relatives in the direct ascending line or adult unmarried children to whom Article 4(2) applies.</p>	<p>the equivalent in days or months per year. 3. Access to economic activities for the first year of residence may be restricted by the host Member State. 4. Member States may require students to report, in advance or otherwise, to an authority designated by the Member State concerned, that they are engaging in an economic activity. Their employers may also be subject to a reporting obligation, in advance or otherwise.</p>	<p>activities are reserved to nationals, EU or EEA citizens</p>		<p>conditions for admission set out in Article 5. [...] 2. For the first two years of legal employment in the Member State concerned as an EU Blue Card holder, changes in employed shall be subject to the prior authorisation in writing of the competent authorities of the Member State of residence, in accordance with national procedures and within the time limits set out in Article 11(1). Modifications that affect the conditions for admission shall be subject to prior communication or, if provided for by national law, prior authorisation. [...] 3. Member States may retain restrictions on access to employment, provided such employment activities entail occasional involvement in the exercise of public authority and the responsibility for safeguarding the general interest of the State and where,</p>				<p>allowed for such an activity, which shall not be less than 15 hours per week, or the equivalent in days or months per year. The situation of the labour market in the Member State concerned may be taken into account.</p>

Directive 2003/109/EC "Family Reunification"	Directive 2004/114/EC "Students"	Directive 2003/109/EC "Long term residents" as amended	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2011/98/EU "Single Permit"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
				<p>in accordance with existing national or Community law, these activities are reserved to nationals. 4. Member States may retain restrictions on access to employment activities, in cases where, in accordance with existing national or Community law, these activities are reserved to nationals, Union citizens or EEA citizens.</p>				

Table A3.3 Coherence table: Free access to the entire territory of the Member State

Directive 2003/109/EC "Long term residents" as amended	Directive 2009/50/EC "EU Blue Card"	Directive 2011/98/EU "Single Permit"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"
Right of free access to the entire territory of the Member State				
[Provided for as part of the right to equal treatment]	[Provided for as part of the right to equal treatment]	Article 11(b) Rights on the basis of the single permit [..] (b) have free access to the entire territory of the Member State issuing the single permit within the limits provided for by national law.	Article 22(b) Rights on the basis of the authorisation for the purpose of seasonal work [...] (b) free access to the entire territory of the Member State that issued the authorisation in accordance with national law.	Article 17(b) Rights on the basis of the intra-corporate transferee permit [...] (b) free access to the entire territory of the Member State that issued the authorisation in accordance with its national law.

Annex 4 Intra-EU mobility

Table A4.1 Coherence table: Intra EU-mobility

Directive 2003/109/EC "Long term residents" as amended	Directive 2009/50/EC "EU Blue Card"	Directive 2014/66/EU "ICTs"		Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive (EU) 2016/801 "Students and Researchers"	
		Long term mobility	Short term mobility			Long term mobility	Short term mobility
Right to intra-EU mobility: Conditions regarding length of residence in first and second MS							
<p>Article 14 Principle 1. A long-term resident shall acquire the right to reside in the territory of Member States other than the one which granted him/her the long-term residence status, for a period exceeding three months, provided that the conditions set out in this chapter are met.</p> <p>Article 4 Duration of residence 1. Member States shall grant long-term resident status to third-country nationals who have resided legally and continuously within its territory for five years immediately prior to the submission of the relevant application.</p>	<p>Article 18 Conditions 1. After eighteen months of legal residence in the first Member State as an EU Blue Card holder, the person concerned and his family members may move to a Member State other than the first Member State for the purpose of highly qualified employment under the conditions set out in this Article. [...]</p> <p>4. In accordance with the procedures set out in Article 11, the second Member State shall process the application and inform in writing the applicant and the first Member State of its decision to either: (a) issue an EU Blue Card and allow the applicant to reside on its territory for highly qualified employment where the conditions set in this</p>	<p>Article 20 Mobility Third-country nationals who hold a valid intra-corporate transferee permit issued by the first Member State may, on the basis of that permit and a valid travel document and under the conditions laid down in Article 21 and 22 and subject to Article 23, enter, stay and work in one or several second Member States.</p>	<p>Article 22 Long-term mobility 1. In relation to third-country nationals who hold a valid intra-corporate transferee permit issued by the first Member State and who intend to stay in any second Member State and work in any other entity, established in the latter and belonging to the same undertaking or group of undertakings,</p>	<p>Article 21 Short-term mobility 1. Third-country nationals who hold a valid intra-corporate transferee permit issued by the first Member State shall be entitled to stay in any second Member State and work in any other entity, established in the latter and belonging to the same undertaking or group</p>	<p>Article 8 Mobility of students 1. Without prejudice to Articles 12(2), 16 and 18(2), a third-country national who has already been admitted as a student and applies to follow in another Member State part of the studies already commenced, or to complement them with a related course of study in another Member State, shall be admitted by the latter Member State within a period that does not hamper the pursuit of the relevant studies, whilst leaving the competent authorities sufficient time to process the application, [...]</p> <p>Article 12 Residence permit issued to students 1. A residence permit shall be issued to the student for a period of at least one year and renewable if the holder</p>	<p>Article 13 Mobility between Member States 1. A third-country national who has been admitted as a researcher under this Directive shall be allowed to carry out part of his/her research in another Member State under the conditions as set out in this Article. 2. If the researcher stays in another Member State for a period of up to three months, the research may be carried out on the basis of the hosting agreement concluded in the first Member State, provided that he has sufficient resources in the other Member State and is not considered as a threat to public policy, public security or public health in the second Member State. 3. If the researcher stays in another Member State for</p>	<p>Article 13 Mobility between Member States 1. A third-country national who holds a valid authorisation issued by the first Member State for the purpose of studies in the framework of a Union or multilateral programme that comprises mobility measures or of an agreement between two or more higher education institutions, or for the purpose of research may enter and stay in order to carry out part of the studies or research in one or several second Member States on the basis of that authorisation and a valid travel document under the conditions laid down in Articles 28, 29 and 31 and subject to Article 32.</p> <p>Article 29 Long-term mobility of researchers 1. In relation to researchers who hold a valid authorisation issued by the first Member State and who intend to stay in order to carry out part of their research in any research organisation in one or several second Member States for more than 180 days per Member State, the second Member State shall either:</p> <p>Article 28 Short-term mobility of researchers 1. Researchers who hold a valid authorisation issued by the first Member State shall be entitled to stay in order to carry out part of their research in any research organisation in one or several second Member States for a period of up to 180 days in any 360-day period per Member State, subject to the</p>

Directive 2003/109/EC "Long term residents" as amended	Directive 2009/50/EC "EU Blue Card"	Directive 2014/66/EU "ICTs"		Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive (EU) 2016/801 "Students and Researchers"	
		Long term mobility	Short term mobility			Long term mobility	Short term mobility
	Article are fulfilled and under the conditions set out in Articles 7 to 14 [...] Article 7 EU Blue Card [...] 2. Member States shall set a standard period of validity of the EU Blue Card, which shall be comprised between one and four years . If the work contract covers a period less than this period, the EU Blue Card shall be issued or renewed for the duration of the work contract plus three months.	for more than 90 days per Member State , [...]	of undertakings, for a period of up to 90 days in any 180-day period per Member State [...]	continues to meet the conditions of Articles 6 and 7. Where the duration of the course of study is less than one year, the permit shall be valid for the duration of the course.	more than three months , Member States may require a new hosting agreement to carry out the research in that Member State.	[...]	conditions laid down in this Article. [...]
Article 31 Mobility of students 1. Students who hold a valid authorisation issued by the first Member State and who are covered by a Union or multilateral programme that comprises mobility measures or by an agreement between two or more higher education institutions shall be entitled to enter and stay in order to carry out part of their studies in a higher education institution in one or several second Member States for a period up to 360 days per Member State subject to the conditions laid down in paragraphs 2 to 10.							
Procedural requirements for mobility/ Point in time application or notification							
Article 15 Conditions for residence in a second Member State 1. As soon as possible and no later than three months after entering the territory of the second Member State, the longterm resident shall apply to the competent authorities of that Member State for a residence permit. Member States may accept that the long-term resident submits the	Article 18 Conditions [...] 2. As soon as possible and no later than one month after entering the territory of the second Member State, the EU Blue Card holder and/or his employer shall present an application for an EU Blue Card to the	Article 22 Long-term mobility 1. In relation to third-country nationals who hold a valid intra-corporate transferee permit issued by the first Member State and who intend to stay in any second Member State and work in any other entity, established in the latter and belonging to the same undertaking or	Article 21 Short-term mobility [...] 2. The second Member State may require the host entity in the first Member State to notify the first Member State and the second Member State of the intention of the intra-corporate transferee to work in an entity established	Article 8 Mobility of students 1. Without prejudice to Articles 12(2), 16 and 18(2), a thirdcountry national who has already been admitted as a student and applies to follow in another Member State part of the studies already commenced, or to complement them with a related course of study in another Member State, shall be admitted by the latter Member State within a	Article 13 [...] 3. If the researcher stays in another Member State for more than three months, Member States may require a new hosting agreement to carry out the research in that Member State. At all events, the conditions set out in Articles 6 and 7 shall be met in relation to the Member State concerned.	Article 29 Long-term mobility of researchers 1. In relation to researchers who hold a valid authorisation issued by the first Member State and who intend to stay in order to carry out part of their research in any research organisation in one or several second Member States for more than 180 days per Member State, the second Member State	Article 28 Short-term mobility of researchers 1. Researchers who hold a valid authorisation issued by the first Member State shall be entitled to stay in order to carry out part of their research in any research organisation in one or several second Member States for a period of up to 180 days in any 360-day period per Member State, subject

Directive 2003/109/EC "Long term residents" as amended	Directive 2009/50/EC "EU Blue Card"	Directive 2014/66/EU "ICTs"		Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive (EU) 2016/801 "Students and Researchers"	
		Long term mobility	Short term mobility			Long term mobility	Short term mobility
application for a residence permit to the competent authorities of the second Member State while still residing in the territory of the first Member State.	competent authority of that Member State and present all the documents proving the fulfilment of the conditions set out in Article 5 for the second Member State. The second Member State may decide, in accordance with national law, not to allow the applicant to work until the positive decision on the application has been taken by its competent authority.	<p>group of undertakings, for more than 90 days per Member State, the second Member State may decide to:</p> <p>(a) apply Article 21 and allow the intra-corporate transferee to stay and work on its territory on the basis of and during the period of validity of the intra-corporate transferee permit issued by the first Member State; or</p> <p>(b) apply the procedure provided for in paragraphs 2 to 7.</p> <p>2. Where an application for long-term mobility is submitted:</p> <p>[...]</p> <p>(e) an application for long-term mobility may not be submitted at the same time as a notification for short-term mobility. Where the need for long-term mobility arises after the short-term mobility of the intra-corporate transferee has started, the second Member State may request that the application for</p>	<p>in the second Member State. In such cases, the second Member State shall allow the notification to take place either:</p> <p>(a) at the time of the application in the first Member State, where the mobility to the second Member State is already envisaged at that stage; or</p> <p>(b) after the intra-corporate transferee was admitted to the first Member State, as soon as the intended mobility to the second Member State is known.</p>	<p>period that does not hamper the pursuit of the relevant studies, whilst leaving the competent authorities sufficient time to process the application, [...]</p> <p>b) has sent, with his/her application for admission, full documentary evidence of his/her academic record and evidence that the course he/she wishes to follow genuinely complements the one he/she has completed; [...]</p>		<p>shall either:</p> <p>(a) apply Article 28 and allow the researcher to stay on the territory on the basis of and during the period of validity of the authorisation issued by the first Member State; or</p> <p>(b) apply the procedure provided for in paragraphs 2 to 7.</p> <p>The second Member State may define a maximum period of the long-term mobility of a researcher which shall not be less than 360 days.</p> <p>[...]</p> <p>(ii) if the second Member State so requires, the complete application has been submitted to the second Member State at least 30 days before the long-term mobility of the researcher starts;</p> <p>(e) an application for long-term mobility may not be submitted at the same time as a notification for short-term mobility. Where the need for long-term mobility arises after the short-term</p>	<p>to the conditions laid down in this Article.</p> <p>2. The second Member State may require the researcher, the research organisation in the first Member State or the research organisation in the second Member State to notify the competent authorities of the first Member State and of the second Member State of the intention of the researcher to carry out part of the research in the research organisation in the second Member State. In such cases, the second Member State shall allow the notification to take place either:</p> <p>(a) at the time of the application in the first Member State, where the mobility to the second Member State is already envisaged at that stage; or</p> <p>(b) after the researcher was admitted to the first Member State, as soon as the intended mobility to the second Member</p>

Directive 2003/109/EC "Long term residents" as amended	Directive 2009/50/EC "EU Blue Card"	Directive 2014/66/EU "ICTs"		Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive (EU) 2016/801 "Students and Researchers"	
		Long term mobility	Short term mobility			Long term mobility	Short term mobility
		long-term mobility be submitted at least 20 days before the short-term mobility ends.				<p>mobility of the researcher has started, the second Member State may request that the application for long-term mobility be submitted at least 30 days before the short-term mobility ends.</p> <p>Article 31 Mobility of students 1. [...] A student who is not covered by a Union or multilateral programme that comprises mobility measures or by an agreement between two or more higher education institutions shall submit an application for an authorisation to enter and stay in a second Member State in order to carry out part of the studies in a higher education institution in accordance with Articles 7 and 11.</p> <p>2. The second Member State may require the higher education institution in the first Member State, the higher education institution in the second Member State or the student to notify the competent authorities of the first Member State and of the second Member State of the intention of the student to carry out part of the studies in the higher education institution in the second Member State. In such cases, the second Member State shall allow the notification to take place either (a) at the time of the application in the first Member State, where the mobility to the second Member State is already envisaged at that stage; or (b) after the student was admitted to the first Member State, as soon as the intended</p>	State is known.

