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WORKING PAPER

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From:	Presidency
To:	Delegations
Subject:	Proposal for a Regulation of the European Parliament and of the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents

With a view to the JHA Counsellors meeting on 28 May 2018, delegations will find attached a 4-column table on the above subject, in addition to the one set in WK 6207/2018.

In addition to the compromise proposals included in WK 6207/2018, new compromise proposals are made in relation to:

Article 2 (9) and new Recital (16c)

Article 7 (1) (b)

Article 25 (1), (5) and (6)

These proposals replace the text of the same provisions in document WK 6207/2018.

Article 2 (9) and new Recital (16c)

			<i>Proposal for a package deal on the Regulation:</i> <u>(16c) When a Member State decides, for the purpose of family unity, that the best interests of a married minor lie with his or her parents, his or her spouse should not derive any residence rights from this marriage under this Regulation.</u>
<i>Article 2 Definitions</i>	<i>Article 2 Definitions</i>	<i>Article 2 Definitions</i>	<i>Article 2 Definitions</i>
(9) ‘family members’ means, in so far as the family already existed before the applicant arrived on the territory of the Member States, the following members of the family of the beneficiary of international protection who are present in the same Member State in relation to the application for international protection:		(9) ‘family members’ means, in so far as the family already existed before the applicant arrived on the territory of the Member States, the following members of the family of the beneficiary of international protection who are present [...]on the territory of the same Member State in relation to the application for international	<i>Proposal for a package deal on the Regulation:</i> (9) ‘family members’ means, in so far as the family already existed before the applicant arrived on the territory of the Member States, the following members of the family of the beneficiary of international protection who

		protection:	are present on the territory of the same Member State in relation to the application for international protection:
(a) the spouse of the beneficiary of international protection or his or her unmarried partner in a stable relationship, where the law or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its law relating to third-country nationals;	Amendment 52 (a) the spouse of the beneficiary of international protection or his or her unmarried partner in a stable relationship, where the law or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its [...] <i>relevant national law</i> ;	(a) the spouse of the beneficiary of international protection or his or her unmarried partner in a stable relationship, where the law or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its law relating to third-country nationals;	(a) the spouse of the beneficiary of international protection or his or her unmarried partner in a stable relationship, where the law or practice of the Member State concerned treats unmarried couples as equivalent to married couples;
(b) the minor children of the couples referred to in point (a) or of the beneficiary of international protection, on condition that they are unmarried and regardless of whether they were born in or out of wedlock or adopted as defined under national law;	Amendment 53 (b) the minor children of the couples referred to in point (a) or of the beneficiary of international protection, [...] <i>the adult children for whom they have charge</i> , regardless of whether they were born in or out of wedlock or adopted as defined <i>or recognised</i> under national law, <i>as well as the children for whom they hold parental responsibility</i> ;	(b) the minor children of the couples referred to in point (a) or of the beneficiary of international protection, on condition that they are unmarried and regardless of whether they were born in or out of wedlock or adopted as defined under national law;	<i>To be seen together with recital (16) on dependency</i> b) the minor or dependent children of the couples referred to in point (a) or of the beneficiary of international protection, on condition that they are unmarried and regardless of whether they were born in or out of wedlock or adopted as defined under national law;

(c) the father, mother or another adult responsible for the beneficiary of international protection whether by law or by the practice of the Member State concerned, when that beneficiary is a minor and unmarried;	Amendment 54 (c) <i>where the beneficiary of international protection is a minor</i>, the father, mother or another adult responsible for <i>that</i> beneficiary, whether by law or by practice of the Member State concerned [...];	(c) the father, mother or another adult responsible for the beneficiary of international protection whether by law or by the practice of the Member State concerned, when that beneficiary is a minor and unmarried;	(c) where the beneficiary of international protection is a minor and unmarried, the father, mother or another adult responsible for that beneficiary, including an adult sibling, whether by law or by practice of the Member State concerned [...]; <u>For the purpose of points (b) and (c), on the basis of an individual assessment, a minor shall be considered unmarried if his or her marriage would not be in accordance with the relevant national law had it been contracted in the Member State concerned, in particular having regard to the legal age of marriage.</u> <i>To be seen together with Recital (16c)</i>
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Article 7 (1) (b)

<i>Article 7 Actors of protection</i>	<i>Article 7 Actors of protection</i>	<i>Article 7 Actors of protection</i>	<i>Article 7 Actors of protection</i>
(b) parties or	Amendment 71 (b) parties or	(b) parties or organisations,	<i>Possible compromise text:</i> <u>(b) sustainable territorial</u>

organisations, including international organisations, controlling the State or a substantial part of the territory of the State	organisations [...] <i>which are mandated by the State and control the State or a substantial part of the territory of the State.</i>	including international organisations, controlling the State or a substantial part of the territory of the State,	<u>authorities or international organisations which control the State or a substantial part of the territory of the State,</u>
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Article 25

