

**TECHNICAL GUIDELINES FOR THE DATA COLLECTION  
ON RESIDENCE PERMITS STATISTICS  
UNDER ARTICLE 6 OF REGULATION 862/2007  
AS AMENDED BY REGULATION 2020/851**

INCLUDES SPECIFICATION OF THE DATA COLLECTIONS:

- EU BLUE CARDS DATA COLLECTION UNDER ARTICLE 20 OF DIRECTIVE 2009/50/EC
- SINGLE PERMIT DATA COLLECTION UNDER ARTICLE 15 DIRECTIVE 2011/98/EU
- SEASONAL WORKERS DATA COLLECTION UNDER ARTICLE 26 DIRECTIVE 2014/36/EU
- INTRA-CORPORATE TRANSFERS DATA COLLECTION UNDER ARTICLE 24 DIRECTIVE 2014/66/EU
- STUDENTS, RESEARCHERS, TRAINEES, VOLUNTEERS, PUPILS AND AU PAIRS DATA COLLECTION UNDER ARTICLE 38 OF DIRECTIVE (EU) 2016/801
- RESIDENCE PERMITS ISSUED FOR FAMILY REUNIFICATION WITH BENEFICIARIES OF PROTECTION STATUS

**RESPER TG 2021 V1.0**

Contents

Table of Contents

---

- Introduction ..... 7**
- General aspects..... 9**
  - Data coverage..... 9
  - Types of statistics..... 10
  - Unit of measure ..... 11
  - Periodicity and reference periods of the residence permit tables ..... 11
  - Data transmission and format ..... 12
  - Quality standards..... 12
  - Publication of RESPER data by Eurostat ..... 14
  - Metadata information ..... 14
- Transversal definitions ..... 15**
  - Third-country nationals..... 15
  - Citizenship..... 15
- STATISTICS BASED ON THE MIGRATION STATISTICS REGULATION ..... 16**
  - Legal Framework ..... 16
  - Coverage – general aspects ..... 16
  - Unit of Measure for the statistics on Regulation ..... 17
  - Flows / stock data..... 17
  - Reason for the permit being issued ..... 17
  - Length of validity of the permit (Duration)..... 18
  - Age..... 18
  - Sex ..... 19
  - Age and Sex categories ..... 19
  - I. STATISTICS ON FIRST PERMITS ..... 19**
    - Legal framework..... 19
    - Coverage ..... 19
    - Collected datasets and cross-tabulations ..... 21
    - First residence permits for family formation and reunification ..... 21

<b>Table RP1. Grants of permission to stay issued to third-country nationals for reasons related to family formation and reunification:</b> .....	<b>21</b>
<b>Table RP1_AS. Grants of permission to stay issued to third-country nationals for reasons related to family formation and reunification:</b> .....	<b>21</b>
Coverage _____	21
First residence permits for Education reasons .....	24
<b>Table RP2. Grants of permission to stay issued to third-country nationals for reasons related to education and study:</b> .....	<b>24</b>
<b>Table RP2_AS. Grants of permission to stay issued to third-country nationals for reasons related to education and study:</b> .....	<b>24</b>
Coverage _____	24
First residence permits for Employment reasons.....	26
<b>Table RP3. Grants of permission to stay issued to third-country nationals for reasons related to remunerated activities:</b> .....	<b>26</b>
<b>Table RP3_AS. Grants of permission to stay issued to third-country nationals for reasons related to remunerated activities:</b> .....	<b>26</b>
Employment reasons _____	26
Reasons related to the remunerated activities (employment reasons): _____	26
First residence permits for <i>Other</i> reasons .....	28
<b>Table RP4. Grants of permission to stay issued to third-country nationals for other reasons:</b> 29	
<b>Table RP4_AS. Grants of permission to stay issued to third-country nationals for other reasons:</b> .....	<b>29</b>
Other reasons _____	29
<b>II. STATISTICS ON CHANGE OF IMMIGRATION STATUS/REASON TO STAY (tables RP5)..</b>	<b>31</b>
Legal framework .....	31
Coverage .....	31
Reason for change of status or reason to stay _____	32
Collected datasets and cross-tabulations .....	33
<b>Table RP5. Grants of permission to stay issued to third-country nationals on the occasion of a person changing immigration status or reason to stay:</b> .....	<b>33</b>
<b>Table RP5AS. Grants of permission to stay issued to third-country nationals on the occasion of a person changing immigration status or reason to stay:</b> .....	<b>33</b>
<b>III. STATISTICS ON VALID PERMITS TO STAY AT THE END OF THE YEAR (tables RP6).....</b>	<b>34</b>
Legal framework .....	34
Coverage .....	34
<b>IMPORTANT: The number of valid permissions to stay contains the permanent residence permits issued to the third-country nationals.</b> _____	<b>34</b>
Collected datasets and cross-tabulations .....	34
<b>Table RP6. The number of valid permissions to stay at the end of the reference period held by third-country nationals:</b> .....	<b>34</b>
<b>Table RP6_AS. The number of valid permissions to stay at the end of the reference period held by third-country nationals:</b> .....	<b>34</b>