Directive 2003/109/EC "Long term residents" as amended	Directive 2009/50/EC "EU Blue Card"	Directive 2014/66/EU "ICTs"		Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive (EU) 2016/801 "Students and Researchers"	
		Long term mobility	Short term mobility			Long term mobility	Short term mobility
						mobility to the second Member State is known. 3. Where the notification has taken place in accordance with point (a) of paragraph 2, and where the second Member State has not raised any objection with the first Member State in accordance with paragraph 7, the mobility of the student to the second Member State may take place at any moment within the period of validity of the authorisation. 4. Where the notification has taken place in accordance with point (b) of paragraph 2 and where the second Member State has not raised any objection in writing to the mobility of the student, in accordance with paragraphs 7 and 9, the mobility is considered to be approved and may take place in the second Member State. [...]	
Documentation / evidence needed as part of the application/notification							
Article 15 [...] <p>2. Member States may require the persons concerned to provide evidence that they have:</p> <p>(a) stable and regular resources which are sufficient to maintain themselves and the members of their families, without recourse to the social assistance of the Member State</p>	Article 5 Criteria for admission <p>1. Without prejudice to Article 10(1), a third-country national who applies for an EU Blue Card under the terms of this Directive shall:</p> <p>(a) present a valid work contract or, as provided for in national law, a binding job offer for highly qualified</p>	Article 22 [...] <p>the second Member State may decide to:</p> <p>(a) apply Article 21 and allow the intra-corporate transferee to stay and work on its territory on the basis of and during the period of validity of the intra-corporate transferee permit issued by the first Member State; or</p> <p>(b) apply the procedure provided for in</p>	Article 21 [...] <p>3. The second Member State may require the notification to include the transmission of the following documents and information:</p> <p>(a) evidence that the host entity in the second Member State and the undertaking established in a third country belong to the same</p>	Article 8 1. [...] if he/she: (a) meets the conditions laid down by Articles 6 and 7 in relation to that Member State; and (b) has sent, with his/her application for admission, full documentary evidence of his/her academic record and evidence that the course he/she wishes to follow genuinely complements the one he/she has completed; and (c) participates in a Community or bilateral exchange programme or has been admitted as a	Article 7 Conditions for admission <p>1. A third-country national who applies to be admitted for the purposes set out in this Directive shall:</p> <p>(a) present a valid travel document, as determined by national law. Member States may require the period of the validity of the travel document to cover at least the duration of the residence permit;</p> <p>(b) present a hosting agreement signed with</p>	Article 29 [...] <p>2. When an application for long-term mobility is submitted:</p> <p>(a) the second Member State may require the researcher, the research organisation in the first Member State or the research organisation in the second Member State to transmit the following documents:</p> <p>(i) a valid travel document, as provided for in point (a) of Article 7(1), and</p>	Article 28 [...] <p>5. The notification shall include the valid travel document, as provided for in point (a) of Article 7(1), and the valid authorisation issued by the first Member State covering the period of the mobility.</p> <p>6. The second Member State may require the notification to include the transmission of the following documents and information:</p> <p>(a) the hosting</p>

Directive 2003/109/EC "Long term residents" as amended	Directive 2009/50/EC "EU Blue Card"	Directive 2014/66/EU "ICTs"		Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive (EU) 2016/801 "Students and Researchers"	
		Long term mobility	Short term mobility			Long term mobility	Short term mobility
<p>concerned. For each of the categories referred to in Article 14(2), Member States shall evaluate these resources by reference to their nature and regularity and may take into account the level of minimum wages and pensions;</p> <p>(b) sickness insurance covering all risks in the second Member State normally covered for its own nationals in the Member State concerned.</p> <p>[...]</p> <p>4. The application shall be accompanied by documentary evidence, to be determined by national law, that the persons concerned meets the relevant conditions, as well as by their long-term resident permit and a valid travel document or their certified copies.</p> <p>The evidence referred to</p>	<p>employment, of at least one year in the Member State concerned;</p> <p>(b) present a document attesting fulfilment of the conditions set out under national law for the exercise by Union citizens of the regulated profession specified in the work contract or binding job offer as provided for in national law;</p> <p>(c) for unregulated professions, present the documents attesting the relevant higher professional qualifications in the occupation or sector specified in the work contract or in the binding job offer as provided for in national law;</p> <p>(d) present a valid travel document, as determined by</p>	<p>paragraphs 2 to 7.</p> <p>2. Where an application for long-term mobility is submitted:</p> <p>(a) the second Member State may require the applicant to transmit some or all of the following documents where they are required by the second Member State for an initial application:</p> <p>(i) evidence that the host entity in the second Member State and the undertaking established in a third country belong to the same undertaking or group of undertakings;</p> <p>(ii) a work contract and, if necessary, an assignment letter, as provided for in point (c) of Article 5(1);</p> <p>(iii) where applicable, documentation certifying that the third-country national fulfils the conditions laid down under the national law of the Member State concerned for Union citizens to exercise the</p>	<p>undertaking or group of undertakings;</p> <p>(b) the work contract and, if necessary, the assignment letter, which were transmitted to the first Member State in accordance with point (c) of Article 5(1); (c) where applicable, documentation certifying that the intra-corporate transferee fulfils the conditions laid down under the national law of the Member State concerned for Union citizens to exercise the regulated profession to which the application relates;</p> <p>(d) a valid travel document, as provided for in point (f) of Article 5(1); and</p> <p>(e) where not specified in any of the preceding documents, the planned duration and dates of the mobility.</p> <p>The second Member State may require</p>	<p>student in a Member State for no less than two years.</p> <p>2. The requirements referred to in paragraph 1(c), shall not apply in the case where the student, in the framework of his/her programme of studies, is obliged to attend a part of his/her courses in an establishment of another Member State.</p> <p>[...]</p>	<p>a research organisation in accordance with Article 6(2);</p> <p>(c) where appropriate, present a statement of financial responsibility issued by the research organisation in accordance with Article 6(3); and</p> <p>[...]</p>	<p>a valid authorisation issued by the first Member State;</p> <p>(ii) evidence that the researcher has sickness insurance for all the risks normally covered for nationals of the Member State concerned as provided for in point (c) of Article 7(1);</p> <p>(iii) evidence that during the stay the researcher will have sufficient resources to cover subsistence costs without having recourse to the Member State's social assistance system, as provided for in point (e) of Article 7(1), as well as the travel costs to the first Member State in the cases referred to in point (b) of Article 32(4);</p> <p>(iv) the hosting agreement in the first Member State as referred to in Article 10 or, if the second Member State so requires, a hosting agreement concluded with the research organisation in the second Member State;</p> <p>(v) where not specified in any of the</p>	<p>agreement in the first Member State as referred to in Article 10 or, if the second Member State so requires, a hosting agreement concluded with the research organisation in the second Member State;</p> <p>(b) where not specified in the hosting agreement, the planned duration and dates of the mobility;</p> <p>(c) evidence that the researcher has sickness insurance for all the risks normally covered for nationals of the Member State concerned as provided for in point (c) of Article 7(1);</p> <p>(d) evidence that during the stay the researcher will have sufficient resources to cover subsistence costs without having recourse to the Member State's social assistance system, as provided for in point (e) of Article 7(1), as well as the travel costs to the first Member State in the cases referred to in point (b) of Article 32(4);</p>

Directive 2003/109/EC "Long term residents" as amended	Directive 2009/50/EC "EU Blue Card"	Directive 2014/66/EU "ICTs"		Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive (EU) 2016/801 "Students and Researchers"	
		Long term mobility	Short term mobility			Long term mobility	Short term mobility
<p>in the first subparagraph may also include documentation with regard to appropriate accommodation.</p> <p>In particular:</p> <p>(a) in case of exercise of an economic activity the second Member State may require the persons concerned to provide evidence:</p> <p>(i) if they are in an employed capacity, that they have an employment contract, a statement by the employer that they are hired or a proposal for an employment contract, under the conditions provided for by national legislation. Member States shall determine which of the said forms of evidence is required;</p> <p>(ii) if they are in a self-employed capacity, that they have the appropriate funds which are needed, in accordance</p>	<p>national law, an application for a visa or a visa, if required, and evidence of a valid residence permit or of a national longterm visa, if appropriate. Member States may require the period of validity of the travel document to cover at least the initial duration of the residence permit;</p> <p>(e) present evidence of having or, if provided for by national law, having applied for a sickness insurance for all the risks normally covered for nationals of the Member State concerned for periods where no such insurance coverage and corresponding entitlement to benefits are provided in connection with, or resulting from, the work contract;</p>	<p>regulated profession to which the application relates;</p> <p>(iv) a valid travel document, as provided for in point (f) of Article 5(1);</p> <p>(v) evidence of having, or, if provided for by national law, having applied for, sickness insurance, as provided for in point (g) of Article 5(1).</p> <p>The second Member State may require the applicant to provide, at the latest at the time of issue of the permit for long-term mobility, the address of the intra-corporate transferee concerned in the territory of the second Member State.</p> <p>The second Member State may require those documents and that information to be presented in an official language of that Member State;</p>	<p>those documents and that information to be presented in an official language of that Member State.</p>			<p>documents presented by the applicant, the planned duration and dates of the mobility. The second Member State may require the applicant to provide the address of the researcher concerned in its territory. Where the national law of the second Member State requires an address to be provided at the time of application and the researcher concerned does not yet know his or her future address, that Member State shall accept a temporary address. In such a case, the researcher shall provide his or her permanent address at the latest at the time of the issuance of the authorisation for long-term mobility. The second Member State may require the applicant to present the documents in an official language of that Member State or in any official language of the Union determined by that Member State;</p>	<p>The second Member State may require the notifier to provide, before the start of mobility, the address of the researcher concerned in the territory of the second Member State. The second Member State may require the notifier to present the documents in an official language of that Member State or in any official language of the Union determined by that Member State.</p>
Article 31							

Directive 2003/109/EC "Long term residents" as amended	Directive 2009/50/EC "EU Blue Card"	Directive 2014/66/EU "ICTs"		Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive (EU) 2016/801 "Students and Researchers"	
		Long term mobility	Short term mobility			Long term mobility	Short term mobility
<p>with national law, to exercise an economic activity in</p> <p>such capacity, presenting the necessary documents and permits;</p> <p>(b) in case of study or vocational training the second Member State may require the persons concerned to provide evidence of enrolment in an accredited establishment in order to pursue studies or vocational training.</p>						<p>Mobility of students [...]</p> <p>5. The notification shall include the valid travel document, as provided for in point (a) of Article 7(1), and the valid authorisation issued by the first Member State covering the total period of the mobility.</p> <p>6. The second Member State may require the notification to include the transmission of the following documents and information:</p> <p>(a) evidence that the student carries out part of the studies in the second Member State in the framework of a Union or multilateral programme that comprises mobility measures or of an agreement between two or more higher education institutions and evidence that the student has been accepted by a higher education institution in the second Member State;</p> <p>(b) where not specified under point (a), the planned duration and dates of the mobility;</p> <p>(c) evidence that the student has sickness insurance for all the risks normally covered for nationals of the Member State concerned as provided for in point (c) of Article 7(1);</p> <p>(d) evidence that during the stay the student will have sufficient resources to cover subsistence costs without having recourse to the Member State's social assistance system as provided for in point (e) of Article 7(1), study costs, as well as the travel costs to the first Member State in the cases referred to in point (b) of Article 32(4);</p> <p>(e) evidence that the fees charged by the higher education institution have been paid, where applicable.</p> <p>The second Member State may require the notifier to provide, before the start of mobility, the address of the student concerned in the territory of the second Member State.</p> <p>The second Member State may require the</p>	

Directive 2003/109/EC "Long term residents" as amended	Directive 2009/50/EC "EU Blue Card"	Directive 2014/66/EU "ICTs"		Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive (EU) 2016/801 "Students and Researchers"	
		Long term mobility	Short term mobility			Long term mobility	Short term mobility
						notifier to present the documents in an official language of that Member State or in any official language of the Union determined by that Member State.	
Right of family members to join in second MS							
Article 16 Family members 1. When the long-term resident exercises his/her right of residence in a second Member State and when the family was already constituted in the first Member State, the members of his/her family, who fulfil the conditions referred to in Article 4(1) of Directive 2003/86/EC shall be authorised to accompany or to join the long-term resident. 2. When the long-term resident exercises his/her right of residence in a second Member State and when the family was already constituted in the first Member State, the members of his/her family, other than those referred to in Article 4(1) of Directive 2003/86/EC may be authorised to accompany or to join the long-term resident.	Article 18 Conditions 1. After eighteen months of legal residence in the first Member State as an EU Blue Card holder, the person concerned and his family members may move to a Member State other than the first Member State for the purpose of highly qualified employment under the conditions set out in this Article. [...]	Article 19 Family members 1. Directive 2003/86/EC shall apply in the first Member State and in second Member States which allow the intra-corporate transferee to stay and work on their territory in accordance with Article 22 of this Directive, subject to the derogations laid down in this Article. 2. By way of derogation from Article 3(1) and Article 8 of Directive 2003/86/EC, family reunification in the Member States shall not be made dependent on the requirement that the holder of the permit issued by those Member States on the basis of this Directive has reasonable prospects of obtaining the right of permanent residence and has a minimum period of residence.	N/A	N/A	N/A	Article 30 Mobility of researchers' family members 1. Family members of a researcher who hold a valid residence permit issued by the first Member State shall be entitled to enter, and stay in, one or several second Member States in order to accompany the researcher. 2. [...] 3. When the second Member State applies the procedure referred to in point (b) of Article 29(1), an application shall be submitted by the researcher or by the family members of the researcher to the competent authorities of the second Member State. The second Member State shall require the applicant to transmit the following documents and information in relation to the family members:	Article 30 Mobility of researchers' family members 1. Family members of a researcher who hold a valid residence permit issued by the first Member State shall be entitled to enter, and stay in, one or several second Member States in order to accompany the researcher. 2. When the second Member State applies the notification procedure referred to in Article 28(2), it shall require the transmission of the following documents and information: (a) the documents and information required under paragraph 5 and points (b), (c) and (d) of paragraph 6 of Article 28 related to the family members accompanying the researcher; (b) evidence that the family member has

