

Statistics on Resident Permits

- The main definitions and methodological concepts -

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THE MAIN DEFINITIONS

Residence permit

Any authorisation valid for at least 3 months issued by the authorities of a Member State allowing a third country national to stay legally on its territory. According to Article 6.2 of the Council Regulation (CE) No 862/2007 of 11 July 2007, when national laws and administrative practices of a Member State allow for specific categories of long-term visa or immigration status to be granted instead of residence permits, such visas and grants of statuses are also included in these statistics.

Third country nationals

Any person who is not a citizen of the Union within the meaning of Article 17 (1) of the Treaty, including stateless persons (see Art. 2.1 (i) of the Council Regulation (EC) no 862/2007).

First permit

Residence permit issued to a person for the first time.

A residence permit is considered as a first permit also if the time gap between expiry of the old permit and the start of validity of the new permit issued for the same reason is at least 6 months, irrespective of the year of issuance of the permit.

The convention of first permit relates to permits issued at all levels of administrative / judicial instances and by all national authorities. Thus, if at the first instance permission to reside was not granted but an appeal decision was positive at the second instance, the permission (resulting from appeal decision) is considered to be a first permit (if of course the time gap conditions are met).

Change of immigration status or reason to stay permit

Permission to reside is considered as a change of immigration status or reason to stay if the period between the expiry of the old permit and the start of validity of the following permit is less than 6 months and the immigration status or reason to stay has been changed.

Only changes between major categories can be recorded as a change of status permit. These major categories are:

- reasons related to family formation and reunification;
- reasons related to education and study;
- reasons related to remunerated activities;
- other reasons.

Statistics related to the change of immigration status/reason to stay include permissions granted at all levels of administrative/judicial instances and by all national authorities.

Long-term residents

Long-term resident status refers to permits issued under Council Directive 2003/109/EC. This is based on a total duration of legal residence of 5 years or longer, combined with a series of

other conditions that must be met to qualify for this status. Moreover, Member States may also issue national long-term resident statuses with similar conditions being applied.

Valid permits on 31st December of each year

All valid permits at the end of reference period, including first permits, change of status or reason to stay permits and renewed permits.

EU Blue Card

The authorisation bearing the term "EU Blue Card" entitling its holder to reside and work in the territory of a Member State under the terms of this Council Directive 2009/50/EC (Article 2(c)).

OTHER DEFINITIONS USED FOR DATA COLLECTION

1. First permits issued for family reasons

The third-country national may be joining either an EU citizen or another third-country national residing in the EU. The rights, obligations and procedures are not the same. The rights of third-country nationals joining other third-country nationals are regulated by Directive 2003/86/EC, while the rights of third-country nationals joining EU nationals are set out in Directive 2004/38/EC.

Directive 2004/38/EC referring to the rights of third-country nationals joining EU-citizens have EEA (European Economic Area) relevance. Article 3.1 of this Directive specifies that this Directive shall apply to all Union citizens who move to or reside in a Member State other than that of which they are a national, and to their family members who accompany or join them. Therefore this Directive applies only when the EEA citizen is in another EEA country but not when he is in his own EEA country of citizenship. In the latter case, the national law applies.

Permissions to stay granted for the reasons related to family formation and reunification based on the national legislation (not derived from EU Directives 2003/86 and 2004/38) is also included in the statistics under the First permits issued for family reasons table. Joining citizens of Iceland, Liechtenstein and Norway, permissions issued to such third-country nationals on the basis of the national law are also reported under the category 'Joining an EU citizen'.

Children being third-country nationals and born after the issuance of the residence permits to parents are reported under category 'Children (Minor/Adults), even if no separate residence permit is issued to the new born child. Shall one of the parents have an EU-citizenship, and this citizenship shall be granted to the new born child, such children are excluded from this reporting (as being EU-citizens).

Adopted children, if the adoption process is legally completed before the permission to reside is granted, are recorded under the category 'Children (Minor/Adult)'. However, if the residence permit is issued before the administrative/legal adoption procedure has been

completed (for reasons related to family formation), then the permits are recorded under the category 'Other family members'.

Family members who are the subject of a family formation/reunification residence permit and who also receive the right to work are included only in the statistics under the First permits issued for family reasons table and not under the First permits issued for remunerated activities table. Only family members granted an independent work permit (not linked to the sponsor) are recorded in the First permits issued for remunerated activities table.