IV.	STATISTICS ON LONG-TERM RESIDENTS AT THE END OF THE YEAR (tables RP7).....	35
	Legal framework.....	35
	Coverage .....	35
	Collected datasets and cross-tabulations .....	36
	<i>Table RP7. Population of third-country nationals having long-term legal resident status at the end of the reference period:</i> .....	36
	<i>Table RP7_AS. Population of third-country nationals having long-term legal resident status at the end of the reference period:</i> .....	36
V.	STATISTICS ON LONG-TERM RESIDENCE PERMITS ISSUED DURING THE YEAR (tables LTR) 36	
	Legal framework.....	36
	Coverage .....	36
	Collected datasets and cross-tabulations .....	37
	<i>Table LTR. Population of third-country nationals receiving long-term residence permits during the year (new and change of status or reason to stay) by type of permit and citizenship</i> .....	37
	<i>Table LTRAS. Population of third-country nationals receiving long-term residence permits during the year (new and change of status or reason to stay) by type of permit and citizenship</i> .....	37
	<b>STATISTICS BASED ON THE EU DIRECTIVES.....</b>	<b>38</b>
VI.	STATISTICS ON EU BLUE CARDS UNDER ARTICLE 20 OF DIRECTIVE 2009/50/EC.....	38
	Legal base.....	38
	Data coverage.....	38
	Definitions.....	39
	Periodicity and reference periods of the residence permit tables .....	41
	Disaggregations .....	41
	Flows / stock data.....	43
	Persons / permits.....	43
	Data transmission and format .....	43
	Quality standards.....	43
	Data collection template .....	44
	<b>Table BC1. EU Blue Cards issued, renewed and withdrawn in accordance with Directive 2009/50/EC:</b> .....	<b>44</b>
	<b>Table BC2. Admitted family members of EU Blue Cards holders:</b> .....	<b>45</b>
	<b>Table BC3. EU Blue Cards holders and family members admitted in accordance with Articles 18 and 19, by Member State of previous residence:</b> .....	<b>45</b>
VII.	STATISTICS ON SINGLE PERMITS UNDER ART 15 DIRECTIVE 2011/98/EU .....	46
	Legal base.....	46
	Data coverage.....	46

Definitions.....	47
Periodicity and reference periods.....	48
Data collection template.....	48
Table SP - Single permit under Art 15 Directive 2011/98/EU.....	48
Table 1. SP - Single permit under Art 15 Directive 2011/98/EU.....	49
<b>VIII. STATISTICS ON "SEASONAL WORKERS" BASED ON DIRECTIVE 2014/36/EU .....</b>	<b>50</b>
Legal base.....	50
Data coverage.....	50
Statistical unit.....	50
Definitions.....	50
Periodicity and reference periods.....	52
Categories and disaggregations .....	53
Data collection templates .....	55
Table SW1. Authorisations for the purpose of seasonal work by status, length of validity, economic sector and citizenship .....	55
Table SW2. Authorisations issued (first time) for the purpose of seasonal work by economic sector, sex and citizenship.....	55
<b>IX. STATISTICS ON "INTRA-CORPORATE TRANSFERS" BASED ON DIRECTIVE 2014/66/EU 55</b>	
Legal base.....	55
Data coverage.....	56
Statistical unit.....	56
Definitions.....	56
Periodicity and reference periods.....	59
Categories and disaggregations .....	60
Data collection templates .....	62
Table ICT1.1 The number of intra-corporate transferee permits (ICT permits and permits for long-term mobility) issued, renewed and withdrawn by type of permit, length of validity and citizenship .....	62
Table ICT1.2 The number of intra-corporate transferee permits issued (ICT permits and permits for long-term mobility) by type of permit, economic sector and citizenship .....	62
Table ICT1.3 The number of intra-corporate transferee permits issued (ICT permits and permits for long-term mobility) by type of permit, length of validity, transferee position and citizenship .....	62
Table ICT2.1 The number of intra-corporate notifications received by length of validity and citizenship .....	63
Table ICT2.2 The number of intra-corporate notifications received by economic sector and citizenship .....	63
Table ICT3 The number of permits for long-term mobility issued and notifications received, broken down by "first Member State" (see definition in section IV) .....	63