Directive 2003/109/EC "Long term residents" as amended	Directive 2009/50/EC "EU Blue Card"	Directive 2014/66/EU "ICTs"		Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive (EU) 2016/801 "Students and Researchers"	
		Long term mobility	Short term mobility			Long term mobility	Short term mobility
<p>3. With respect to the submission of the application for a residence permit, the provisions of Article 15(1) apply.</p> <p>4. The second Member State may require the family members concerned to present with their application for a residence permit:</p> <p>(a) their long-term resident's EC residence permit or residence permit and a valid travel document or their certified copies; (b) evidence that they have resided as members of the family of the long-term resident in the first Member State;</p> <p>(c) evidence that they have stable and regular resources which are sufficient to maintain themselves without recourse to the social assistance of the Member State concerned or that the long-term resident has such resources and insurance for them, as well as sickness insurance covering all risks in the second Member State. Member</p>		<p>3. By way of derogation from the third subparagraph of Article 4(1) and from Article 7(2) of Directive 2003/86/EC, the integration measures referred to therein may be applied by the Member States only after the persons concerned have been granted family reunification.</p> <p>4. By way of derogation from the first subparagraph of Article 5(4) of Directive 2003/86/EC, residence permits for family members shall be granted by a Member State, if the conditions for family reunification are fulfilled, within 90 days from the date on which the complete application was submitted. The competent authority of the Member State shall process the residence permit application for the intra-corporate transferee's family members at the same time as the application for the intra-corporate transferee permit or the permit for long-term mobility, in cases</p>				<p>(a) the documents and information required under points (i), (ii), (iii) and (v) of point (a) of Article 29(2) related to the family members accompanying the researcher;</p> <p>(b) evidence that the family member has resided as a member of the family of the researcher in the first Member State in accordance with Article 26.</p> <p>The second Member State may require the applicant to present the documents in an official language of that Member State or in any official language of the Union determined by that Member State.</p> <p>The second Member State may reject the application for long-term mobility of the family member to its territory where the conditions set out in the first subparagraph are not complied with. Points (b) and (c) of paragraph 7 and paragraph 9 of Article 28 shall apply to those family members accordingly.</p> <p>3.[...]</p> <p>4. Family members who are considered to pose a threat to public policy, public security or public health shall not be allowed to enter or to stay on the territory of the second Member State.</p>	<p>resided as a member of the family of the researcher in the first Member State in accordance with Article 26.</p> <p>The second Member State may require the notifier to present the documents in an official language of that Member State or in any official language of the Union determined by that Member State.</p> <p>The second Member State may object to the mobility of the family member to its territory where the conditions set out in the first subparagraph are not complied with. Points (b) and (c) of paragraph 7 and paragraph 9 of Article 28 shall apply to those family members accordingly.</p> <p>3.[...]</p> <p>4. Family members who are considered to pose a threat to public policy, public security or public health shall not be allowed to enter or to stay on the territory of the second Member State.</p>

Directive 2003/109/EC "Long term residents" as amended	Directive 2009/50/EC "EU Blue Card"	Directive 2014/66/EU "ICTs"		Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive (EU) 2016/801 "Students and Researchers"	
		Long term mobility	Short term mobility			Long term mobility	Short term mobility
<p>States shall evaluate these resources by reference to their nature and regularity and may take into account the level of minimum wages and pensions.</p> <p>5. Where the family was not already constituted in the first Member State, Directive 2003/86/EC shall apply.</p>		<p>where the residence permit application for the intra-corporate transferee's family members is submitted at the same time. The procedural safeguards laid down in Article 15 shall apply accordingly.</p> <p>5. By way of derogation from Article 13(2) of Directive 2003/86/EC, the duration of validity of the residence permits of family members in a Member State shall, as a general rule, end on the date of expiry of the intra-corporate transferee permit or the permit for long-term mobility issued by that Member State.</p> <p>6. By way of derogation from Article 14(2) of Directive 2003/86/EC and without prejudice to the principle of preference for Union citizens as expressed in the relevant provisions of the relevant Acts of Accession, the family members of the intra-corporate transferee who have been granted family reunification shall be entitled to have access to</p>				<p>paragraph 7 of Article 29 shall apply to those family members accordingly.</p> <p>The validity of the authorisation for long-term mobility of the family members shall, as a general rule, end on the date of expiry of the researcher's authorisation issued by the second Member State.</p> <p>The authorisation for long-term mobility of family members may be withdrawn or its renewal refused if the authorisation for long-term mobility of the researcher they are accompanying is withdrawn or its renewal refused and they do not enjoy any autonomous right of residence.</p> <p>4. Family members who are considered to pose a threat to public policy, public security or public health shall not be allowed to enter or to stay on the territory of the second Member State.</p>	

Directive 2003/109/EC "Long term residents" as amended	Directive 2009/50/EC "EU Blue Card"	Directive 2014/66/EU "ICTs"		Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive (EU) 2016/801 "Students and Researchers"	
		Long term mobility	Short term mobility			Long term mobility	Short term mobility
		employment and self-employed activity in the territory of the Member State which issued the family member residence permit.					
Rejection grounds							
<p>Article 14 Principle [...]</p> <p>3. In cases of an economic activity in an employed or selfemployed capacity referred to in paragraph 2(a), Member States may examine the situation of their labour market and apply their national procedures regarding the requirements for, respectively, filling a vacancy, or for exercising such activities. For reasons of labour market policy, Member States may give preference to Union citizens, to third-country nationals, when provided for by Community legislation, as well as to thirdcountry nationals who reside legally and receive unemployment</p>	<p>Article 18 Conditions [...]</p> <p>2. . As soon as possible and no later than one month after entering the territory of the second Member State, the EU Blue Card holder and/or his employer shall present an application for an EU Blue Card to the competent authority of that Member State and present all the documents proving the fulfilment of the conditions set out in Article 5 for the second Member State. The second Member State may decide, in accordance with national law, not to allow the applicant to work until the positive decision on the application has been</p>	<p>Article 22 Long-term mobility [...]</p> <p>3. Member States may reject an application for long-term mobility where:</p> <p>(a) the conditions set out in point (a) of paragraph 2 of this Article are not complied with or the criteria set out in Article 5(4), Article 5(5) or Article 5(8) are not complied with;</p> <p>(b) one of the grounds covered by point (b) or (d) of Article 7(1) or by Article 7(2), (3) or (4) applies; or</p> <p>(c) the intra-corporate transferee permit expires during the procedure.</p> <p>Article 5</p>	<p>Article 21 Short-term mobility [...]</p> <p>6. Based on the notification referred to in paragraph 2, the second Member State may object to the mobility of the intra-corporate transferee to its territory within 20 days from having received the notification, where:</p> <p>(a) the conditions set out in point (b) of Article 5(4) or in point (a), (c) or (d) of paragraph 3 of this Article are not complied with;</p> <p>(b) the documents presented were fraudulently acquired, or falsified, or tampered with; (c) the maximum duration of stay as defined in Article 12(1) or in paragraph</p>	<p>Article 8 Mobility of students 1. Without prejudice to Articles 12(2), 16 and 18(2), a third-country national who has already been admitted as a student and applies to follow in another Member State part of the studies already commenced, or to complement them with a related course of study in another Member State, shall be admitted by the latter Member State within a period that does not hamper the pursuit of the relevant studies, whilst leaving the competent authorities sufficient time to process the application, if he/she:</p> <p>(a) meets the conditions laid down by Articles 6 and 7 in relation to that Member State [...]</p> <p>Article 16</p>	<p>Article 13 Mobility between Member States [...]</p> <p>3. [...] At all events, the conditions set out in Articles 6 and 7 shall be met in relation to the Member State concerned.</p> <p>Article 7 Conditions for admission [...]</p> <p>(d) not be considered to pose a threat to public policy, public security or public health.</p>	<p>Article 29 Long-term mobility of researchers [...]</p> <p>3. The second Member State may reject an application for long-term mobility where:</p> <p>(a) the conditions set out in point (a) of paragraph 2 are not complied with;</p> <p>(b) one of the grounds for rejection set out in Article 20, with the exception of point (a) of paragraph 1 of that Article, applies;</p> <p>(c) the researcher's authorisation in the first Member State expires during the procedure; or</p> <p>(d) where applicable, the maximum duration of stay referred to in the second subparagraph of paragraph 1 has been reached.</p> <p>4. Researchers who</p>	<p>Article 28 Short-term mobility of researchers [...]</p> <p>7. Based on the notification referred to in paragraph 2 the second Member State may object to the mobility of the researcher to its territory within 30 days from having received the complete notification, where:</p> <p>(a) the conditions set out in paragraph 5 or, where applicable, paragraph 6 are not complied with;</p> <p>(b) one of the grounds for rejection set out in points (b) or (c) of Article 20(1) or in paragraph 2 of that Article applies;</p> <p>(c) the maximum duration of stay as referred to in paragraph 1 has been reached.</p> <p>8. Researchers who are considered to pose</p>

Directive 2003/109/EC "Long term residents" as amended	Directive 2009/50/EC "EU Blue Card"	Directive 2014/66/EU "ICTs"		Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive (EU) 2016/801 "Students and Researchers"	
		Long term mobility	Short term mobility			Long term mobility	Short term mobility
<p>benefits in the Member State concerned.</p> <p>4. By way of derogation from the provisions of paragraph 1, Member States may limit the total number of persons entitled to be granted right of residence, provided that such limitations are already set out for the admission of third-country nationals in the existing legislation at the time of the adoption of this Directive.</p> <p>[...]</p> <p>Article 17 Public policy and public security</p> <p>1. Member States may refuse applications for residence from</p> <p>long-term residents or their family members where the person concerned constitutes a threat to public policy or public security. When taking the relevant decision, the Member State shall consider the severity or type of offence against public policy or public security committed by</p>	<p>taken by its competent authority.</p> <p>4. In accordance with the procedures set out in Article 11, the second Member State shall process the application and inform in writing the applicant and the first Member State of its decision to either:</p> <p>(a) issue an EU Blue Card and allow the applicant to reside on its territory for highly qualified employment where the conditions set in this Article are fulfilled and under the conditions set out in Articles 7 to 14; or</p> <p>(b) refuse to issue an EU Blue Card and oblige the applicant and his family members, in accordance with the procedures provided for by national law, including removal procedures, to leave its territory where the conditions set out in this Article are not fulfilled.</p> <p>The first Member State shall immediately readmit</p>	<p>[...]</p> <p>8. Third-country nationals who are considered to pose a threat to public policy, public security or public health shall not be admitted for the purposes of this Directive.</p> <p>Article 7 Grounds for rejection</p> <p>1. Member States shall reject an application for an intra-corporate transferee permit in any of the following cases:</p> <p>[...]</p> <p>(b) where the documents presented were fraudulently acquired, or falsified, or tampered with;</p> <p>[...]</p> <p>(d) where the maximum duration of stay as defined in Article 12(1) has been reached.</p>	<p>1 of this Article has been reached. The competent authorities of the second Member State shall inform without delay the competent authorities of the first Member State and the host entity in the first Member State about their objection to the mobility.</p> <p>7. Where the second Member State objects to the mobility in accordance with paragraph 6 of this Article and the mobility has not yet taken place, the intra-corporate transferee shall not be allowed to work in the second Member State as part of the intra-corporate transfer. Where the mobility has already taken place, Article 23(4) and (5) shall apply.</p> <p>8. Where the intra-corporate transferee permit is renewed by the first Member State within the maximum duration provided for in Article 12(1), the renewed intra-corporate transferee permit shall continue</p>	<p>Withdrawal or non-renewal of residence permits</p> <p>1. Member States may withdraw or refuse to renew a residence permit issued on the basis of this Directive when it has been fraudulently acquired or wherever it appears that the holder did not meet or no longer meets the conditions for entry and residence laid down in Article 6 and in whichever of Articles 7 to 11 applies to the relevant category.</p> <p>2. Member States may withdraw or refuse to renew a residence permit on grounds of public policy or public health.</p>		<p>are considered to pose a threat to public policy, public security or public health shall not be allowed to enter or to stay on the territory of the second Member State.</p> <p>Article 20 Grounds for rejection</p> <p>1. Member States shall reject an application where:</p> <p>[...];</p> <p>(b) the documents presented have been fraudulently acquired, or falsified, or tampered with;</p> <p>(c) the Member State concerned only allows admission through an approved host entity and the host entity is not approved.</p> <p>2. Member States may reject an application where:</p> <p>(a) the host entity, another body as referred to in point (a) of Article 14(1), a third party as referred to in point (d) of Article 12(1), the host family or the organisation mediating au pairs has failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions;</p> <p>(b) where applicable, the terms of employment as provided for in national law or collective agreements or practices in the Member State concerned are not met by the host entity or host family that will employ the third-country national;</p> <p>(c) the host entity, another body as referred to in point (a) of Article 14(1), a third party as referred to in point (d) of Article 12(1), the host family or the organisation mediating au pairs has been sanctioned in accordance with national law for undeclared work or illegal employment;</p>	<p>a threat to public policy, public security or public health shall not be allowed to enter or to stay on the territory of the second Member State.</p>

Directive 2003/109/EC "Long term residents" as amended	Directive 2009/50/EC "EU Blue Card"	Directive 2014/66/EU "ICTs"		Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive (EU) 2016/801 "Students and Researchers"	
		Long term mobility	Short term mobility			Long term mobility	Short term mobility
<p>the long-term resident or his/her family member(s), or the danger that emanates from the person concerned.</p> <p>2. The decision referred to in paragraph 1 shall not be based on economic considerations.</p>	<p>without formalities the EU Blue Card holder and his family members. This shall also apply if the EU Blue Card issued by the first Member State has expired or has been withdrawn during the examination of the application. Article 13 shall apply after readmission.</p> <p>Article 5 Conditions for admission</p> <p>1. [...]</p> <p>(f) not be considered to pose a threat to public policy, public security or public health.</p> <p>Article 6 Volumes of admission</p> <p>This Directive shall not affect the right of a Member State to determine the volume of admission of third-country nationals entering its territory</p>	<p>2. Member States shall, if appropriate, reject an application where the employer or the host entity has been sanctioned in accordance with national law for undeclared work and/or illegal employment.</p> <p>3. Member States may reject an application for an intra-corporate transferee permit in any of the following cases:</p> <p>(a) where the employer or the host entity has failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions;</p> <p>(b) where the employer's or the host entity's business is being or has been wound up under national insolvency laws or no economic activity is taking place;</p> <p>(c) where the intent or effect of the temporary presence of the intra-corporate transferee is to interfere with, or otherwise affect the outcome of, any labour</p>	<p>to authorise its holder to work in the second Member State, subject to the maximum duration provided for in paragraph 1 of this Article.</p> <p>9. Intra-corporate transferees who are considered to pose a threat to public policy, public security or public health shall not be allowed to enter or to stay on the territory of the second Member State.</p>			<p>(d) the host entity was established or operates for the main purpose of facilitating the entry of third-country nationals falling under the scope of this Directive;</p> <p>(e) where applicable, the host entity's business is being or has been wound up under national insolvency laws or no economic activity is taking place;</p> <p>(f) the Member State has evidence or serious and objective grounds to establish that the third-country national would reside for purposes other than those for which he or she applies to be admitted.</p> <p>3. Where a third-country national applies to be admitted to enter into an employment relationship in a Member State, that Member State may verify whether the post in question could be filled by nationals of that Member State or by other Union citizens, or by third-country nationals lawfully residing in that Member State, in which case it may reject the application. This paragraph shall apply without prejudice to the principle of preference for Union citizens as expressed in the relevant provisions of the relevant Acts of Accession.</p> <p>4. Without prejudice to paragraph 1, any decision to reject an application shall take account of the specific circumstances of the case and respect the principle of proportionality.</p>	<p>Article 31 Mobility of students</p> <p>[...]</p> <p>7. Based on the notification referred to in paragraph 2, the second Member State may object to the mobility of the student to its territory within 30 days from having received the complete notification where:</p> <p>(a) the conditions set out in paragraphs 5 or 6 are not complied with;</p>