2. First permits issued for education reason

Study category relates to persons granted a first residence permit and who are admitted to pursue a course of study at an establishment of higher or professional education (students). In accordance with Article 2(b) of the Council Directive 2004/114/EC - 'Student' means a third-country national accepted by an establishment of higher education and admitted to the territory of a Member State to pursue as his/her main activity a full-time course of study leading to a higher education qualification recognised by the Member State, including diplomas, certificates or doctoral degrees in an establishment of higher education, which may cover a preparatory course prior to such education according to its national legislation.

Other educational reasons category relates to first residence permits issued to persons admitted for education and study reasons not covered by the 'Student' definition above. This would include unremunerated trainees (according to Art.2(d) of the Council Directive 2004/114) and volunteers (according to Art.2(f) of the Council Directive 2004/114).

Unremunerated trainee refers to third-country national who has been admitted to the territory of a Member State for a training period without remuneration in accordance with its national legislation, school pupils (according to Art.2(c) of the Council Directive 2004/114).

School pupil refers to third-country national admitted to the territory of a Member State to follow a recognised programme of secondary education in the context of an exchange scheme operated by an organisation recognised for that purpose by the Member State in accordance with its national legislation or administrative practice; this also include boarding school pupils who would be admitted under national legislation,

Voluntary service scheme refers to programme of activities of practical solidarity, based on a State or a Union scheme, pursuing objectives of general interest. This category does not include researchers (covered by the First permits issued for remunerated activities).

3. First permits issued for remunerated activities

Highly skilled workers refers to the first residence permits issued to third-country nationals admitted under national programmes facilitating the admission of highly-skilled workers. For the purpose of defining the scope of this category, the following definitions in Council Directive 2009/50/EC provide an indication of the characteristics of these types of migrants.

EU Blue Card refers to the first residence permits issued to persons granted such authorisation to reside. 'EU Blue Cards' means a permit as defined in Article 2(c) of the Council Directive 2009/50/EC i.e. the authorisation bearing the term 'EU Blue Card' entitling

its holder to reside and work in the territory of a Member State under the terms of this Directive.

Researcher refers to the first residence permits issued to persons granted such authorisation to reside. 'Researcher' is defined by Council Directive 2005/71/EC as a third-country national holding an appropriate higher education qualification, which gives access to doctoral programmes, who is selected by a research organisation for carrying out a research project for which the above qualification is normally required.

In the absence of the common European legislative framework and common definition of the **Seasonal workers** this category include all 'third-country nationals, who retain their legal domicile in a third country but reside temporarily for the purposes of employment in the territory of a Member State in a sector of activity dependent on the passing of the seasons, under one or more fixed-term work contracts concluded directly between the third country national and the employer established in a Member State.

Other remunerated activities include first residence permits issued to persons granted authorisation to work not covered by the other categories above. This would include employed and self employed persons, remunerated trainees, and remunerated au-pairs.

4. First permits issued for other reasons

International protection status is split in two separate categories: 'Refugee status and subsidiary protection' and 'Humanitarian reasons'.

Refugee status and subsidiary protection relates to first residence permits issued to persons granted such status. Refugee status means a status as defined in Article 2(d) of Directive 2004/83/EC within the meaning of Art.1 of the Geneva Convention relating to the Status of Refugees of 28 July 1951, as amended by the New York Protocol of 31 January 1967. In accordance with Article 2(d) 'Refugee status' means the recognition by a Member State of a third country national or a stateless person as a refugee.

Subsidiary protection means a status as defined in Article 2(f) of Directive 2004/83/EC. In accordance with Article 2(f) 'Subsidiary protection status' means the recognition by a Member State of a third country national or a stateless person as a person eligible for subsidiary protection.

Humanitarian reasons relates to first residence permits issued to persons granted such status which is granted under national law, as opposed to the two statuses mentioned in the paragraph above which have been harmonised by Directive 2004/83/EC. A residence permit granted for humanitarian reasons could be the outcome of an asylum procedure, when there are no grounds to grant international protection but there's still a need to allow the person concerned to remain in the Member State; or it could be granted without any link to an asylum procedure, in non-asylum contexts.

Unaccompanied minors relates to first residence permits issued to minors considered to be unaccompanied minor as defined in Article 2(i) of Directive 2004/83/EC (non asylum related). In accordance with Article 2(i) 'Unaccompanied minors' means third-country nationals or stateless persons below the age of 18, who arrive on the territory of the Member States unaccompanied by an adult responsible for them whether by law or custom, and for as

long as they are not effectively taken into the care of such a person; it includes minors who are left unaccompanied after they have entered the territory of the Member States. This category not include unaccompanied minors granted residence permit who are a subject of an asylum application or received refugee/subsidiary protection or who were granted residence permit for victims in trafficking in human beings. Such unaccompanied minors are primarily reported under the respective category (i.e. 'Refugee status and subsidiary protection', or 'Victims of trafficking in human beings').