<b>X. STATISTICS ON STUDENTS AND RESEARCHERS (AND OTHER CATEGORIES) BASED ON ARTICLE 38 OF DIRECTIVE (EU) 2016/801 .....</b>	<b>65</b>
Legal base.....	65
Data coverage.....	65
Statistical unit.....	65
<b>Definitions .....</b>	<b>66</b>
SR authorisation .....	66
Distinction between countries of destination .....	68
Residence permit .....	68
Long-stay visa .....	68
Notification .....	70
Decision on notification .....	71
Family members .....	71
Status of SR authorisations .....	71
<b>Periodicity and reference periods .....</b>	<b>72</b>
<b>Categories and disaggregations .....</b>	<b>72</b>
<b>Coherence and consistency with other residence permits statistics .....</b>	<b>73</b>
<b>Table SR1. The number of SR authorisations (by the first Member State) by reason, type of decision, citizenship and length of validity .....</b>	<b>74</b>
<b>Table SR2. The number of notifications (received by the second Member State) for researchers (and their family members) and students by reason, decision, citizenship and length of validity.....</b>	<b>75</b>
<b>Table SR3. The number of authorisations (by the second Member State) for long-term mobility of researchers (and their family members) by reason, type of decision, citizenship and length of validity .....</b>	<b>75</b>
<b><i>STATISTICS COLLECTED ON VOLUNTARY BASIS .....</i></b>	<b>76</b>
<b>XI. STATISTICS ON RESIDENCE PERMITS ISSUED FOR FAMILY REUNIFICATION WITH BENEFICIARIES OF PROTECTION STATUS .....</b>	<b>76</b>
Legal base.....	76
Data coverage.....	76
Statistical unit.....	78
Periodicity and reference periods .....	78
Categories and disaggregations .....	78
Data collection templates .....	79
<b>Table FRPS1. First permits issued for family reunification with a beneficiary of protection status, by sponsor status, legal framework and citizenship (FRPS first permits) .....</b>	<b>79</b>
<b>Table FRPS2. Permits valid at the end of the year for family reunification with a beneficiary of protection status, by sponsor status, legal framework and citizenship.....</b>	<b>79</b>

## Introduction

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These guidelines are meant to explain the templates, variables, definitions and disaggregations for the Residence Permits data collection (referred as RESPER data collection). RESPER data collection is based on the principles stated in the Union legislation on migration statistics Regulation (EC) No 862/2007<sup>1</sup> as amended by the [Regulation \(EU\) 2020/851](#)<sup>2</sup> and the Commission Regulation (EU) No 216/2010 implementing the categories of reasons for residence permits<sup>3</sup>. In addition to this legal framework, residence permit data collection reflects the statistical reporting obligations of the Member States stipulated in related EU legislation in the area of legal migration e.g.: EU Directives on the EU Blue Card, Single permits, Seasonal Workers, Intra-corporate transfers (ICT), Students and Researchers. These guidelines may be subject to the future amendments following the consultation with the Member States. For the purpose of this document, Regulation (EC) No 862/2007<sup>4</sup> and its amending [Regulation \(EU\) 2020/851](#) will be referred hereafter as “Migration Statistics Regulation”.

### Compliance with the guidelines:

When producing the RESPER statistics, the Member States must assure full compliance with the present RESPER Technical Guidelines. In case of data quality issues (non-compliance with these guidelines), Member States should communicate with Eurostat as soon as possible, to establish the actions to be taken for achieving full compliance –The remaining quality issues should be explained in the national metadata information available to the public for allowing the statistical users to properly interpret the published statistics.

### Contact points

Contact point at Eurostat: Eurostat has a technical contact point for RESPER data collection, communicated to the data providers at the technical level. You can also use the following functional email address to find out who is the technical contact point for RESPER data collection:

**ESTAT-AMM-STATISTICS@ec.europa.eu**

Contact point at the national level: Member States should provide the contact details of the person(s) nominated as contact points for RESPER statistics.

Member States should update the details of contact persons and inform Eurostat about any change. It is highly recommended that Member States should have only one main contact point in their relations with Eurostat and one backup contact point. However, in some countries, they may be a need to have a higher number of contacts due to the involvement of various organisations in data production and provision.

### RESPER TG version

Current version: RESPER TG 2021 V1.0. This version shall be implemented as from 1<sup>st</sup> January 2021 (first reference period: 2021 calendar year data to be delivered first time based on these guidelines by 30<sup>th</sup> June 2022). For 2020 reference year, the previous version of the guidelines is applied (data to be delivered by the end of June 2021).

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<sup>1</sup> [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 and repealing Council Regulation \(EEC\) No 311/76 on the compilation of statistics on foreign workers \(Text with EEA relevance\)](#); OJ L 199, 31.7.2007, p. 23–29.

<sup>2</sup> [Regulation \(EU\) 2020/851 of the European Parliament and of the Council of 18 June 2020 amending Regulation \(EC\) No 862/2007 on Community statistics on migration and international protection \(Text with EEA relevance\) PE/19/2020/INIT OJ L 198, 22.6.2020, p. 1–12.](#)

<sup>3</sup> [Commission Regulation \(EU\) No 216/2010 of 15 March 2010 implementing Regulation \(EC\) No 862/2007 of the European Parliament and of the Council on Community statistics on migration and international protection, as regards the definitions of categories of the reasons for the residence permits \(Text with EEA relevance\)](#); OJ L 66, 16.3.2010, p. 1–2.