Directive 2003/109/EC "Long term residents" as amended	Directive 2009/50/EC "EU Blue Card"	Directive 2014/66/EU "ICTs"		Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive (EU) 2016/801 "Students and Researchers"	
		Long term mobility	Short term mobility			Long term mobility	Short term mobility
	<p>for the purposes of highly qualified employment.</p> <p>Article 8 Grounds for refusal</p> <p>1. Member States shall reject an application for a EU Blue Card whenever the applicant does not meet the conditions set out in Article 5 or whenever the documents presented have been fraudulently acquired, or falsified or tampered with.</p> <p>2. Before taking the decision on an application for an EU Blue Card, and when considering renewals or authorisations pursuant to Article 12(1) and (2) during the first two years of legal employment as an EU Blue Card holder, Member States may examine the situation of their labour market and apply their national procedures regarding the requirements for</p>	<p>management dispute or negotiation.</p> <p>4. Member States may reject an application for an intra-corporate transferee permit on the ground set out in Article 12(2).</p> <p>5. Without prejudice to paragraph 1, any decision to reject an application shall take account of the specific circumstances of the case and respect the principle of proportionality.</p>					<p>(b) one of the grounds for rejection set out in point (b) or (c) of Article 20(1) or in paragraph 2 of that Article applies; (c) the maximum duration of stay referred to in paragraph 1 has been reached.</p> <p>8. Students who are considered to pose a threat to public policy, public security or public health shall not be allowed to enter or to stay on the territory of the second Member State.</p> <p>9. The competent authorities of the second Member State shall, without delay, inform the competent authorities of the first Member State and the notifier in writing about their objection to the mobility. Where the second Member State objects to the mobility in accordance with paragraph 7 the student shall not be allowed to carry out part of the studies in the higher education institution in the second Member State.</p> <p>10. After the period of objection has expired, the second Member State may issue a document to the student attesting that he or she is entitled to stay on its territory and enjoy the rights provided for in this Directive.</p>

Directive 2003/109/EC "Long term residents" as amended	Directive 2009/50/EC "EU Blue Card"	Directive 2014/66/EU "ICTs"		Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive (EU) 2016/801 "Students and Researchers"	
		Long term mobility	Short term mobility			Long term mobility	Short term mobility
	<p>filling a vacancy.</p> <p>Member States may verify whether the concerned vacancy could not be filled by national or Community workforce, by third-country nationals lawfully resident in that Member State and already forming part of its labour market by virtue of Community or national law, or by EC long-term residents wishing to move to that Member State for highly qualified employment in accordance with Chapter III of Directive 2003/109/EC.</p> <p>3. An application for an EU Blue Card may also be considered as inadmissible on the grounds of Article 6.</p> <p>4. Member States may reject an application for an EU Blue Card in order to ensure ethical recruitment in sectors suffering from a lack of qualified workers in the countries of origin.</p>						

Directive 2003/109/EC "Long term residents" as amended	Directive 2009/50/EC "EU Blue Card"	Directive 2014/66/EU "ICTs"		Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive (EU) 2016/801 "Students and Researchers"	
		Long term mobility	Short term mobility			Long term mobility	Short term mobility
	5. Member States may reject an application for an EU Blue Card if the employer has been sanctioned in conformity with national law for undeclared work and/or illegal employment.						

Annex 5 Right to family reunification

Table A5.1 Coherence table: The right to family reunification

Directive 2003/86/EC "Family Reunification"	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
Possibility for family reunification				
Article 3(1) 1. This Directive shall apply where the sponsor is holding a residence permit issued by a Member State for a period of validity of one year or more who has reasonable prospects of obtaining the right of permanent residence, if the members of his or her family are third country nationals of whatever status. Article 4(1)	Article 9(1) Family members 1. When a Member State decides to grant a residence permit to the family members of a researcher [...].	Article 15(1) Family members 1. Directive 2003/86/EC shall apply with the derogations laid down in this Article.	Article 19(1) Family members 1. Directive 2003/86/EC shall apply in the first Member States and in second Member States which allow the intra-corporate transferee to stay and work on their territory in accordance with Article 22 of this Directive, subject to the derogations laid down in this Article.	Article 26 Researchers' family members 1. For the purpose of allowing researchers' family members to join the researcher in the first Member State or, in the case of long-term mobility, in the second Member States, Member States shall apply the provisions of Directive 2003/86/EC with the derogations laid down in this Article.

Directive 2003/86/EC "Family Reunification"	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
1. The Member States shall authorise the entry and residence, pursuant to this Directive and subject to compliance with the conditions laid down in Chapter IV, as well as in Article 16, of the following family members [...].				
Persons covered by the right to family reunification				
Article 4(1) [...] <ul style="list-style-type: none"> (a) the sponsor's spouse; (b) the minor children of the sponsor and of his/her spouse, including children adopted in accordance with a decision taken by the competent authority in the Member State concerned or a decision which is automatically enforceable due to international obligations of that Member State or must be recognised in accordance with international obligations; (c) the minor children including adopted children of the sponsor where the sponsor has custody and the children are dependent on him or her. Member States may authorise the reunification of children of whom custody is shared, provided the other party sharing custody has given his or her agreement; (d) the minor children including adopted children of the spouse where the spouse has custody and the children are dependent on him or her. Member States may authorise the reunification of 	N/A [Article 4(1) of Directive 2003/86/EC applies ⁴⁸]	Article 2(f) Definitions For the purposes of this Directive: [...] <ul style="list-style-type: none"> (f) 'family members' means third-country nationals as defined in Article 4(1) of Directive 2003/86/EC. 	Article 3(h) Definitions For the purposes of this Directive, the following definitions apply: [...] <ul style="list-style-type: none"> (h) 'family members' means third-country nationals as defined in Article 4(1) of Directive 2003/86/EC. 	Article 3(24) Definitions For the purposes of this Directive, the following definitions apply: [...] <ul style="list-style-type: none"> (24) 'family members' means third-country nationals as defined in Article 4(1) of Directive 2003/86/EC.

⁴⁸ Recital 19 of Directive 2005/75/EC reads as follows: "In order to preserve family unity and to enable mobility, family members should be able to join the researcher in another Member State under the conditions determined by the national law of such Member State, including its obligations arising from bilateral or multilateral agreements". Therefore, Directive indirectly refers to Directive 2003/86/EC.

Directive 2003/86/EC "Family Reunification"	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
children of whom custody is shared, provided the other party sharing custody has given his or her agreement. The minor children referred to in this Article must be below the age of majority set by the law of the Member State concerned and must not be married.				
Requirement for the sponsor to have a minimum period of residence				
<p>Article 3(1) 1. This Directive shall apply where the sponsor is holding a residence permit issued by a Member State for a period of validity of one year or more who has reasonable prospects of obtaining the right of permanent residence, if the members of his or her family are third country nationals of whatever status.</p> <p>Article 8 Member States may require the sponsor to have stayed lawfully in their territory for a period not exceeding two years, before having his/her family members join him/her.</p> <p>Article 12(2) [Refugees] 2. By way of derogation from Article 8, the Member States shall not require the refugee to have resided in their territory for a certain period of time, before having his/her family members join him/her.</p>	<p>Article 9(2) Family members 2. The issue of the residence permit to the family members of the researcher admitted to a Member State shall not be made dependent on the requirement of a minimum period of residence of the researcher.</p>	<p>Article 15(2) Family members 2. By way of derogation from Articles 3(1) and 8 of Directive 2003/86/EC, family reunification shall not be made dependent on the requirement of the EU Blue Card holder having reasonable prospects of obtaining the right of permanent residence and having a minimum period of residence.</p>	<p>Article 19(2) Family members 2. By way of derogation from Article 3(1) and Article 8 of Directive 2003/86/EC, family reunification in the Member States shall not be made dependent on the requirement that the holder of the permit issued by those Member States on the basis of this Directive has reasonable prospects of obtaining the right of permanent residence and has a minimum period of residence.</p>	<p>Article 26(2) Researchers' family members 2. By way of derogation from Article 3(1) and Article 8 of Directive 2003/86/EC, the granting of a residence permit to family members shall not be made dependent on the requirement of the researcher having reasonable prospects of obtaining the right of permanent residence and having a minimum period of residence.</p>
Requirement of the sponsor having reasonable prospects of obtaining the right of permanent residence				
<p>Article 3(1) 1. This Directive shall apply where the sponsor is holding a residence permit issued by a Member State</p>	N/A [Article 3(1) of Directive 2003/86/EC applies]	<p>Article 15(2) Family members 2. By way of derogation from Articles 3(1) and 8 of Directive 2003/86/EC,</p>	<p>Article 19(2) Family members 2. By way of derogation from Article 3(1) and Article 8 of</p>	<p>Article 26(2) Researchers' family members 2. By way of derogation from Article 3(1) and Article 8 of Directive 2003/86/EC, the</p>

Directive 2003/86/EC "Family Reunification"	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
for a period of validity of one year or more who has reasonable prospects of obtaining the right of permanent residence, if the members of his or her family are third country nationals of whatever status.		family reunification shall not be made dependent on the requirement of the EU Blue Card holder having reasonable prospects of obtaining the right of permanent residence and having a minimum period of residence.	Directive 2003/86/EC, family reunification in the Member States shall not be made dependent on the requirement that the holder of the permit issued by those Member States on the basis of this Directive has reasonable prospects of obtaining the right of permanent residence and has a minimum period of residence.	granting of a residence permit to family members shall not be made dependent on the requirement of the researcher having reasonable prospects of obtaining the right of permanent residence and having a minimum period of residence.
Requirement to comply with integration measures/ conditions				
<p>Article 4(1) [...] By way of derogation, where a child is aged over 12 years and arrives independently from the rest of his/her family, the Member State may, before authorising entry and residence under this Directive, verify whether he or she meets a condition for integration provided for by its existing legislation on the date of implementation of this Directive.</p> <p>Article 7(2) 2. Member States may require third country nationals to comply with integration measures, in accordance with national law. With regard to the refugees and/or family members of refugees referred to in Article 12 the integration measures referred to in the first subparagraph may only be applied once the persons concerned have been granted family reunification.</p> <p>Article 10(1) [Refugees] 1. Article 4 shall apply to the definition of family members except that the third subparagraph of paragraph 1 thereof shall not</p>	N/A [Articles 4(1) and 7(2) of Directive 2003/86/EC applies]	<p>Article 15(3) Family members 3. By way of derogation from the last subparagraph of Article 4(1) and Article 7(2) of Directive 2003/86/EC, the integration conditions and measures referred to therein may only be applied after the persons concerned have been granted family reunification.</p>	<p>Article 19(3) Family members 3. By way of derogation from the third subparagraph of Article 4(1) and from Article 7(2) of Directive 2003/86/EC, the integration measures referred to therein may be applied by the Member States only after the persons concerned have been granted family reunification.</p>	<p>Article 26(3) Researchers' family members By way of derogation from the last subparagraph of Article 4(1) and Article 7(2) of Directive 2003/86/EC, the integration conditions and measures referred to therein may only be applied after the persons concerned have been granted a residence permit.</p>

Directive 2003/86/EC "Family Reunification"	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
apply to the children of refugees.				
Maximum period for Member States examine an application for family reunification				
<p>Article 5(4) Submission and examination of the application</p> <p>4. The competent authorities of the Member State shall give the person, who has submitted the application, written notification of the decision as soon as possible and in any event no later than nine months from the date on which the application was lodged.</p> <p>In exceptional circumstances linked to the complexity of the examination of the application, the time limit referred to in the first subparagraph may be extended. Reasons shall be given for the decision rejecting the application. Any consequences of no decision being taken by the end of the period provided for in the first subparagraph shall be determined by the national legislation of the relevant Member State.</p>	N/A [Article 5(4) of Directive 2003/86/EC applies]	<p>Article 15(4) Family members</p> <p>4. By way of derogation from the first subparagraph of Article 5(4) of Directive 2003/86/EC, residence permits for family members shall be granted, where the conditions for family reunification are fulfilled, at the latest within six months from the date on which the application was lodged.</p>	<p>Article 19(4) Family members</p> <p>4. By way of derogation from the first subparagraph of Article 5(4) of Directive 2003/86/EC, residence permits for family members shall be granted by a Member State, if the conditions for family reunification are fulfilled, within 90 days from the date on which the complete application was submitted. The competent authority of the Member State shall process the residence permit application for the intra-corporate transferee's family members at the same time as the application for the intra-corporate transferee permit or the permit for long-term mobility, in cases where the residence permit application for the intra-corporate transferee's family members is submitted at the same time. The procedural safeguards laid down in Article 15 shall apply accordingly.</p>	<p>Article 26(4) Researchers' family members</p> <p>4. By way of derogation from the first subparagraph of Article 5(4) of Directive 2003/86/EC, residence permits for family members shall be granted by a Member State, if the conditions for family reunification are fulfilled, within 90 days from the date on which the complete application was submitted. The competent authority of the Member State concerned shall process the application for the family members at the same time as the application for admission or for long-term mobility of the researcher, in case where the application for the family members is submitted at the same time. The residence permit for family members shall be granted only if the researcher is issued an authorisation under Article 17.</p>
Duration of validity of the residence permit for family members				
<p>Article 13(2) and (3) Entry and residence of family members</p> <p>2. The Member State concerned shall grant the family members a first residence of at least one year's duration. The residence permit shall be renewable.</p> <p>3. The duration of the residence permits granted to the family member(s) shall in principle not go beyond the date of expiry of the residence permit held by the sponsor.</p>	<p>Article 9(1) Family members</p> <p>1. When a Member State decides to grant a residence permit to the family members of a researcher, the duration of validity of their residence permit shall be the same as that of the residence permit issued to the researcher insofar as the period of validity of their travel documents allows it. In duly justified cases, the duration of the residence permit of the family member of the researcher may be shortened.</p>	<p>Article 15(5) Family members</p> <p>5. By way of derogation from Article 13(2) and (3) of Directive 2003/86/EC, the duration of validity of the residence permits of family members shall be the same as that of the residence permits issued to the EU Blue Card holder insofar as the period of validity of their travel documents allows it.</p>	<p>Article 19(5) Family members</p> <p>5. By way of derogation from Article 13(2) of Directive 2003/86/EC, the duration of validity of the residence permits of family members in a Member State shall, as a general rule, end on the date of expiry of the intra-corporate transferee permit or the permit for long-term mobility issued by that Member State.</p>	<p>Article 26(5) Researchers' family members</p> <p>5. By way of derogation from Article 13(2) and (3) of Directive 2003/86/EC, the duration of validity of the residence permit of family members shall end, as a general rule, on the date of expiry of the authorisation of the researcher. This shall include, where applicable, authorisations issued to the researcher for the purpose of job-searching or entrepreneurship in accordance with Article 25. Member States may require the period of validity of the travel documents of family members to cover at least the duration of the planned</p>