Victims of trafficking in human beings relates to the first residence permits issued to persons in accordance with the provisions of Directive 2004/81/EC. The residence permits issued under this Directive refer to third-country nationals who are, or have been victims of offences related to the trafficking in human beings, even if they have illegally entered the territory of the Member States. Member States may apply this Directive to the third-country nationals who have been the subject of an action to facilitate illegal immigration. This Directive apply to the third-country nationals concerned having reached the age of majority set out by the law of the Member State concerned. By way of derogation, Member States may decide to apply this Directive to minors under the conditions laid down in their national law.

Residence only relate to the first permits issued for the reasons of residence only. However, in the absence of the common European legislative framework and common definition of the 'Residence only' this category includes permits issued for such purpose on the basis of the national legislation and administrative practices. An example of such permit may be the permit issued to the pensioner with no intention to undertake employment, study or family formation or reunification.

Other reasons not specified category include all other reasons for which first residence permits may be issued and which are not covered by the tables: First permits issued for family reasons, First permits issued for education reason, First permits issued for remunerated activities; and any of the other categories from the table First permits issued for other reasons.

5. Change of immigration status permits

Permit type registered in this table indicate the change from the previous status/reason to the new immigration status or reason to stay. Change of immigration status implies some degree of continuity of residence, for example, a person changing from an education-related permit to an employment-related permit. However, if the person had left the Member States at the end of their studies and was returning as an employee several years later, this should be counted under the 'First permits issued for remunerated activities' above, and not as a change of status. The general rule applied for the permission to be recorded here is that the period between the expiry of the old permit and the start of validation of the new permit should be less than 6 months. Otherwise this permit will be recorded as a new permit.

6. All valid permits on 31st December

This data include statistics on all valid permits at the end of reference period, therefore including first permits, change of status or reasons to stay and renewed permits.

The length of validity of the permit refers to the total duration of the valid permit (at the date of issuance). For example, if a 12 month permit was issued on 1 July 2008, at the reporting date (i.e. on 31 December 2008), this permit will be recorded as a permit with a duration of 12 months and more.

Other reasons category not include valid permit issued for the reasons related to refugee status or subsidiary protection status. Persons granted one of these statuses and holding a valid residence permit are primarily reported under the respective category (i.e. 'Refugee status' or 'Subsidiary protection').

7. Long-term residents on 31st December

The categories of permits related to this table are:

- EU long-term resident status
- National long-term resident status

EU long-term resident status (Long-term resident status: EU directive) refers to the number of such permits valid at the end of the reference period. This status is defined by Article 2(h) of the Migration Statistics Regulation i.e. to the definition of a long-term resident that is contained in Council Directive 2003/109/EC. This is based on a total duration of legal residence of 5 years or longer, combined with a series of other conditions that must be met to qualify for this status.

National long-term resident status (Long-term resident status: National legislation) refers to the number of such permits valid at the end of the reference period. This category includes long-term resident status granted to third-country nationals under rules which are different from Council Directive 2003/109/EC. In the absence of the common definition, the minimum requirement to qualify permit under this category is the duration of the permit of at least 5 years. As Denmark, Ireland and the UK are not implementing Directive 2003/109/EC, these countries report statistics on long-term residents under category National long-term resident status.

EU Blue Cards statistics based on Directive 2009/50/EC

The categories of EU Blue Cards collected are:

Status of EU Blue Card ('DECISION' in the database)

- Granted
- Renewed
- Withdrawn

Subject person ('IND_TYPE' in the database)

- EU Blue Card holder
- Admitted family member ('Family and relatives' in the database)

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 (Article 2(b) from Directive 2003/109/EC).

Higher professional qualifications means 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) from Directive 2003/109/EC).

Higher education qualification means any diploma, certificate or other evidence of formal qualifications issued by a competent authority attesting the successful completion of a post-secondary higher education programme, namely a set of courses provided by an educational establishment recognised as a higher education institution by the State in which it is situated. For the purposes of this Directive, a higher education qualification shall be taken into account, on condition that the studies needed to acquire it lasted at least three years (Article 2(h)).