<sup>4</sup> [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 and repealing Council Regulation \(EEC\) No 311/76 on the compilation of statistics on foreign workers \(Text with EEA relevance\)](#); OJ L 199, 31.7.2007, p. 23–29.

## Main changes in the revised RESPER guidelines (2021)

RESPER TG 2021 V1.0 brings the following changes:

- Changes requested by the Regulation 851/2020 amending Regulation 862/2007;
  - Mandatory provision of Age and Sex categories for tables RP1-RP7 and LTR;
  - Mandatory provision of LTR table on flows (LTR permits issued during the year);
- Updating the definition of the Long-term residence permits issued under national legislation;
- Harmonisation of the definition of LTR between flow and stock data;
- New validation rule on stock data (RP7 smaller or equal to RP6);
- Methodological clarifications:
  - use of **statistical** rather than administrative **definition**;
  - non-reporting of specific categories (asylum seekers, rejected asylum seekers, persons ordered to leave);
  - non-reporting of mobility cases by the Second Member State in RP1-RP7 tables;
    - several clarifications of the categories from first permits data collection.
- Propose to drop the category of “Seasonal workers” from table RP3;
- Propose to add new group 3 for ISCO08 category from BC1 table;
- Introducing a naming convention for the initial RESPER data collection: “Statistics based on Migration Statistics” and “Regulation Statistics based on EU Directives”.
- Harmonise the labels of “length of validity” categories between data collections;
- Due to Brexit, New EU27 aggregate was introduced and a new category “United Kingdom - UK” is now part of the list of countries of citizenship;
- Split the age category “15–19 years” in: “15–17 years” and “18–19 years”.  
This will allow the computation of an age aggregate “0–17 years” (minors) in data published.
- Update the duration category for SW1 table - harmonising the breakdowns across the datasets

## General aspects

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### Data coverage

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RESPER data collection refers to residence permits as any authorisation issued by the authorities of a Member State allowing a third-country national to stay legally on its territory. These statistics cover also some specific cases in which the third-country nationals have the right to be move to and stay in other EU Member States.

All the requested residence permits statistics relate only to **third-country nationals**, defined as “any person who is not a citizen of the Union within the meaning of Article 20(1) of the Treaty on the Functioning of the European Union (TFEU), including stateless persons”. (Art 2.1(i) of the Regulation).

#### Statistical Definition

The statistical definition of Residence Permits is the key principle applied in the RESPER reporting; it involves counting:

- the residence permits issued to a specific person and
- all other persons covered by the same permit even they are not mentioned in the formal document issued (they are covered implicitly). In other words, RESPER statistics should cover also people receiving the authorisation to reside via a formal residence permit issued to another person. For the purpose of statistics on residence permits collected by Eurostat, this type of authorisation is called '**IMPLICIT**' authorisation to reside.

For example,

- this applies to children without a formal residence permit, who nevertheless have to right to reside via the residence permits of the parents, and who should therefore be reported in RESPER statistics.
- in the case where one residence permit has been issued to several **family members**, all persons being a subject of that permit should be covered by the statistics provided under Article 6.
- this applies also to children being third-country nationals and born in the EU after the issuance of the residence permits to parents (as long these children don't have the citizenship of the reporting Member State).

The coverage level of these categories should be presented in the national metadata file sent to Eurostat, including the estimation of number of persons not covered (e.g. presenting how many persons with the right to reside might be excluded from the statistics reported in each table/category).

#### Residence permits and other authorisations to stay

- When national laws and administrative practices of a Member State allow for **long-term visa** or specific categories – immigration status to be issued or granted instead of residence permits – such visas and grants of statuses are to be included in the residence permits statistics required under Article 6 of the Migration Statistical Regulation.
- Beside the inclusion of residence permits issued under the EU directives, residence permits issued under national law should be also reported in RESPER statistics with the closer/closest reason of issuing the permit from those mentioned below (to avoid using the reason category 'Other reasons – Residual reasons').

- There are special categories of informal permissions to stay (e.g. tolerated stay) issued under national law, which normally fall outside of the residence permit statistics: informal authorisations to reside issued to third country nationals, TCNs with temporary status like asylum seekers (with pending applications), rejected asylum seekers and persons ordered to leave.

In exceptional circumstances and only if these special categories of informal permissions to stay are well explained in terms of similarity with rights of TCNs in possession of formal residence permit, Eurostat might decide together with the reporting Member State their inclusion in residence permits statistics. Therefore, the inclusion of special/informal permissions to reside issued under national framework requires prior agreement with Eurostat to assure the comparability of statistics at the EU level and to certify good classification under specific table/reason of permit.

For the implicit authorisation to reside there is always a residence permit issued (e.g. to the parent) and there is the assumption that it covers more persons than those mentioned explicitly, such as children with right to reside based on the document issued to their parents.

