



Ad-Hoc Query on the interpretation of the Article 14 (2 c) of the EU long-term residents directive (2003/109/EC)

Requested by LT EMN NCP on 23 November 2009

Compilation produced on 29 December 2009

Responses from [Austria](#), [Belgium](#), [Finland](#), [France](#), [Greece](#), [Lithuania](#), [Malta](#), [Netherlands](#), [Portugal](#), [Slovak Republic](#), [United Kingdom](#) (11 in Total)

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1. Background Information

The Lithuanian authorities are in the process of drafting a new version of the Lithuanian Aliens' Law. Taking this opportunity, some provisions related to the EU acquis are revised, among them – provisions transposing the Article 14 (2 c) of the Council directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents. The directive states:

Article 14

<...>

2. A long-term resident may reside in a second Member State on the following grounds:

<...>

(c) other purposes.

We would like to know, how other Member States understand the “other purposes” and how this ground is transposed into the national laws.

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We would very much appreciate your answers by **the 21st December 2009**.

2. Responses

		Wider Dissemination?	Could you provide the provisions of the national law which transpose the Article 14 (2 c) of the directive 2003/109/EC? In other words, how is the ground of "other purposes" understood in your country?
	Austria	No	The EMN NCP provided the response to this query, however they wished not to disclose the answer
	Belgium	Yes	<p>We refer to article 61/7 of the Aliens Law which transposes article 14 of the mentioned Directive. More specific with these "other reasons" is meant that the foreigner has to prove that "he disposes of stable, regular and sufficient financial resources to cover his needs and those of his family member in order to avoid that he becomes a financial burden for the Belgian authorities". Above he has to prove that he has a valid health insurance to cover the risks in Belgium.</p> <p>As a consequence, this notion of other means refers to people who do not work and who are not students but who dispose of enough resources. These can be people living of their interest or retired people.</p>
	Finland	Yes	<p>Section 49a of the Finnish Aliens Act states as follows: Issuing residence permits to third-country nationals who have been issued with a long term resident's EC residence permit by another Member State of the European Union, and to their family members (1) A third-country national who has been issued with a long-term resident's EC residence permit by another Member State of the European Union is issued with a fixed term residence permit applied for in Finland or abroad: 1) for exercising an economic activity in an employed or self-employed capacity; 2) for pursuing studies or vocational training; or 3) for other purposes. (2) A residence permit is issued as a temporary or continuous permit, taking the nature of the intended stay into account. (3) A residence permit for an employed person or some other residence permit is issued for the purpose of employment. A residence permit for a self-employed person is issued for the purpose of pursuing a trade. Further provisions on the issuing of a residence permit for an employed person and a residence permit for a self-employed person are given in Chapter 5. (4) When a third-country national with a long-term resident's EC residence permit issued by another Member State of the European Union is issued with a temporary or continuous residence permit, the family members are also issued with a temporary or continuous residence permit in Finland for the same period of time, whether applied for in Finland or abroad.</p> <p>An alien who has been issued with a long term resident's EC permit by one MS may enter another without presenting any particular grounds for residence. In other words, there is no need for determining "other purposes". The prerequisite is, however, that one has secure means of support.</p>

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	France	Yes	<p>In the framework of the transposition of the Council directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, France has decided to use the opportunity afforded by Article 15 (2 a) that requires the guarantee of stable and regular resources. These ones must be sufficient in the case of a long-term foreign resident in the first member state who wishes to reside in a second Member State. In that case, the foreigner is exempted from a long-stay visa.</p> <p>This choice explains the decision to transpose article 14 (2 c) of the Council directive 2003/109/EC as follows; the ground “other purposes” authorizes a foreigner to be granted the “visitor” temporary residence card (that does not make provision of the practise of a profession) which is issued provided the foreigner has independent resources equivalent to the French minimum wage.</p> <p>Moreover, the 19th item of the directive 2003/109/EC provides the case of a foreigner who does not exercise any economic activity or does not study. In that case, the “visitor” temporary residence card can be issued since it combines the condition of non-exercising a profession with the one of sufficient resources.</p>
	Greece	Yes	<p>According to the provisions of article 13 of P.D. 150/2006 which transposes the 2003/109/EC Directive in the Greek legislation, the long-term resident, who has acquired such status in another member state of the European Union, may reside, on conditions, in the Country, for a period exceeding three months, for the following reasons:</p> <ul style="list-style-type: none"> (a) For exercising a paid activity. (b) For exercising an unpaid activity, as well as for persons who are financially independent (c) For studies. (d) For vocational training. <p>There are no other purposes that a long term resident who has acquired this status in another M-S can reside in Greece over three months. The conditions and the procedure for granting the appropriate residence permit are set forth according to the respective provisions of Law 3386/2005, as in effect.</p> <p>We note that, the above mentioned Directive, does not apply, inter alia, to TCNs who are authorized to reside in a Member State on the basis of temporary or subsidiary protection or they have temporary residence permit.</p>
	Lithuania	Yes	<p>The Article 40 of the Lithuanian Aliens' Law foresees the following grounds for the issue of a temporary residence permit:</p> <ol style="list-style-type: none"> 1) the alien has retained the right to citizenship of the Republic of Lithuania in accordance with the procedure laid down by the Law on Citizenship; 2) the alien is a person of Lithuanian descent; 3) it is a case of family reunification; 4) the alien intends to work in the Republic of Lithuania; 5) the alien intends to engage in lawful activities in the Republic of Lithuania; 6) the alien intends to acquire education, study at an education establishment, take part in an internship programme, improve qualification or take part in vocational training; 7) the alien has been put under guardianship/custody or has been appointed guardian/custodian; 8) the alien may not be expelled from the Republic of Lithuania in accordance with the procedure established by this Law or his expulsion from the Republic of Lithuania has been postponed in accordance with the procedure laid down in Article 132 of this Law; 9) the alien has been granted subsidiary protection in the Republic of Lithuania in accordance with the procedure prescribed by this