Directive 2003/86/EC "Family Reunification"	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
				stay.
Family members' access to the labour market				
<p>Article 14 1. The sponsor's family members shall be entitled, in the same way as the sponsor, to: [...] (b) access to employment and self-employed activity; [...] 2. Member States may decide according to national law the conditions under which family members shall exercise and employed or self-employed activity. These conditions shall set a time limit which shall in no case exceed 12 months, during which Member States may examine the situation of their labour market before authorising family members to exercise an employed or self-employed activity. 3. Member States may restrict access to employment or self-employed activity by first-degree relatives in the direct ascending line or adult unmarried children to whom Article 4(2) applies.</p>	N/A [Article 14 of Directive 2003/86/EC applies]	<p>Article 15(6) Family members 6. By way of derogation from the second sentence of Article 14(2) of Directive 2003/86/EC, Member States shall not apply any time limit in respect of access to the labour market.</p>	<p>Article 19(6) Family members 6. By way of derogation from Article 14(2) of Directive 2003/86/EC and without prejudice to the principle of preference for Union citizens as expressed in the relevant provisions of the relevant Acts of Accession, the family members of the intra-corporate transferee who have been granted family reunification shall be entitled to have access to employment and self-employed activity in the territory of the Member State which issued the family member residence permit.</p>	<p>Article 26(6) Researchers' family members 6. By way of derogation from the second sentence of Article 14(2) of Directive 2003/86/EC, the first Member State or, in the case of long-term mobility, the second Member States shall not apply any time limit in respect of access for family members to the labour market, except in exceptional circumstances such as particularly high levels of unemployment.</p>
Family members' application for an autonomous residence permit				
<p>Article 15 1. Not later than after five years of residence, and provided that the family member has not been granted a residence permit for reasons other than family reunification, the spouse or unmarried partner and a child who has reached majority shall be entitled, upon application, if required, to an autonomous residence permit, independent of that of the sponsor. Member States may limit the granting of the residence permit</p>	N/A [Article 15 of Directive 2003/86/EC applies]	<p>Article 15(7) Family members 7. By way of derogation to Article 15(1) of Directive 2003/86/EC, for the purposes of calculation of the five years of residence required for the acquisition of an autonomous residence permit, residence in different Member States may be cumulated.</p>	N/A [Article 15 of Directive 2003/86/EC applies]	N/A [Article 15 of Directive 2003/86/EC applies]

Directive 2003/86/EC "Family Reunification"	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
<p>referred to in the first subparagraph to the spouse or unmarried partner in cases of breakdown of the family relationship.</p> <p>2. The Member States may issue an autonomous residence permit to adult children and to relatives in the direct ascending line to whom Article 4(2) applies.</p> <p>3. In the event of widowhood, divorce, separation, or death of first-degree relatives in the direct ascending or descending line, an autonomous residence permit may be issued, upon application, if required, to persons who have entered by virtue of family reunification. Member States shall lay down provisions ensuring the granting of an autonomous residence permit in the event of particularly difficult circumstances.</p> <p>4. The conditions relating to the granting and duration of the autonomous residence permit are established by national law.</p>				

Annex 6 The right to cumulate residence periods

Table A6.1 Coherence table: The right to cumulate residence periods

Directive 2003/109/EC "Long term residents" as amended	Directive 2004/114/EC "Students"	Directive 2009/50/EC "EU Blue Card"
General principles of accumulation of residence for long-term residence		
<p>Article 4(1) Duration of residence 1. Member States shall grant long-term resident status to third-country nationals who have resided legally and continuously within its territory for five years immediately prior to the submission of the relevant application.</p>		<p>Article 16(1) and (2) EC long-term residents status for EU Blue Card holders 1. Directive 2003/109/EC shall apply with the derogations laid down in this Article. 2. By way of derogation from Article 4(1) of Directive 2003/109/EC, the EU Blue Card holder having made use of the possibility provided for in Article 18 of this Directive [Residence in other Member State] is allowed to cumulate periods of residence in different Member States in order to fulfil the requirement concerning the duration of residence, if the following conditions are met: (a) five years of legal and continuous residence within the territory of the Community as an EU Blue Card holder; and (b) legal and continuous residence for two years immediately prior to the submission of the relevant application as an EU Blue Card holder within the territory of the Member State where the application for</p>
Limitations		
<p>Article 4(2) Duration of residence 2. Periods of residence for the reasons referred to in Article 3(2)(e) and (f) [temporary residents e.g. au pair or seasonal worker, posted workers, etc; and beneficiaries of international protection] shall not be taken into account for the purposes of calculating the period referred to in paragraph 1. Regarding the cases covered in Article 3(2)(a) [students or trainees], where the third-country national concerned has acquired a title of residence which will enable him/her to be granted long-term resident status, only half of the periods of residence for study purposes or vocational training may be taken into account in the calculation of the period referred to in paragraph 1.</p>	<p>Article 24 Time limits Without prejudice to the second subparagraph of Article 4(2) of Directive 2003/109/EC, Member States shall not be obliged to take into account the time during which the student, exchange pupil, unremunerated trainee or volunteer has resided as such in their territory for the purpose of granting further rights under national law to the third-country nationals concerned.</p>	
Specific rules as regards times of absence		
<p>Article 4(3) Duration of residence 3. Periods of absence from the territory of the Member</p>		<p>Article 16(3), (4), (5) EC long-term residents status for EU Blue Card holders 3. For the purpose of calculating the period of legal and continuous</p>

Directive 2003/109/EC "Long term residents" as amended	Directive 2004/114/EC "Students"	Directive 2009/50/EC "EU Blue Card"
<p>State concerned shall not interrupt the period referred to in paragraph 1 and shall be taken into account for its calculation where they are shorter than six consecutive months and do not exceed in total 10 months within the period referred to in paragraph 1.</p> <p>In cases of specific or exceptional reasons of a temporary nature and in accordance with their national law, Member States may accept that a longer period of absence than that which is referred to in the first subparagraph shall not interrupt the period referred to in paragraph 1. In such cases Member States shall not take into account the relevant period of absence in the calculation of the period referred to in paragraph 1.</p> <p>By way of derogation from the second subparagraph, Member States may take into account in the calculation of the total period referred to in paragraph 1 periods of absence relating to secondment for employment purposes, including the provision of cross-border services.</p>		<p>residence in the Community and by way of derogation from the first subparagraph of Article 4(3) of Directive 2003/109/EC, periods of absence from the territory of the Community shall not interrupt the period referred to in paragraph 2(a) of this Article if they are shorter than 12 consecutive months and do not exceed in total 18 months within the period referred to in paragraph 2(a) of this Article. This paragraph shall apply also in cases where the EU Blue Card holder has not made use of the possibility provided for in Article 18.</p> <p>4. By way of derogation from Article 9(1)(c) of Directive 2003/109/EC, Member States shall extend to 24 consecutive months the period of absence from the territory of the Community which is allowed to an EC long-term resident holder of a long-term residence permit with the remark referred to in Article 17(2) of this Directive [Long-term residence permit] and of his family members having been granted the EC long-term resident status.</p> <p>5. The derogations to Directive 2003/109/EC set out in paragraphs 3 and 4 of this Article may be restricted to cases where the third-country national concerned can present evidence that he has been absent from the territory of the Community to exercise an economic activity in an employed or self-employed capacity, or to perform a voluntary service, or to study in his own country of origin.</p>

Annex 7 Grounds for rejection, loss and withdrawal of status

Table A7.1 Coherence table: Grounds for rejection

Directive 2003/109/EC "Family Reunification"	Directive 2003/109/EC "Long term residents" as amended	Directive 2009/50/EC "EU Blue Card"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
...if the conditions are not complied with					
<p>Article 16</p> <p>1. Member States may reject an application for entry and residence for the purpose of family reunification, or, if appropriate, withdraw or refuse to renew a family member's residence permit, in the following circumstances:</p> <p>(a) where the conditions laid down by this Directive are not or are no longer satisfied.</p> <p>When renewing the residence permit, where the sponsor has not sufficient resources without recourse to the social assistance system of the Member State, as referred to in Article 7(1)(c), the Member State shall take into account the contributions of the family members to the household income;</p> <p>(b) where the sponsor and his/her family member(s) do not or no longer live in a real marital or family relationship;</p> <p>(c) where it is found that the sponsor or the unmarried partner is married or is in a stable long-term relationship with another person.</p> <p>Article 17 Member States shall take due</p>	<p>Article 7</p> <p>Acquisition of long-term resident status</p> <p>[...]</p> <p>3. If the conditions provided for by Articles 4 and 5 are met, [...], the Member State concerned shall grant the third-country national concerned long-term resident status.</p>	<p>Article 8</p> <p>Grounds for refusal</p> <p>1. Member States shall reject an application for a EU Blue Card whenever the applicant does not meet the conditions set out in Article 5 [...]</p>	<p>Article 8</p> <p>Grounds for rejection</p> <p>1. Member States shall reject an application for authorisation for the purpose of seasonal work where:</p> <p>(a) Articles 5 or 6 are not complied with</p>	<p>Article 7</p> <p>Grounds for rejection</p> <p>1. Member States shall reject an application for an intra-corporate transferee permit in any of the following cases:</p> <p>(a) where Article 5 is not complied with</p>	<p>Article 20</p> <p>Grounds for rejection</p> <p>1. Member States shall reject an application where:</p> <p>(a) the general conditions laid down in Article 7 or the relevant specific conditions laid down in Articles 8, 11, 12, 13, 14 or 16 are not met;</p>

Directive 2003/109/EC "Family Reunification"	Directive 2003/109/EC "Long term residents" as amended	Directive 2009/50/EC "EU Blue Card"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
account of the nature and solidity of the person's family relationships and the duration of his residence in the Member State and of the existence of family, cultural and social ties with his/her country of origin where they reject an application, withdraw or refuse to renew a residence permit or decide to order the removal of the sponsor or members of his family.					
...if the documents presented have been fraudulently acquired, falsified or tampered with					
<p>Article 16 [...] 2. Member States may also reject an application for entry and residence for the purpose of family reunification, or withdraw or refuse to renew the family member's residence permits, where it is shown that: (a) false or misleading information, false or falsified documents were used, fraud was otherwise committed or other unlawful means were used; (b) the marriage, partnership or adoption was contracted for the sole purpose of enabling the person concerned to enter or reside in a Member State. When making an assessment with respect to this point, Member States may have regard in particular to the fact that the marriage, partnership or adoption was contracted after the sponsor had been issued his/her residence permit.</p>	<p>* See provision under withdrawal or loss of status [Art. 9(1) Long-term residents shall no longer be entitled to maintain long-term resident status in the following cases: (a) detection of fraudulent acquisition of long-term resident status]</p>	<p>Article 8 Grounds for refusal 1. Member States shall reject an application for a EU Blue Card whenever the applicant does not meet the conditions set out in Article 5 or whenever the documents presented have been fraudulently acquired, or falsified or tampered with.</p>	<p>Article 8 Grounds for rejection 1. Member States shall reject an application for authorisation for the purpose of seasonal work where: (a) Articles 5 or 6 are not complied with; or (b) the documents presented for the purpose of Articles 5 or 6 were fraudulently acquired, or falsified, or tampered with.</p>	<p>Article 7 Grounds for rejection 1. Member States shall reject an application for an intra-corporate transferee permit in any of the following cases: [...](b) where the documents presented were fraudulently acquired, or falsified, or tampered with; [...]</p>	<p>Article 20 Grounds for rejection 1. Member States shall reject an application where: [...] (b) the documents presented have been fraudulently acquired, or falsified, or tampered with; [...]</p>
Public policy, public security and public health					

Directive 2003/109/EC "Family Reunification"	Directive 2003/109/EC "Long term residents" as amended	Directive 2009/50/EC "EU Blue Card"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
<p>Article 6 1. The Member States may reject an application for entry and residence of family members on grounds of public policy, public security or public health. 2. Member States may withdraw or refuse to renew a family member's residence permit on grounds of public policy or public security or public health. When taking the relevant decision, the Member State shall consider, besides Article 17, the severity or type of offence against public policy or public security committed by the family member, or the dangers that are emanating from such person. 3. Renewal of the residence permit may not be withheld and removal from the territory may not be ordered by the competent authority of the Member State concerned on the sole ground of illness or disability suffered after the issue of the residence permit.</p>	<p>Article 6 Public policy and public security 1. Member States may refuse to grant long-term resident status on grounds of public policy or public security. When taking the relevant decision, the Member State shall consider the severity or type of offence against public policy or public security, or the danger that emanates from the person concerned, while also having proper regard to the duration of residence and to the existence of links with the country of residence. 2. The refusal referred to in paragraph 1 shall not be founded on economic considerations.</p> <p>Article 17 Public policy and public security 1. Member States may refuse applications for residence from long-term residents or their family members where the person concerned constitutes a threat to public policy or public security. When taking the relevant decision, the Member State shall consider the severity or type of offence against public policy or public security committed by the long-term resident or his/her family member(s), or the danger that emanates from the person concerned. 2. The decision referred to in paragraph 1 shall not be based on economic considerations.</p> <p>Article 18 Public health</p>	<p>Article 5 Criteria for admission 1. Without prejudice to Article 10(1), a third-country national who applies for an EU Blue Card under the terms of this Directive shall: (f) not be considered to pose a threat to public policy, public security or public health.</p>	<p>Article 6 Criteria and requirements for admission as a seasonal worker for stays exceeding 90 days [...] 4. Third-country nationals who are considered to pose a threat to public policy, public security or public health shall not be admitted.</p>	<p>Article 5 Criteria for admission [...] 8. Third-country nationals who are considered to pose a threat to public policy, public security or public health shall not be admitted for the purposes of this Directive.</p>	<p>Article 7 General conditions [...] 6. Third-country nationals who are considered to pose a threat to public policy, public security or public health shall not be admitted.</p>