The “implicit authorisation to reside” is different from “the specific cases” category from above (e.g. tolerated stay). In first case, there is a document issued which gives the implicit right to reside to the counted persons, while for the “specific cases” there might be no document issued mentioning the right to reside (in some specific cases, there is only an administrative procedure/practice which gives the right to reside to specific persons pending an authorisation to reside or waiting the return procedure, etc.).

## Types of statistics

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RESPER statistics refers to several topics:

- the main RESPER data collection based on Article 6 of the Migration Statistics Regulation
  - First residence permits;
  - Residence permits issued on the occasion of changing the immigration status or reason to stay;
  - Residence permits valid at the end of the year;
  - Long-term residence permits valid at the end of the year;
  - Long-term permits issued during the year;
- Statistics based on EU Directives collected under Article 6 of the Migration Statistics Regulation
  - EU Blue Cards data collection under Article 20 of Directive 2009/50/EC;
  - Single Permits data collection under Article 15 of Directive 2011/98/EU;
  - Seasonal Workers data collection under Article 26 of Directive 2014/36/EU;
  - Intra-corporate transfers data collection under Article 24 of Directive 2014/66/EU;
  - Students and researchers data collection under Article 38 of Directive (EU) 2016/801.
- Statistics collected on voluntary basis (with EU policy relevance)
  - Residence permits issued for family reunification with beneficiaries of protection status.

Each of these topics has specific coverage defined below in the dedicated sections.

## Unit of measure

Residence permits statistics refers in general to the number of “persons” receiving the “residence permit” (or “visa” or “authorisation to reside”) under the rules mentioned in the present guidelines. Following this approach, the double-counting of the same person in the same table and for the same reference period should be avoided<sup>5</sup>. As exception, there are specific data collections where, in certain cases, the same person may be counted twice for the same reference year (see the table below), because the unit of measurement in those cases is the number of permits/authorisation/notification (and not the number of single individuals).

Data collection covered by RESPER statistics	Unit of measure	Double counting of same person allowed
Data collection under Article 6 of Regulation	Person	No*
EU Blue Cards	Person	No
Single Permits	Person	No*
Seasonal workers	Number <sup>6</sup>	Yes
Intra-Corporate Transfers (ICT)	Number <sup>7</sup>	Yes
FRPS issued during the year	Person	No
FRPS valid at the end of the year	Person	No
Students and Researchers	Number <sup>8</sup>	Yes

\* There are rather rare situations in which the person can receive two permits during the year and counted twice in the same table (double counting allowed). For example:

- **First permits:** if a first permit is issued in the beginning of the year and then, there is a 6 months gap between the expiration of this permit and another first permit is issued during the same reference period (same year), the double counting is allowed in the same table (e.g. each permit is counted with its length of validity).
- **First single permits:** if a first single permit is issued in the beginning of the year, and it is followed by a renewal or a “change of status”, the double counting is allowed in the total of single permits issued (first single permit + change of status or renewal). The above-mentioned example on first permits also applies for first single permits.

## Periodicity and reference periods of the residence permit tables

The Residence Permits data collection relates to reference periods of one calendar year and shall be completed by national data suppliers and sent to Eurostat according to the specified data format and data transmission tools.

Residence permits statistics covered by Article 6 shall be supplied to Eurostat **within six months of the end of the reference year**.

First reference year:

<sup>5</sup> The magnitude of double counting should be mentioned in the metadata information.

<sup>6</sup> of Authorisations

<sup>7</sup> of Permits/Notifications

<sup>8</sup> of authorisations/notifications

- For the main Residence Permits data collection (Table RP1–RP7) the first reference year is 2008. The RP5AS table was introduced as mandatory from the 2021 reference year.
- For Long-term residence permits issued during the year, table LTR, the first reference year is 2016. These statistics become mandatory starting with 2021 reference year. The LTRAS table is introduced as a mandatory provision from the 2021 reference year.
- For the tables RP1AS, RP2AS, RP4AS, RP6AS and RP7AS the first reference year is 2010 and from 2021 reference year, their provision is mandatory.
- For EU Blue Cards Data collection (tables BC1, BC2 and BC3) the first reference year of the mandatory data provision is 2012.
- For Single Permits data collection (Table SP1) the first reference year is 2013.
- For the statistics on Seasonal Workers, the first reference year is 2017.
- For the statistics on intra-corporate transfers, the first reference year is 2017.
- For the statistics on students and researchers, the first reference year is 2019.
- For residence permits issued during the year/valid at the end of the year for family reunification with beneficiaries of protection status (Table FRPS1 and FRPS2) the first reference year is 2016.

### Data transmission and format

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For all regular data transmissions, including annual data collection on residence permits, only Singly Entry Point (EDAMIS) can be used for supplying data to Eurostat.