Professional experience means the actual and lawful pursuit of the profession concerned (Article 2(i) from Directive 2003/109/EC).

Regulated profession means a regulated profession as defined in Article 3(1)(a) of Directive 2005/36/EC¹ (i.e. a professional activity or group of professional activities, access to which, the pursuit of which, or one of the modes of pursuit of which is subject, directly or indirectly, by virtue of legislative, regulatory or administrative provisions to the possession of specific professional qualifications; in particular, the use of a professional title limited by legislative, regulatory or administrative provisions to holders of a given professional qualification shall constitute a mode of pursuit. Where the first sentence of this definition does not apply, a profession referred to in paragraph 2 shall be treated as a regulated profession) (Article 2(j) from Directive 2003/109/EC).

EU Blue Card GRANTED means EU Blue Card issued in compliance with the following requirements:

- a) when no residence permit was issued by the Member State to the person concerned before: 'EU Blue Card GRANTED' is each such permit issued by the Member State authority for the first time;
- b) when a residence permit was already issued by the Member State to the person concerned in the past but for a different reason: 'EU Blue Card GRANTED' is each such permit issued by the Member State authority irrespective of the time gap between the expiry of the previous permit and the start of validity of the EU Blue Card²;
- c) when a residence permit (EU Blue Card) was already issued by the Member State to the person concerned in the past for the same reason: 'EU Blue Card GRANTED' is each such permit issued by the Member State authority after at least 6 months, since the expiry of the previous EU Blue Card;

Occupation - In accordance with the requirements of the Article 20 from Directive 2003/109/EC, data on EU Blue Card holders shall, as far as possible, be disaggregated by the 'Occupation' (providing this category is voluntary for MS). For the purpose of this disaggregation the 'International Standard Classification of Occupations, 2008 version' (ISCO-08) is applied. ISCO-08 is a tool for organising jobs into a clearly defined set of groups according to the tasks and duties undertaken in the job. For more information please consult Eurostat metadata server Ramon³ or International Labour Organization (ILO)⁴.

¹ [Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications \(Text with EEA relevance\)](#); OJ L 255, 30.9.2005, p. 22–142

² Note that this implies that some of the permits which under the Article 6 data collection (residence permits) would be considered as change of status of renewals will be reported as 'EU Blue Cards GRANTED'. This approach ensures that all first time issued EU Blue Cards which are granted to the TCNs already residing at the territory the EU Member State will be reported under the data collection of Article 20 of the Directive 2009/50/EC

³ http://ec.europa.eu/eurostat/ramon/index.cfm?TargetUrl=DSP_PUB_WELC

⁴ <http://www.ilo.org/public/english/bureau/stat/isco/index.htm>

Single permit statistics based on the Article 15 (2) Directive 2011/98/EU

Single permit means a residence permit issued by the authorities of a Member State within a simplified procedure that allow a third-country national to “reside legally in its territory for the purpose of work “(Art 2 (c) Directive 2011/98/EU)

“This Directive lays down: (a) a single application procedure for issuing a single permit for third-country nationals to reside for the purpose of work in the territory of a Member State, in order to simplify the procedures for their admission and to facilitate the control of their status;” (Art 1 (a) of Directive 2011/98/EU on Subject matter)

“Single permit means a residence permit issued by the authorities of a Member State allowing a third-country national to reside legally in its territory for the purpose of work” (Art 2 (c) of Directive 2011/98/EU)

A ‘Single Permit’ should be understood as a residence permit that meets the following cumulative three main conditions (for each permit):

1. results from single application procedure (as defined under article 2(d) Directive 2011/98/EU)
2. includes the right to reside
3. includes the right to work legally

Single application procedure’ means 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.

Main reason refers to the main reason to reside in the Member State Territory when the Single Permit was granted.

First permit versus **change of status** and **renewal** - If the time gap between the expiry of the previous permit and the start of the validity of the new permit is shorter than 6 MONTHS the new permit should be regarded as a **renewal** or as a **change of status** permit.

Renewed is considered the residence permits issued **in maximum 6 months** from the time when the previous permit expire and the main reason of immigration status is the same as in the previous residence permit (a new permits was issued with the same immigration reason).

The statistics on Single Permits follow the general principles of technical guidelines for the Residence Permits data collection, namely the references to “third-country nationals”, the definition of “Residence permit”, the definition of “First permit”, the definition of “Change of status“, the persons/permits rule and the duration/length of validity of the permit.