<i>Article 25 Maintaining family unity</i>		<i>Article 25 Maintaining family unity</i>	
1. Family members of a beneficiary of international protection who do not individually qualify for such protection shall be entitled to claim a residence permit in accordance with national procedures and insofar as this is compatible with the personal legal status of the family member.	Amendment 136 1. <i>For the purposes of this Article and subject to its provisions, family members, as defined in Article 2(9), shall also include the siblings of the beneficiary of international protection. Those family [...]</i> members of a beneficiary of international protection who do not individually qualify for such protection shall be entitled to claim a residence permit in accordance with national procedures and insofar as this is compatible with the personal legal status of the family member.	1. Family members of a beneficiary of international protection who do not individually qualify for such protection shall be entitled to apply for [...] a residence permit in the Member State that granted international protection to the beneficiary. A residence permit shall be issued to family members to whom paragraphs 3 or 4 of this Article do not apply in accordance with national procedures, and insofar as this is compatible with the personal legal status of the family member.	<i>Proposal for a package deal on the Regulation:</i> 1. Family members of a beneficiary of international protection who do not individually qualify for such protection and who apply for a residence permit in the Member State that granted international protection to the beneficiary shall be issued a residence permit in that Member State in accordance with national procedures, when paragraphs 3 or 4 of this Article do not apply, and insofar as this is compatible with the personal legal status of the family member. <u>For the purpose of this Article,</u>

			<u>a person shall be considered as a minor where he or she made an application for international protection as a minor or who was a minor at the moment when his or her family member made an application for international protection.</u> <i>(Text reflecting the EUCJ decision C-550/16)</i>
2. A residence permit issued pursuant to paragraph 1 shall have the duration of the residence permit issued to the beneficiary of international protection and shall be renewable. The period of validity of the residence permit granted to the family member shall in principle not extend beyond the date of expiry of the residence permit held by the beneficiary of international protection.		2. A residence permit issued pursuant to paragraph 1 shall have the same[...] validity as the residence permit issued to the beneficiary of international protection and shall be renewable for as long as the residence permit issued to the beneficiary of international protection is renewed. The period of validity of the residence permit granted to the family member shall [...] not extend beyond the date of expiry of the residence permit held by the beneficiary of international protection.	<i>Possible compromise text:</i> 2. A residence permit issued pursuant to paragraph 1 shall have the [...] same date of expiry as the residence permit issued to the beneficiary of international protection and shall be renewable for as long as the residence permit issued to the beneficiary of international protection is renewed. The period of validity of the residence permit granted to the family member shall [...] not extend beyond the date of expiry of the residence permit held by the beneficiary of international protection.

			<i>Agreement confirmed at the 18/04 trilogue</i>
3. No residence permit shall be issued for a family member where that family member is or would be excluded from international protection pursuant to Chapters III and V.		3. No residence permit shall be issued under this Regulation[...] to a family member [...] who is or would be excluded from international protection pursuant to Chapters III and V.	<i>Agreement on Council's text confirmed at trilogue on 18/04:</i> 3. No residence permit shall be issued under this Regulation[...] to a family member [...] who is or would be excluded from international protection pursuant to Chapters III and V.
	Amendment 137 <i>3a. Member States may refuse to issue a residence permit to a spouse or unmarried partner in a stable relationship where it is shown that the marriage or partnership was contracted for the sole purpose of enabling the person concerned to enter or reside in the Member State.</i>		<i>To be confirmed by trilogue</i> 3a. A residence permit shall not be issued to a spouse or unmarried partner in a stable relationship where there are strong indications that the marriage or partnership was contracted for the sole purpose of enabling the person concerned to enter or reside in the Member State. <i>Discussed at the 18/04 trilogue</i> <i>Council wants to add "under this Regulation" after "issued"</i> <i>Agreement at technical level to be confirmed at trilogue</i>
4. Where reasons of		4. Where reasons of	<i>Agreement on the Council's text</i>

national security or public order so require, a residence permit shall not be issued for a family member and such residence permits which have already been issued shall be withdrawn or shall not be renewed.		national security or public order related to the person concerned so require, a residence permit shall not be issued [...] to [...] that family member, and such residence permits which have already been issued shall be withdrawn or shall not be renewed.	<i>confirmed at trilogue on 18/04:</i> 4. Where reasons of national security or public order related to the person concerned so require, a residence permit shall not be issued [...] to [...] that family member, and such residence permits which have already been issued shall be withdrawn or shall not be renewed
5. Family members who are issued a residence permit pursuant to paragraph 1 shall be entitled to the rights referred to in Articles 27 to 39.		5. Family members who are issued a residence permit pursuant to paragraph 1 shall be entitled to the rights referred to in Articles 28[...] to 35 and 37 to 38[...].	<i>Proposal for a package deal on the Regulation:</i> 5. Family members who are issued a residence permit pursuant to paragraph 1 shall be entitled to the rights referred to in Articles 27 to 35 and 37 to 39.
6. Member States may decide that this article also applies to other close relatives who lived together as part of the family at the time of leaving the country of origin or before the applicant arrived on the territory of the Member States,	Amendment 138 6. Member States may decide that this Article also applies to other close relatives who lived together as part of the family at the time of leaving the country of origin or before the applicant arrived on the territory of the Member States	6. Member States may decide that this article also applies to other close relatives who lived together as part of the family at the time of leaving the country of origin or before the applicant arrived on the territory of the Member States,	<i>Proposal for a package deal on the Regulation:</i> <u>6. Member States may decide that this Article applies to other close relatives, including siblings, who lived together as part of the family before the applicant arrived on the</u>

and who were wholly or mainly dependent on the beneficiary of international protection at the time.	[...].	and who were wholly or mainly dependent on the beneficiary of international protection at the time.	<u>territory of the Member State and who are dependent on the beneficiary of international protection. Member States may also decide that this Article applies to a married minor, provided that it is in his or her best interests.</u> <i>See also recital (16c)</i>
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