At the 2019 Asylum and Managed Migration Working Group Eurostat announced the implementation of the CSV-SDMX compliant format for data transmission, to be implemented from 2021. Therefore, only CSV-SDMX file should be sent as data transmission from 1<sup>st</sup> of January 2021 onwards (as mandatory data transmission format).

To ensure that all data providers are able to generate the CSV files at the national level, Eurostat has provided the CSV exporting functionality (embedded macros / radio buttons) for most of the tables.

The CSV specification and EXCEL templates are available on [CIRCABC](#)<sup>9</sup>.

### Quality standards

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Data providers should assure the data quality of the statistics sent to Eurostat. There is also an obligation to provide to Eurostat the information on the data quality for the statistics sent. Article 9 of the Migration Statistics Regulation refers to several aspects of the data quality:

“9.1a. Member States shall take the measures necessary to ensure the quality of the data and metadata transmitted under this Regulation.

9.1b. The quality criteria listed in Article 12(1) of Regulation (EC) No 223/2009 of the European Parliament and of the Council<sup>10</sup> shall apply for the purposes of this Regulation.

<sup>9</sup> <https://circabc.europa.eu/w/browse/67b8a237-d2b3-4dc6-b80d-763bbbee0ac4>. In case you have trouble accessing the link, please inform us via following e-mail address: [ESTAT-AMM-STATISTICS@ec.europa.eu](mailto:ESTAT-AMM-STATISTICS@ec.europa.eu)

9.2 Member States shall report to the Commission (Eurostat), in the form of quality reports, on the data sources used, the reasons for the selection of those sources, the effects of the selected data sources on the quality of the statistics, the technical and organisational measures used to ensure the protection of personal data and the estimation methods used, and shall keep the Commission (Eurostat) informed of any changes thereto.

9.3. At the request of the Commission (Eurostat), Member States shall provide it with the necessary additional clarification to evaluate the quality of the statistical information.

9.4. Member States shall inform the Commission (Eurostat) without delay of any revisions or corrections to the statistics supplied under this Regulation, of any changes in the methods and data sources used, and of any relevant information or change with regard to the implementation of this Regulation that could influence the quality of the data transmitted.”

Member States must apply the initial validation checks of the permit statistics before providing data to Eurostat. These validation checks shall ensure the internal consistency of the datasets at the level of each aggregation, consistency of data between relevant tables as well as consistency of the data between different reporting periods. Eurostat will provide a list of such validation checks in a separate technical document.

The following general approach is applied to any incoming file to Eurostat: **Incoming datasets that fail to pass the validation according to the rules agreed by the Working Group (i.e. in case of presence of “ERROR” or “FATAL ERROR”) are REFUSED and are not recognised as an official data transmission.**

In exceptional situations, when a national data provider can duly justify the non-compliance with the validation rules, such transmission may be accepted by Eurostat. In this case, the national data provider is required to provide Eurostat with a written (email) justification specifying the exact reasons for non-compliance with the validation rules.

A minimal set of validation rules were endorsed by the Member States in the Working Groups from 2014 and 2015 (please see documents on CIRCABC<sup>11</sup>).

Over the years, Eurostat has reviewed and optimised certain rules and the validation messages of the validation process. See the updated list of rules on [CIRCABC](#).

The automated validation reports, which are made available to data providers via eDAMIS, contain already results of these new sets of rules (e.g. the rule that compares a current data transmission and the data that is already present in the Eurostat database).

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<sup>10</sup> Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).

<sup>11</sup> <https://circabc.europa.eu/w/browse/d08aa693-2573-4c61-abfa-3939ad3bf379>.  
<https://circabc.europa.eu/w/browse/10862bc6-e2ba-4613-ab08-6d3b5b251649>

**National data providers have the responsibility to ensure the provision of validated (ERROR-FREE) data to Eurostat and mandatory consultation of the validation report provided by Eurostat in eDAMIS application (data transmission tool).**

**National data providers have also the responsibility to respond in due time to the questions submitted by Eurostat regarding the data quality issues (including technical aspects of the data transmission or methodological aspects).**

### Publication of RESPER data by Eurostat

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Under the Council Regulation on Community Statistics (Regulation 322/1997) and the European Statistics Code of Practice, aggregate statistical data supplied to Eurostat are intended to be published. Eurostat has a duty to treat users impartially and to ensure equal access – meaning all users can access the data under the same terms and conditions. The RESPER data will therefore, be published in the Eurostat on-line dissemination database, on web pages (Statistics Explained article), social media and in printed publications.

The United Kingdom withdrew from the European Union and is now considered a third country. Brexit has significant implications for the production and dissemination of European statistics. As from February 2020, first quarter 2020 or the year 2020 and onwards, Eurostat will no longer produce and disseminate the EU-28 or other historic aggregates including the UK (EU9 to former EU27), although historic data for these aggregates will be maintained, and updated in online when revised data are received. United Kingdom citizens have to appear in the Residence Permit Statistics as third-country nationals.