Directive 2003/109/EC "Family Reunification"	Directive 2003/109/EC "Long term residents" as amended	Directive 2009/50/EC "EU Blue Card"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
	<p>1. Member States may refuse applications for residence from long-term residents or their family members where the person concerned constitutes a threat to public health.</p> <p>2. The only diseases that may justify a refusal to allow entry or the right of residence in the territory of the second Member State shall be the diseases as defined by the relevant applicable instruments of the World Health Organisation's and such other infectious or contagious parasite-based diseases as are the subject of protective provisions in relation to nationals in the host country. Member States shall not introduce new more restrictive provisions or practices.</p> <p>3. Diseases contracted after the first residence permit was issued in the second Member State shall not justify a refusal to renew the permit or expulsion from the territory.</p> <p>4. A Member State may require a medical examination, for persons to whom this Directive applies, in order to certify that they do not suffer from any of the diseases referred to in paragraph 2. Such medical examinations, which may be free of charge, shall not be performed on a systematic basis.</p>				
Rejection grounds related to employer/ host entity					
		<p>Article 8 Grounds for refusal</p> <p>5. Member States may reject an application for an EU Blue Card if</p>	<p>Article 8 Grounds for rejection</p> <p>[...] 2. Member States shall, if appropriate, reject an application for authorisation for the purpose</p>	<p>Article 7 Grounds for rejection</p> <p>1. Member States shall reject an application for an intra-corporate transferee permit in any of the following cases:</p>	<p>Article 20 Grounds for rejection</p> <p>1. Member States shall reject an application where: [...] (c) the Member State concerned only allows admission through an</p>

Directive 2003/109/EC "Family Reunification"	Directive 2003/109/EC "Long term residents" as amended	Directive 2009/50/EC "EU Blue Card"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
		<p>the employer has been sanctioned in conformity with national law for undeclared work and/or illegal employment.</p>	<p>of seasonal work where:</p> <p>(a) the employer has been sanctioned in accordance with national law for undeclared work and/or illegal employment;</p> <p>(b) the employer's business is being or has been wound up under national insolvency laws or no economic activity is taking place; or</p> <p>(c) the employer has been sanctioned under Article 17. [...]</p> <p>4. Member States may reject an application for authorisation for the purpose of seasonal work where:</p> <p>(a) the employer has failed to meet its legal obligations regarding social security, taxation, labour rights, working conditions or terms of employment, as provided for in applicable law and/or collective agreements;</p> <p>(b) within the 12 months immediately preceding the date of the application, the employer has abolished a full-time position in order to create the vacancy that the employer is trying to fill by use of this Directive; or</p> <p>(c) the third-country national has not complied with the obligations arising from a previous decision on admission as a seasonal worker.</p>	<p>[...]</p> <p>(c) where the host entity was established for the main purpose of facilitating the entry of intra-corporate transferees [...]</p> <p>3. Member States may reject an application for an intra-corporate transferee permit in any of the following cases: (a) where the employer or the host entity has failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions; (b) where the employer's or the host entity's business is being or has been wound up under national insolvency laws or no economic activity is taking place; (c) where the intent or effect of the temporary presence of the intra-corporate transferee is to interfere with, or otherwise affect the outcome of, any labour management dispute or negotiation.</p>	<p>approved host entity and the host entity is not approved.</p> <p>2. Member States may reject an application where:</p> <p>(a) the host entity, another body as referred to in point (a) of Article 14(1), a third party as referred to in point (d) of Article 12(1), the host family or the organisation mediating au pairs has failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions;</p> <p>(b) where applicable, the terms of employment as provided for in national law or collective agreements or practices in the Member State concerned are not met by the host entity or host family that will employ the third-country national;</p> <p>(c) the host entity, another body as referred to in point (a) of Article 14(1), a third party as referred to in point (d) of Article 12(1), the host family or the organisation mediating au pairs has been sanctioned in accordance with national law for undeclared work or illegal employment;</p> <p>(d) the host entity was established or operates for the main purpose of facilitating the entry of third-country nationals falling under the scope of this Directive;</p> <p>(e) where applicable, the host entity's business is being or has been wound up under national insolvency laws or no economic</p>

Directive 2003/109/EC "Family Reunification"	Directive 2003/109/EC "Long term residents" as amended	Directive 2009/50/EC "EU Blue Card"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
					activity is taking place; (f) the Member State has evidence or serious and objective grounds to establish that the third-country national would reside for purposes other than those for which he or she applies to be admitted.
Volumes of admission					
		<p>Article 6 Volumes of admission</p> <p>This Directive shall not affect the right of a Member State to determine the volume of admission of third-country nationals entering its territory for the purposes of highly qualified employment.</p> <p>Article 8 Grounds for refusal</p> <p>[...] 2. Before taking the decision on an application for an EU Blue Card, and when considering renewals or authorisations pursuant to Article 12(1) and (2) during the first two years of legal employment as an EU Blue Card holder, Member States may examine the situation of their labour market and apply their national procedures regarding the requirements for filling a vacancy. Member States may verify whether the concerned vacancy could not be filled by national or Community workforce, by third-country nationals lawfully resident in that Member State and already</p>	<p>Article 7 Volumes of admission</p> <p>This Directive shall not affect the right of a Member State to determine the volumes of admission of third-country nationals entering its territory for the purpose of seasonal work. On this basis, an application for an authorisation for the purpose of seasonal work may be either considered inadmissible or be rejected.</p> <p>Article 8 Grounds for rejection</p> <p>[...] 3. Member States may verify whether the vacancy in question could be filled by nationals of the Member State concerned or by other Union citizens, or by third-country nationals lawfully residing in that Member State, in which case they may reject the application. This paragraph shall apply without prejudice to the principle of preference for Union citizens as expressed in the relevant provisions of the relevant Acts of Accession.</p>	<p>Article 6 Volumes of admission</p> <p>This Directive shall not affect the right of a Member State to determine the volumes of admission of third-country nationals in accordance with Article 79(5) TFEU. On that basis, an application for an intra-corporate transferee permit may either be considered inadmissible or be rejected</p>	<p>Article 6 Volumes of admission</p> <p>This Directive shall not affect the right of a Member State to determine, in accordance with Article 79(5) TFEU, the volumes of admission of third-country nationals referred to in Article 2(1) of this Directive, with the exception of students, if the Member State concerned considers that they are or will be in an employment relationship. On that basis, an application for authorisation may either be considered inadmissible or be rejected.</p> <p>Article 20 Grounds for rejection</p> <p>[...] 3. Where a third-country national applies to be admitted to enter into an employment relationship in a Member State, that Member State may verify whether the post in question could be filled by nationals of that Member State or by other Union citizens, or by third-country nationals lawfully residing in that Member State, in which case it may reject the application. This paragraph shall apply without prejudice to the principle of preference for Union citizens as</p>

Directive 2003/109/EC "Family Reunification"	Directive 2003/109/EC "Long term residents" as amended	Directive 2009/50/EC "EU Blue Card"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
		forming part of its labour market by virtue of Community or national law, or by EC long-term residents wishing to move to that Member State for highly qualified employment in accordance with Chapter III of Directive 2003/109/EC. 3. An application for an EU Blue Card may also be considered as inadmissible on the grounds of Article 6.			expressed in the relevant provisions of the relevant Acts of Accession.
Ethical recruitment					
		Article 8 Grounds for refusal [...] 4. Member States may reject an application for an EU Blue Card in order to ensure ethical recruitment in sectors suffering from a lack of qualified workers in the countries of origin.			

Table A7.2 Coherence table: Grounds for withdrawal or loss of status

Directive 2003/109/EC "Family Reunification"	Directive 2003/109/EC "Long term residents" as amended	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
...if the residence permit has been fraudulently acquired						
	Article 9 Withdrawal or loss of status 1. Long-term residents	Article 10 Withdrawal or non-renewal of the residence permit	Article 9 Withdrawal or non-renewal of the EU Blue Card	Article 9 Withdrawal of the authorisation for the	Article 8 Withdrawal or non-renewal of the intra-corporate transferee permit 1.Member	Article 21 Grounds for withdrawal or non-renewal of an authorisation Member

Directive 2003/109/EC "Family Reunification"	Directive 2003/109/EC "Long term residents" as amended	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
	shall no longer be entitled to maintain long-term resident status in the following cases: (a) detection of fraudulent acquisition of long-term resident status;	1. Member States may withdraw or refuse to renew a residence permit issued on the basis of this Directive when it has been fraudulently acquired	1. Member States shall withdraw or refuse to renew an EU Blue Card issued on the basis of this Directive in the following cases: (a) when it has been fraudulently acquired, or has been falsified or tampered with;	purpose of seasonal work 1. Member States shall withdraw the authorisation for the purpose of seasonal work where: (a) the documents presented for the purpose of Articles 5 or 6 were fraudulently acquired, or falsified, or tampered with; or	States shall withdraw an intra-corporate transferee permit in any of the following cases: (a) where it was fraudulently acquired, or falsified, or tampered with	States shall withdraw or, where applicable, refuse to renew an authorisation where: [...] (b) the authorisation or the documents presented have been fraudulently acquired, or falsified, or tampered with;
...when the conditions are no longer satisfied						
Article 16 1. Member States may reject an application for entry and residence for the purpose of family reunification, or, if appropriate, withdraw or refuse to renew a family member's residence permit, in the following circumstances: (a) where the conditions laid down by this Directive are not or are no longer satisfied. When renewing the residence permit, where the sponsor has not sufficient resources without recourse to the social assistance system of the Member State, as referred to in Article 7(1)(c), the Member State shall take into account the contributions of the family members to the household income; (b) where the sponsor	Article 9 Withdrawal or loss of status 1. Long-term residents shall no longer be entitled to maintain long-term resident status in the following cases: (c) in the event of absence from the territory of the Community for a period of 12 consecutive months. 2. By way of derogation from paragraph 1(c), Member States may provide that absences exceeding 12 consecutive months or for specific or exceptional reasons shall not entail withdrawal or loss of status. 4. The long-term resident who has resided in another Member State in accordance with Chapter III shall no longer be entitled to maintain his/her long-term resident status acquired in the first Member State	Article 10 Withdrawal or non-renewal of the residence permit 1. Member States may withdraw or refuse to renew a residence permit issued on the basis of this Directive [...] wherever it appears that the holder did not meet or no longer meets the conditions for entry and residence provided by Articles 6 and 7 or is residing for purposes other than that for which he was authorised to reside.	Article 9 Withdrawal or non-renewal of the EU Blue Card 1. Member States shall withdraw or refuse to renew an EU Blue Card issued on the basis of this Directive in the following cases: b) wherever it appears that the holder did not meet or no longer meets the conditions for entry and residence laid down in this Directive or is residing for purposes other than that for which the holder was authorised to reside; (c) when the holder has not respected the limitations set out in Articles 12(1) and (2) and 13. 2. The lack of communication pursuant to Article 12(2) second subparagraph and 13(4) shall not be considered to be a sufficient reason for withdrawing or not renewing the EU Blue Card if the holder can prove that the communication did not reach	Article 9 Withdrawal of the authorisation for the purpose of seasonal work 3. Member States may withdraw the authorisation for the purpose of seasonal work where: (a) Articles 5 or 6 are not or are no longer complied with	Article 8 Withdrawal or non-renewal of the intra-corporate transferee permit [...]5. Member States may withdraw or refuse to renew an intra-corporate transferee permit in any of the following cases: (a) where Article 5 is not or is no longer complied with;	Article 21 Grounds for withdrawal or non-renewal of an authorisation 1. Member States shall withdraw or, where applicable, refuse to renew an authorisation where: (a) the third-country national no longer meets the general conditions laid down in Article 7, except for Article 7(6), or the relevant specific conditions laid down in Articles 8, 11, 12, 13, 14, 16 or the conditions laid down in Article 18; [...] (f) with regard to students, the time limits imposed on access to economic activities under Article 24 are not respected or a student does not make sufficient progress in the relevant studies in accordance with national law or administrative practice 3. In the event of withdrawal, when assessing the lack of progress in the relevant studies, as referred to in point (f) of paragraph 2, a Member

Directive 2003/109/EC "Family Reunification"	Directive 2003/109/EC "Long term residents" as amended	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
<p>and his/her family member(s) do not or no longer live in a real marital or family relationship; (c) where it is found that the sponsor or the unmarried partner is married or is in a stable long-term relationship with another person.</p> <p><i>Article 16</i></p> <p>[...] 3. The Member States may withdraw or refuse to renew the residence permit of a family member where the sponsor's residence comes to an end and the family member does not yet enjoy an autonomous right of residence under Article 15.</p>	<p>when such a status is granted in another Member State pursuant to Article 23.</p> <p>In any case after six years of absence from the territory of the Member State that granted long-term resident status the person concerned shall no longer be entitled to maintain his/her long term resident status in the said Member State. By way of derogation from the second subparagraph the Member State concerned may provide that for specific reasons the long-term resident shall maintain his/her status in the said Member State in case of absences for a period exceeding six years.</p> <p>5. With regard to the cases referred to in paragraph 1(c) and in paragraph 4, Member States who have granted the status shall provide for a facilitated procedure for the re-acquisition of long-term resident status. The said procedure shall apply in particular to the cases of persons that have resided in a second Member State on grounds of pursuit of studies. The conditions and the procedure for the re-acquisition of long-term resident status shall be</p>		<p>the competent authorities for a reason independent of the holder's will.</p> <p>3. Member States may withdraw or refuse to renew an EU Blue Card issued on the basis of this Directive in the following cases:</p> <p>(b) wherever the EU Blue Card holder does not have sufficient resources to maintain himself and, where applicable, the members of his family, without having recourse to the social assistance system of the Member State concerned. Member States shall evaluate these resources by reference to their nature and regularity and may take into account the level of minimum national wages and pensions as well as the number of family members of the person concerned. Such evaluation shall not take place during the period of unemployment referred to in Article 13;</p> <p>(c) if the person concerned has not communicated his address;</p> <p>(d) when the EU Blue Card holder applies for social assistance, provided that the appropriate written information has been provided to him in advance by the Member State concerned.</p>			<p>State may consult with the host entity.</p>