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			<p>Law;</p> <p>10) the alien has been granted temporary protection in the Republic of Lithuania in accordance with the procedure prescribed by this Law;</p> <p>11) the alien is unable to depart due to a dangerous health condition and requires urgent basic medical aid. The list of such health conditions shall be established by the Minister of Health;</p> <p>12) the alien is allowed to remain residing in the Republic of Lithuania as he is or has been a victim of human trafficking and cooperates with the pre-trial investigation body or with the court in the fight against trafficking in human beings or in combating the offences linked to trafficking in human beings. This provision shall only apply to adult aliens;</p> <p>13) the alien intends to carry out scientific research and/or experimental development works as a researcher under an employment contract concluded with a research agency registered in the Republic of Lithuania.</p> <p>We consider that the list provides for a sufficient number of cases when the EU long-term resident can obtain a temporary residence permit for “other purposes”.</p>
	Malta	No	The EMN NCP provided the response to this query, however they wished not to disclose the answer
	Netherlands	Yes	<p>According to Netherlands alien’s law and policy a residence permit is granted in relation to a purpose for that residence. The provision of the national law which transposes Article 14(2) of the directive 2003/109/EC (“grounds of other purposes”) is the newly introduced article 3.4(1) under A of the Aliens Decree 2000 in which the residence purpose “residence as non-active economic protracted resident” is stated. Criteria for issuance of this residence permit are (see article 3.29a Aliens Decree 2000):</p> <ol style="list-style-type: none"> 1. The foreign national is in the possession of a valid document for passing borders (passport); 2. The foreign national is in the possession of sustainable and independent income that at least equals norm of a social benefit payment for that category. 3. The foreign national is not a threat to the public order or national security.
	Portugal	Yes	<p>Art.º 116 Law 23/07</p> <p>1- The national from a third-country who has acquired a long-term resident status in another Member State of the European Union and stays in the national territory for more than three months is entitled to reside if:</p> <ol style="list-style-type: none"> a) Has a professional activity as worker; or b) Is self-employed; or c) Embarks on a studies program or vocational training; or d) Presents a strong motive to settle in national territory. <p>2- The arrangements of the preceding number are not applicable to long-term residents who stay in the national territory as:</p> <ol style="list-style-type: none"> a) Workers on the pay roll of a service-rendering employer working within a framework of transboundary service-rendering; b) Transboundary service-rendering employers. <p>79</p>

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			<p>3- The arrangements of the preceding number do not impair the application of community legislation on suitable social security applicable to third-country nationals.</p> <p>4- Nationals from third-countries under n.º 1 are granted residence permit as long as they have:</p> <p>a) Ways of ensuring their livelihood;</p> <p>b) Lodging.</p> <p>5- For the purposes of appreciation of the requisite foreseen in sub-heading a) of the preceding number resources must be estimated by reference to its nature and regularity, considering the level of minimum wages and allowances.</p> <p>6- The granting of a residence permit to third-country nationals under sub-heading a) of n.º 1 falls into the scope of the arrangements of n.º 1 of article 88.º</p> <p>7- The granting of a residence permit to third-country nationals under sub-heading b) of n.º 1 falls into the scope of the arrangements of n.º 1 of article 89.º</p> <p>8- The granting of a residence permit to third-country nationals under sub-heading c) of n.º 1 depends on the presentation by the concerned person of a registration in an officially recognised superior level teaching establishment, or admission in an officially recognised establishment or company of vocational training.</p>
	Slovak Republic	Yes	<p>Following the Act on Stay of Aliens a long term resident can apply for the temporary residence permit within 3 months after his/her entry into the Slovak Republic. The application shall be submitted to the Alien Police Unit in a place of probable residence for the purposes of business activities, employment, studies, family reunification and special activities being lecturing, artistic, sports activities as well as internship within the studies outside of the Slovak Republic, activities resulting from programmes of the Government of the Slovak Republic or from programmes of the European Economic Area, or for fulfilment of an obligation of the Slovak Republic resulting from an international treaty.</p>
	United Kingdom	Yes	The UK has not opted in to this directive.