### Metadata information

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Reference metadata describe statistical concepts and methodologies used for the collection and generation of data, and provide information on data quality for the statistics sent to Eurostat. More information on metadata and standards used by Eurostat is available online here: <https://ec.europa.eu/eurostat/data/metadata>. Eurostat is using the [ESS MH](#) web tool<sup>12</sup> for collecting, storing and disseminating the reference metadata information.

From 2016 onwards, each Member States should provide national metadata information to the public in a national metadata file. The national metadata files are available online together with the data<sup>13</sup>.

**The provision the national metadata information to Eurostat is mandatory and it is the responsibility of the Member States to maintain accurate and updated information on the RESPER statistics sent to Eurostat.**

The accurate metadata availability is a critical aspect for the statistical users and it is a matter of compliance to the legal framework governing the Eurostat statistics.

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<sup>12</sup> <https://webgate.ec.europa.eu/estat/spe/metaconv/>. In case you have trouble accessing the link, please inform us via following e-mail address: [ESTAT-AMM-STATISTICS@ec.europa.eu](mailto:ESTAT-AMM-STATISTICS@ec.europa.eu)

<sup>13</sup> [https://ec.europa.eu/eurostat/cache/metadata/en/migr\\_res\\_esms.htm](https://ec.europa.eu/eurostat/cache/metadata/en/migr_res_esms.htm)

## Transversal definitions

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### Third-country nationals

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Third-country national refers to “any person who is not a citizen of the Union within the meaning of Article 20(1) of the Treaty on the Functioning of the European Union (TFEU), including stateless persons”. (Art 2.1(i) of the Regulation).

### Citizenship

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The citizenship of holders of residence permits is assumed to be recorded according to that stated in the passport or national identity document. Citizenship recorded in the tables should relate to the citizenship determined by competent authorities at the date of the administrative event i.e. separately for permits to reside issued for the first time and permits issued on the occasion of a person changing immigration status. Except where there is clear evidence of another citizenship, the citizenship recorded in the statistics should be that declared by the applicant, even if there are no supporting travel or identity documents.

Persons being citizens of more than one country shall, in this reporting, be recorded only once and not with each citizenship. The citizenship, which is reported for this purpose shall be the one, which is determined by the Member State.

The Eurostat citizenship codes list has been compiled from the ISO 3166 code list (using Alpha-2 and with minor changes). The intention behind the list is to assist data providers in the Member States in completing the tables, in addition to helping the Commission to provide data, which are as harmonised as possible. This list may be a subject of future amendments if necessary.

In cases where people declare or have documents for citizenship that no longer formally exists, Member States shall provide the data separately with explanatory notes.

An additional category of citizenship 'Recognised non-citizen' includes persons who are not citizens of the reporting country or of any other country, but who have established links to that country which includes some but not all rights and obligations of full citizenship. This category is particularly relevant in Estonia and Latvia, but may also be of relevance in other EU MS.

Please note that the list of citizenships does not represent an official Commission position and is only meant for statistical purposes.

It is highly recommendable to avoid as much as possible the use of categories of 'Stateless' or 'Unknown' for citizenship category. For example, the country of origin can be used as alternative when the citizenship is not possible to be identified in the database.

## STATISTICS BASED ON THE MIGRATION STATISTICS REGULATION

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### Legal Framework

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Article 6 of the Migration Statistics Regulation refers to statistics on residence permits and residence of third-country nationals:

“Member States shall supply to the Commission (Eurostat) statistics on the number of:

- a) residence permits issued to third-country nationals, disaggregated as follows:
  - i. permits issued during the reference period whereby the third-country national is being granted permission to reside **for the first time**, disaggregated by citizenship, by the reason for the permit being issued, by the length of validity of the permit, by age and by sex;
  - ii. permits issued during the reference period and granted on the occasion of a third-country national **changing immigration status or reason for stay**, disaggregated by citizenship, by the reason for the permit being issued, by the length of validity of the permit, by age and by sex;
  - iii. **valid permits at the end of the reference period** (number of permits issued, not withdrawn and not expired), disaggregated by citizenship, by the reason for the issue of the permit, by the length of validity of the permit, by age and by sex;
- b) **long term residents at the end of the reference period**, disaggregated by citizenship, by type of long term status, by age and by sex;
- c) **third-country nationals having acquired a long term residence permit during the reference year**, disaggregated by age and by sex.”

### Coverage – general aspects

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The statistics based on the Regulation refer to third-country national receiving residence permits.

#### Inclusion of specific categories of long-stay visas or immigration status

According to Article 6.2 of the Migration Statistics Regulation, when national laws and administrative practices of a Member State allow for specific categories of long-stay visas or immigration status to be granted instead of residence permits, such visas and grants of statuses should be also included in these statistics.