Directive 2003/109/EC "Family Reunification"	Directive 2003/109/EC "Long term residents" as amended	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
	<p>determined by national law.</p> <p>6. The expiry of a long-term resident's EC residence permit shall in no case entail withdrawal or loss of long-term resident status.</p> <p>7. Where the withdrawal or loss of long-term resident status does not lead to removal, the Member State shall authorise the person concerned to remain in its territory if he/she fulfils the conditions provided for in its national legislation and/or if he/she does not constitute a threat to public policy or public security.</p>					
...if the holder is staying for purposes other than those for which he or she was authorised to stay						
See above Art. 16		<p>Article 10 Withdrawal or non-renewal of the residence permit</p> <p>1. Member States may withdraw or refuse to renew a residence permit issued on the basis of this Directive when [...] is residing for purposes other than that for which he was authorised to reside.</p>	<p>Article 9 Withdrawal or non-renewal of the EU Blue Card</p> <p>1. Member States shall withdraw or refuse to renew an EU Blue Card issued on the basis of this Directive in the following cases:</p> <p>b) wherever it appears that the holder [...] is residing for purposes other than that for which the holder was authorised to reside;</p>	<p>Article 9 Withdrawal of the authorisation for the purpose of seasonal work</p> <p>1. Member States shall withdraw the authorisation for the purpose of seasonal work where:</p> <p>(b) the holder is staying for purposes other than those for which he or she was authorised to stay.</p>	<p>Article 8 Withdrawal or non-renewal of the intra-corporate transferee permit</p> <p>1. Member States shall withdraw an intra-corporate transferee permit in any of the following cases: [...] (b) where the intra-corporate transferee is residing in the Member State concerned for purposes other than those for which he or she was authorised to reside;</p>	<p>Article 21 Grounds for withdrawal or non-renewal of an authorisation</p> <p>1. Member States shall withdraw or, where applicable, refuse to renew an authorisation where:... (d) the third-country national is residing for purposes other than those for which the third-country national was authorised to reside.</p>
Threat to public policy, public security and public health						
Article 6	Article 9 Withdrawal or loss of status	Article 10 Withdrawal or non-renewal of the	Article 9 Withdrawal or non-renewal			Article 21 Grounds for withdrawal or

Directive 2003/109/EC "Family Reunification"	Directive 2003/109/EC "Long term residents" as amended	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
<p>2. Member States may withdraw or refuse to renew a family member's residence permit on grounds of public policy or public security or public health. When taking the relevant decision, the Member State shall consider, besides Article 17, the severity or type of offence against public policy or public security committed by the family member, or the dangers that are emanating from such person.</p>	<p>[...] 3. Member States may provide that the long-term resident shall no longer be entitled to maintain his/her long-term resident status in cases where he/she constitutes a threat to public policy, in consideration of the seriousness of the offences he/she committed, but such threat is not a reason for expulsion within the meaning of Article 12. [...] 7. Where the withdrawal or loss of long-term resident status does not lead to removal, the Member State shall authorise the person concerned to remain in its territory if he/she fulfils the conditions provided for in its national legislation and/or if he/she does not constitute a threat to public policy or public security.</p>	<p>residence permit [...] 2. Member States may withdraw or refuse to renew a residence permit for reasons of public policy, public security or public health.</p>	<p>of the EU Blue Card [...] 3. Member States may withdraw or refuse to renew an EU Blue Card issued on the basis of this Directive in the following cases: (a) for reasons of public policy, public security or public health</p>			<p>non [...] 4. Member States may withdraw or refuse to renew an authorisation for reasons of public policy, public security or public health.</p>
Grounds for refusal/withdrawal related to employer/ host entity						
				<p>Article 9 Withdrawal of the authorisation for the purpose of seasonal work 2. Member States shall, if appropriate, withdraw the authorisation for the purpose of seasonal work where: (a) the employer has been</p>	<p>Article 8 Withdrawal or non-renewal of the intra-corporate transferee permit 1. Member States shall withdraw an intra-corporate transferee permit in any of the following cases: (c) where the host entity was established for the</p>	<p>Article 21 Grounds for withdrawal or non-renewal of an authorisation 1. Member States shall withdraw or, where applicable, refuse to renew an authorisation where: ; (c) the Member State concerned only allows admission through an approved host entity and the</p>

Directive 2003/109/EC "Family Reunification"	Directive 2003/109/EC "Long term residents" as amended	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
				<p>sanctioned in accordance with national law for undeclared work and/or illegal employment;</p> <p>(b) the employer's business is being or has been wound up under national insolvency laws or no economic activity is taking place; or</p> <p>(c) the employer has been sanctioned under Article 17.</p> <p>3. Member States may withdraw the authorisation for the purpose of seasonal work where:</p> <p>[...] (b) the employer has failed to meet its legal obligations regarding social security, taxation, labour rights, working conditions or terms of employment, as provided for in applicable law and/or collective agreements;</p> <p>(c) the employer has not fulfilled its obligations under the work contract; or</p> <p>(d) within the 12 months immediately preceding the date of the application, the employer has abolished a full-time position in order to create the vacancy that the employer is trying to fill by use of this Directive.</p>	<p>main purpose of facilitating the entry of intra-corporate transferees.</p>	<p>host entity is not approved</p> <p>2. Member States may withdraw or refuse to renew an authorisation where:</p> <p>(a) the host entity, another body as referred to in point (a) of Article 14(1), a third party as referred to in point (d) of Article 12(1), the host family or the organisation mediating au pairs has failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions;</p> <p>(b) where applicable, the terms of employment as provided for in national law or collective agreements or practices in the Member State concerned are not met by the host entity or host family employing the third-country national;</p> <p>(c) the host entity, another body as referred to in point (a) of Article 14(1), a third party as referred to in point (d) of Article 12(1), the host family or the organisation mediating au pairs has been sanctioned in accordance with national law for undeclared work or illegal employment;</p> <p>(d) the host entity was established or operates for the main purpose of facilitating the entry of third-country nationals falling under</p>

Directive 2003/109/EC "Family Reunification"	Directive 2003/109/EC "Long term residents" as amended	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
						the scope of this Directive; (e) where applicable, the host entity's business is being or has been wound up under national insolvency laws or no economic activity is taking place
If the TCN applies for international protection						
				<p><i>Article 9</i></p> <p>4. Member States may withdraw the authorisation for the purpose of seasonal work if the third-country national applies for international protection under Directive 2011/95/EU of the European Parliament and of the Council (1) or for protection in accordance with national law, international obligations or practice of the Member State concerned.</p>		

Annex 8 Format and type of permits

Table A8.1 Coherence table: Format and type of permits

Directive 2003/86/EC "Family Reunification"	Directive 2003/109/EC "Long term residents" as amended	Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2011/98/EU "Single Permit"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
Format of (entry/residence) authorisation								
<p>Article 2 For the purpose of the Directive: [...] e. 'residence permit' means any authorisation issued by the authorities of a Member State allowing a third country national to stay legally in its territory, in accordance with the provisions of Article 1(2)(a) of Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third country nationals; [...]</p>	<p>Article 8 Long-term resident's EC residence permit [...] 3. A long-term resident's EC residence permit may be issued in the form of a sticker or of a separate document. It shall be issued in accordance with the rules and standard model as set out in Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals. [...]</p>			<p>Article 7 EU Blue Card [...] 3. The EU Blue Card shall be issued by the competent authorities of the Member State using the uniform format as laid down in Regulation (EC) No 1030/2002. In accordance with point (a) 7.5-9 of the Annex to that Regulation, Member States shall indicate on the EU Blue Card the conditions for access to the labour market as set out in Article 12(1) of this Directive. [...]</p>	<p>Article 6 Single permit 1. Member States shall issue a single permit using the uniform format as laid down in Regulation (EC) No 1030/2002 and shall indicate the information relating to the permission to work in accordance with point (a) 7.5-9 of the Annex thereto. Member States may indicate additional information related to the employment relationship of the third-country national (such as the name and address of the employer, place of work, type of work, working hours, remuneration) in paper format, or store such data in electronic format as referred to in Article 4 of Regulation (EC) No 1030/2002 and in point (a) 16 of the Annex thereto. 2. When issuing the single permit Member States shall not issue</p>	<p>Article 12 Authorisations for the purpose of seasonal work [...] 4. The seasonal worker permit referred to in points (b) and (c) of the first subparagraph of paragraph 2 shall be issued by the competent authorities of the Member States using the format laid down in Regulation (EC) No 1030/2002. [...] 6. Member States may indicate additional information relating to the employment relationship of the seasonal worker in paper format, or store such data in electronic format as referred to in Article 4 of Regulation (EC) No 1030/2002 and in point (a) 16 of the Annex thereto. [...]</p>	<p>Article 13 Intra-corporate transferee permit 3. The intra-corporate transferee permit shall be issued by the competent authorities of the Member State using the uniform format laid down in Regulation (EC) No 1030/2002 [...] 6. Member States may indicate additional information relating to the employment activity during the intra-corporate transfer of the third-country national in paper format, and/or store such data in electronic format as referred to in Article 4 of Regulation (EC) No 1030/2002 and point (a) 16 of the Annex thereto.</p>	<p>Article 17 Authorisations 1. When the authorisation is in the form of a residence permit, Member States shall use the format laid down in Regulation (EC) No 1030/2002 and shall enter the term 'researcher', 'student', 'school pupil', 'trainee', 'volunteer' or 'au pair' on the residence permit. 2. When the authorisation is in the form of a long-stay visa, Member States shall enter a reference stating that it is issued to the 'researcher', 'student', 'school pupil', 'trainee', 'volunteer' or 'au pair' under the heading 'remarks' on the visa sticker. 3. For researchers and students coming to the Union in the framework of a specific Union or multilateral programme that comprises mobility measures, or an agreement between two or more recognised higher education institutions, the authorisation shall make a reference to that specific programme or agreement. 4. When the authorisation for long-term mobility is issued to a researcher in the form of a residence permit, Member States shall use the format laid down in Regulation (EC) No 1030/2002 and enter 'researcher-mobility' on</p>

Directive 2003/86/EC "Family Reunification"	Directive 2003/109/EC "Long term residents" as amended	Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2011/98/EU "Single Permit"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
					additional permits as proof of authorisation to access the labour market.			the residence permit. [...]
					<p>Article 7 Residence permits issued for purposes other than work</p> <p>1. When issuing residence permits in accordance with Regulation (EC) No 1030/2002 Member States shall indicate the information relating to the permission to work irrespective of the type of the permit. Member States may indicate additional information related to the employment relationship of the third-country national (such as the name and address of the employer, place of work, type of work, working hours, remuneration) in paper format, or store such data in electronic format as referred to in Article 4 of Regulation (EC) No 1030/2002 and point (a)16 of the Annex thereto.</p> <p>2. When issuing residence permits in accordance with Regulation (EC) No</p>		<p>Article 19 Additional information</p> <p>1. Member States may indicate additional information in paper format or store such information in electronic format, as referred to in Article 4 of Regulation (EC) No 1030/2002 and point (a) 16 of the Annex thereto. This information may relate to the residence and, in cases covered by Article 24 of this Directive, the economic activities of the student and include in particular the full list of Member States that the researcher or student intends to go to in the framework of mobility or relevant information on a specific Union or multilateral programme that comprises mobility measures or an agreement between two or more higher education institutions.</p> <p>2. Member States may also provide that the information referred to in paragraph 1 of this Article shall be indicated on the long-stay visa, as referred to in point 12 of the Annex to Council Regulation (EC) No 1683/95 (1).</p>	

Directive 2003/86/EC "Family Reunification"	Directive 2003/109/EC "Long term residents" as amended	Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2011/98/EU "Single Permit"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
					1030/2002, Member States shall not issue additional permits as proof of authorisation to access the labour market.			
Type of documents								
	Article 8 Long-term resident's EC residence permit [...] 3. [...] Under the heading 'type of permit', the Member States shall enter 'long-term resident — EC'.			Article 7 EU Blue Card [...] 3. [...] Under the heading 'type of permit' in the residence permit, Member States shall enter 'EU Blue Card'.		Article 12 Authorisations for the purpose of seasonal work [...] 4. [...] Member States shall enter a reference on the permit stating that it is issued for the purpose of seasonal work. 5. In the case of long-stay visas, Member States shall enter a reference stating that it is issued for the purpose of seasonal work under the heading 'remarks' on the visa sticker in accordance with point 12 of the Annex to Regulation (EC) No 1683/95.	Article 13 Intra-corporate transferee permit [...] 4. Under the heading 'type of permit', in accordance with point (a) 6.4 of the Annex to Regulation (EC) No 1030/2002, the Member States shall enter 'ICT'. [...]	Article 17 Authorisations 4. [...] When the authorisation for long-term mobility is issued to a researcher in the form of a long-stay visa, Member States shall enter 'researcher-mobility' under the heading 'remarks' on the visa sticker.
							Article 22 Long term mobility [...] 4. [...] Under the heading 'type of permit', in accordance with point (a)6.4 of the Annex to Regulation (EC) No 1030/2002, the Member	

Directive 2003/86/EC "Family Reunification"	Directive 2003/109/EC "Long term residents" as amended	Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2011/98/EU "Single Permit"	Directive 2014/36/EU "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive (EU) 2016/801 "Students and Researchers"
							States shall enter: 'mobile ICT'. Member States may also add an indication in their official language or languages. [...]	
Specifications for intra-EU mobility								
							<p>Article 22</p> <p>Long term mobility</p> <p>4. Where the second Member State takes a positive decision on the application for long-term mobility as referred to in paragraph 2, the intra-corporate transferee shall be issued with a permit for long-term mobility allowing the intra-corporate transferee to stay and work in its territory. This permit shall be issued using the uniform format laid down in Regulation (EC) No 1030/2002. [...]</p> <p>Member States may indicate additional information relating to the employment activity during the long-term mobility of the intra-corporate transferee in paper format, and/or store such data in electronic format as referred to in Article 4 of Regulation (EC) No 1030/2002 and point (a)16 of the Annex thereto.</p>	<p>Article 17</p> <p>Authorisations</p> <p>[...]</p> <p>4. When the authorisation for long-term mobility is issued to a researcher in the form of a residence permit, Member States shall use the format laid down in Regulation (EC) No 1030/2002 and enter 'researcher-mobility' on the residence permit.</p>

Annex 9 Cooperation and bilateral agreements

Table A9.1 Bilateral agreements

Directive 2003/86/EC	Directive 2003/109/EC	Directive 2004/114/EC	Directive 2005/71/EC	Directive 2009/50/EC	Directive 2011/98/EU "Single Permit"	Directive 2014/36/EC	Directive 2014/66/EU "ICTs"	Directive 2016/801/EU Students and Researchers
"Family Reunification"	"Long term residents" as amended	"Students"	"Researchers"	"EU Blue Card"		"Seasonal workers"		
Application of more favourable provisions / Scope of the Directive								
Article 3	Article 3	Article 4	Article 4	Article 3	Article 3	Article 2	Article 4	Article 4
(...)	Scope	More favourable provisions	More favourable provisions	Scope	Scope	Scope	More favourable provisions	More favourable provisions
4. This Directive is without prejudice to more favourable provisions of:	This Directive shall apply without prejudice to more favourable provisions of:	1. This Directive shall be without prejudice to more favourable provisions of:	1. This Directive shall be without prejudice to more favourable provisions of:	In addition, this Directive shall not apply to third-country nationals and their family members, whatever their nationality, who, under agreements between the Community and its Member States and those third countries enjoy rights of free movement equivalent to those of Union citizens.	This Directive shall not apply to third-country nationals:	This Directive shall not apply to third-country nationals who:	1. This Directive shall apply without prejudice to more favourable provisions of:	1. This Directive shall be without prejudice to more favourable provisions of:
(a) bilateral and multilateral agreements between the Community or the Member States, on the one hand, and third countries, on the other	(a) bilateral and multilateral agreements between the Community or the Member States, on the one hand, and third countries, on the other;	(a) bilateral or multilateral agreements concluded between the Community or the Member States and one or more third countries; or	(a) bilateral or multilateral agreements concluded between the Community or the Member States on the one hand and one or more third countries on the other;	3. This Directive shall be without prejudice to any agreement between the Community and/or its Member States and one or more third countries, that lists the professions which should not fall under this Directive	(...)	(...)	(a) Union law, including bilateral and multilateral agreements concluded between the Union and its Member States on the one hand and one or more third countries on the other; (b) bilateral or multilateral agreements concluded between one or more Member States and one or more third countries.	(a) bilateral or multilateral agreements concluded between the Union or the Member States and one or more third countries; or (b) bilateral or multilateral agreements concluded between one or more Member States and one or more third countries.
	(b) bilateral agreements already concluded between a Member State and a third country before the date of entry into force of this Directive;	(b) bilateral or multilateral agreements between one or more Member States and one or more third countries	(b) bilateral or multilateral agreements concluded between one or more		2. (b) who, together with their family members, and irrespective of their nationality, enjoy rights of free movement equivalent to those of citizens of the Union under agreements either between the Union and the Member States or between the Union and third countries.	c) together with their family members, and irrespective of their nationality, enjoy rights of free movement equivalent to those of Union citizens under agreements either between the Union and the Member States or between the Union and third countries.	2. This Directive shall not affect the right of Member States to adopt or retain more favourable provisions for third-country nationals to whom it applies in respect of point (h) of Article 3, and Articles 15, 18 and 19.	2. This Directive shall be without prejudice to the right of Member States to adopt or maintain provisions that are more favourable to the third-country nationals to whom this Directive applies with respect to point (a) of Article 10(2) and Articles 18, 22, 23,
					Article 13	Article 4	Article 5	Criteria for admission
					More favourable provisions	More favourable provisions		
					1. This Directive shall apply without prejudice to more favourable	1. This Directive shall apply without prejudice to more		

Directive 2003/86/EC	Directive 2003/109/EC	Directive 2004/114/EC	Directive 2005/71/EC	Directive 2009/50/EC	Directive 2011/98/EU	Directive 2014/36/EC	Directive 2014/66/EU	Directive 2016/801/EU
"Family Reunification"	"Long term residents" as amended	"Students"	"Researchers"	"EU Blue Card"	"Single Permit"	"Seasonal workers"	"ICTs"	Students and Researchers
			Member States and one or more third countries.	in order to assure ethical recruitment, in sectors suffering from a lack of personnel, by protecting human resources in the developing countries which are signatories to these agreements.	provisions of: a) Union law, including bilateral and multilateral agreements between the Union, or the Union and its Member States, on the one hand and one or more third countries on the other; and (b) bilateral or multilateral agreements between one or more Member States and one or more third countries.	favourable provisions of: (a) Union law, including bilateral and multilateral agreements concluded between the Union or between the Union and its Member States on the one hand and one or more third countries on the other; (b) bilateral or multilateral agreements concluded between one or more Member States and one or more third countries.	Without prejudice to Article 11(1), a third-country national who applies to be admitted under the terms of this Directive or the host entity shall:(...) (g) without prejudice to existing bilateral agreements , provide evidence of having, or, if provided for by national law, having applied for, sickness insurance for all the risks normally covered for nationals of the Member State concerned for periods where no such insurance coverage and corresponding entitlement to benefits are provided in connection with, or as a result of, the work carried out in that Member State.	24, 25, 26, 34 and 35. Article 2 Scope 2.This Directive shall not apply to third-country nationals: (e) who enjoy, together with their family members, and irrespective of their nationality, rights of free movement equivalent to those of citizens of the Union under agreements either between the Union and its Member States and third countries or between the Union and third countries;
				Article 4 More favourable provisions 1. This Directive shall be without prejudice to more favourable provisions of: (a) Community law, including bilateral or multilateral agreements concluded between the Community or between the Community and its Member States and one or more third countries; (b) bilateral or multilateral agreements concluded between one or more Member States and one or more third countries.			Article 18 Right to equal treatment 2.Intra-corporate transferees shall enjoy equal treatment with nationals of the Member State where the work is carried out as regards: (c) provisions in national law regarding the branches of social security defined in Article 3 of Regulation (EC) No 883/2004, unless the law of the country of origin applies by virtue of bilateral agreements or the national law of the	

Directive 2003/86/EC	Directive 2003/109/EC	Directive 2004/114/EC	Directive 2005/71/EC	Directive 2009/50/EC	Directive 2011/98/EU	Directive 2014/36/EC	Directive 2014/66/EU	Directive 2016/801/EU
"Family Reunification"	"Long term residents" as amended	"Students"	"Researchers"	"EU Blue Card"	"Single Permit"	"Seasonal workers"	"ICTs"	Students and Researchers
				Member State issuing the Blue Card, as regards: (f) without prejudice to existing bilateral agreements , payment of income-related acquired statutory pensions in respect of old age, at the rate applied by virtue of the law of the debtor Member State(s) when moving to a third country			Member State where the work is carried out , ensuring that the intra-corporate transferee is covered by the social security legislation in one of those countries. In the event of intra-EU mobility, and without prejudice to bilateral agreements ensuring that the intra-corporate transferee is covered by the national law of the country of origin, Regulation (EU) No 1231/2010 shall apply accordingly; (d) without prejudice to Regulation (EU) No 1231/2010 and to bilateral agreements, payment of old-age, invalidity and death statutory pensions based on the intra-corporate transferees' previous employment and acquired by intra-corporate transferees moving to a third country, or the survivors of such intra-corporate transferees residing in a third country deriving rights from the intra-corporate transferee , in accordance with the legislation set out in Article 3 of Regulation (EC) No 883/2004, under the same conditions and at the same rates as the nationals of the Member State concerned when they move to a third	

Directive 2003/86/EC	Directive 2003/109/EC	Directive 2004/114/EC	Directive 2005/71/EC	Directive 2009/50/EC	Directive 2011/98/EU "Single Permit"	Directive 2014/36/EC "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive 2016/801/EU Students and Researchers
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country;

The bilateral agreements or national law referred to in this paragraph shall constitute international agreements or Member States' provisions within the meaning of Article 4.

Article 2

Scope

(...) This Directive shall not apply to third-country nationals who:

(b) under agreements between the Union and its Member States and third countries, enjoy rights of free movement equivalent to those of Union citizens or are employed by an undertaking established in those third countries

Annex 10 Mechanisms of cooperation

Table A10.1 Mechanisms of cooperation

Directive 2003/86/EC "Family Reunification"	Directive 2003/109/EC "Long term residents" as amended	Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2011/98/EU "Single Permit"	Directive 2014/36/EC "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive 2016/801/EU Students and Researchers	
Cooperation between authorities									
<p>Article 8</p> <p>Mobility of students</p> <p>3. The competent authorities of the first Member State shall, at the request of the competent authorities of the second Member State, provide the appropriate information in relation to the stay of the student in the territory of the first Member State.</p>									
National contact points									
<p>Article 25</p> <p>Contact points</p> <p>Member States shall appoint contact points who will be</p>			<p>Article 22</p> <p>Contact points</p> <p>1. Member States shall appoint contact points which shall be responsible for</p>			<p>Article 26</p> <p>Cooperation between contact points</p> <p>1. Member States shall appoint contact</p>		<p>Article 37</p> <p>Cooperation between contact points</p> <p>1. Member States shall appoint</p>	

Directive 2003/86/EC "Family Reunification"	Directive 2003/109/EC "Long term residents" as amended	Directive 2004/114/EC "Students"	Directive 2005/71/EC "Researchers"	Directive 2009/50/EC "EU Blue Card"	Directive 2011/98/EU "Single Permit"	Directive 2014/36/EC "Seasonal workers"	Directive 2014/66/EU "ICTs"	Directive 2016/801/EU Students and Researchers
	<p>responsible for receiving and transmitting the information referred to in Article 19(2), Article 22(2) and Article 23(1).</p> <p>Member States shall provide appropriate cooperation in the exchange of the information and documentation referred to in the first paragraph.</p>			<p>receiving and transmitting the information referred to in Articles 16, 18 and 20.</p> <p>2. Member States shall provide appropriate cooperation in the exchange of the information and documentation referred to in paragraph 1.</p>			<p>points which shall cooperate effectively and be responsible for receiving and transmitting the information needed to implement Articles 21, 22 and 23. Member States shall give preference to exchanging of information via electronic means.</p> <p>2. Each Member State shall inform the other Member States, via the national contact points referred to in paragraph 1, about the designated authorities referred to in Article 11(4) and about the procedure applied to mobility referred to in the Articles 21 and 22.</p>	<p>contact points which shall cooperate effectively and be responsible for receiving and transmitting the information needed to implement Articles 28 to 32. Member States shall give preference to exchange of information via electronic means.</p> <p>2. Each Member State shall inform the other Member States, via the national contact points referred to in paragraph 1:</p> <p>(a) about the procedures applied to mobility referred to in Articles 28 to 31;</p> <p>(b) whether that Member State only allows admission of students and researchers through approved research organisations or higher education institutions;</p> <p>(c) about multilateral</p>

Directive 2003/86/EC	Directive 2003/109/EC	Directive 2004/114/EC	Directive 2005/71/EC	Directive 2009/50/EC	Directive 2011/98/EU "Single Permit"	Directive 2014/36/EC	Directive 2014/66/EU	Directive 2016/801/EU Students and Researchers
"Family Reunification"	"Long term residents" as amended	"Students"	"Researchers"	"EU Blue Card"		"Seasonal workers"	"ICTs"	

programmes for students and researchers that comprise mobility measures and agreements between two or more higher education institutions.

Reporting on statistics

Article 20(2) Implementing measures	Article 15 (2) Reporting	Article 26	Article 24	Article 38 Statistics
2. Annually, and for the first time no later than 19 June 2013, Member States shall, in accordance with Regulation (EC) No 862/2007, communicate to the Commission statistics on the volumes of third-country nationals who have been granted an EU Blue Card and, as far as possible, volumes of third-country nationals whose EU Blue Card has been renewed or withdrawn, during the previous calendar year,	2. Annually, and for the first time by 25 December 2014, Member States shall communicate to the Commission statistics on the volumes of third-country nationals who have been granted a single permit during the previous calendar year, in accordance with Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection.	1. Member States shall communicate to the Commission statistics on the number of authorisations for the purpose of seasonal work issued for the first time and, as far as possible, on the number of third-country nationals whose authorisation for the purpose of seasonal work has been extended, renewed or withdrawn. Those statistics shall be disaggregated by citizenship, and as far as possible by the period of validity of the authorisation and the economic sector. 2. The statistics	1. Member States shall communicate to the Commission statistics on the number of intra-corporate transferee permits and permits for long-term mobility issued for the first time , and, where applicable, the notifications received pursuant to Article 21 and, as far as possible, on the number of intra-corporate transferees whose permit has been renewed or withdrawn. Those statistics shall be disaggregated by citizenship and by the period of validity of the permit and, as far as possible, by the economic sector and	1. Member States shall communicate to the Commission statistics on the number of authorisations issued for the purposes of this Directive and notifications received pursuant to Article 28(2) or Article 31(2) and, insofar as possible, the number of third-country nationals whose authorisations have been renewed or withdrawn. Statistics on admitted family members of researchers shall be communicated in the same manner.

Directive 2003/86/EC	Directive 2003/109/EC	Directive 2004/114/EC	Directive 2005/71/EC	Directive 2009/50/EC	Directive 2011/98/EU "Single Permit"	Directive 2014/36/EC	Directive 2014/66/EU	Directive 2016/801/EU
"Family Reunification"	"Long term residents" as amended	"Students"	"Researchers"	"EU Blue Card"		"Seasonal workers"	"ICTs"	Students and Researchers
				indicating their nationality and, as far as possible, their occupation. Statistics on admitted family members shall be communicated in the same manner, except as regards information on their occupation. In relation to EU Blue Card holders and members of their families admitted in accordance with Articles 18, 19 and 20, the information provided shall, in addition, specify, as far as possible, the Member State of previous residence.		referred to in paragraph 1 shall relate to reference periods of one calendar year and shall be communicated to the Commission within six months of the end of the reference year. The first reference year shall be 2017. 3. The statistics referred to in paragraph 1 shall be communicated in accordance with Regulation (EC) No 862/2007 of the European Parliament and of the Council.	transferee position. 2. The statistics shall relate to reference periods of one calendar year and shall be communicated to the Commission within six months of the end of the reference year. The first reference year shall be 2017. 3. The statistics shall be communicated in accordance with Regulation (EC) No 862/2007 of the European Parliament and of the Council.	Those statistics shall be disaggregated by citizenship and, insofar as possible, by the period of validity of the authorisations. 2. The statistics referred to in paragraph 1 shall relate to reference periods of one calendar year and shall be communicated to the Commission within six months of the end of the reference year. The first reference year shall be 2019. 3. The statistics referred to in paragraph 1 shall be communicated in accordance with Regulation (EC) No 862/2007 of the European Parliament and of the Council.

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