#### Renewed permits

Renewals of residence permits are not a subject of Article 6.1(a)(i) and (ii) of Migration Statistics Regulation and shall not be included in the flows statistics required and collected

under Article 6. However, renewed permits should be included in stock statistics related to the number of valid permits at the end of the reference period (Table RP6 and RP6AS, RP7 and RP7AS).

### Exclusion of EU Mobility cases

Mobility cases from Intra-corporate transfers<sup>14</sup> and Student and researchers data collections should not be reported by the 2nd MS in the statistics based on the Regulation (tables RP1-RP7). These persons have the authorisation to reside already in the 1<sup>st</sup> Member State.

WG Members agreed with Eurostat proposal not to report in RESPER data EU mobility cases as by the 2nd MS (i.e. not to report those TCNs already authorised in first EU Member State).

### Unit of Measure for the statistics on Regulation

Article 6.1(a) of the Migration Statistics Regulation relates to the number of permits issued to persons. In particular, Articles 6.1(a)(i), 6.1(a)(ii) and 6.1(c) relate to the number of permits being issued to persons during the reference period, while articles Art.6.1(a)(iii) and Art.6.1(b) relates to the number of permits valid at the end of the reference period.

The unit of measure: **person** (holder of or subject of residence permit).

Double-counting of the same person should be excluded in the reported statistics for the same reference period, excepting the case in which there is a gap of minimum 6 months between the new residence permit and the expiration of the previous one.

### Flows / stock data

The collection tables RP1 – RP5, LTR, RP1AS – RP5AS and LTRAS relate to the number of permissions to reside issued **during the reference period** that is during the reference year (i.e. so called flows statistics).

The collection tables RP6, RP6\_AS, RP7 and RP7\_AS relate to the number of valid permits **at the end of the reference period** that is at the end of the reference year (31<sup>st</sup> December of each year) (i.e. so called stock statistics).

### Reason for the permit being issued

There are four main reasons considered as reference: family reasons, education reasons, remunerated activities reasons and other reasons. The sub-categories of these main reasons are presented below in the section they belong (first permits, change of status or valid permits).

Please note that the list of categories of permits presented below differs somewhat from the list of categories annexed to the Commission Regulation (EU) No 216/2010 relating to the definitions of categories of the reasons for the residence permits. This Regulation was

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<sup>14</sup> See intra-EU mobility in the 1. statistics on intra-corporate transfers or 2. statistics on students and researchers

negotiated with the Member States during 2009 and reflected the initial stage of the development of this data collection. The changes made to the list of categories reflect newly arising policy needs and policy instruments.

Member States have been consulted concerning these changes to the list of permit categories. Any formal changes to the implementing Regulation (repeal and replacement with a new legal text) may be considered at a later stage when this data collection is more established and the particular needs for statistics are more defined.

### Length of validity of the permit (Duration)

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The statistics under Regulation refers to residence permits issued with at least 3 months of validity. The following breakdowns are collected for the length of validity (duration):

- a. From 3 to 5 months (3 and 5 months included); **minimum 3 months and less than 6 months;**
- b. From 6 to 11 months (6 and 11 months included); **minimum 6 months and less than 12 months;**
- c. 12 months and over; **minimum 12 months.**

#### Exceptional arrangements

No disaggregation by the length of validity of the permit are requested for the table RP5 (Grants of permission to stay issued to third-country nationals on the occasion of a person changing immigration status or reason to stay). It is assumed, and as discussed with Member States, that the limited usefulness of a full disaggregation does not justify the additional burden of collecting these data. Moreover, in accordance with the definition of first permit, only residence permits issued for the duration of at least 3 months shall be included in the obligatory statistics collected in the table RP5.

### Age

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The following categories are collected for AGE category:

0–4, 5–9, 10–14, 15–17, 18–19, 20–24, 25–29, 30–34, 35–39, 40–44, 45–49, 50–54, 55–59, 60–64, 65–69, 70–74, 75–79, 80–84, 85 and over, unknown;

The basis for recording ages is the age accepted by the national authority.

Reporting of age is based in general on the **5-years age groups**. As exception, the group of ages between 15 and 19 years was split in two categories **15–17 and 18–19** for allowing the aggregation of 0-17 years (category of minors).

A separate disaggregation 'Unknown age' is included only for situations when there is an error in administrative data or in the extraction of the statistics. This should not exceed 2% of the total of the corresponding table.

For the flow statistics covered by the tables RP1\_AS – RP5\_AS and LTRAS the age reported in these tables shall relate to the age at the administrative event i.e. at the day of issuance of the permit.

For the statistics on the number of valid permits i.e. for the tables RP6\_AS and RP7\_AS the age should be that of the person at the end of the reference period and not at the day of

issuing the permit. For example for data related to 2010 (stock of valid permits at 31<sup>st</sup> December 2010) it shall be the age of the person on 31<sup>st</sup> December 2010.

## Sex

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The following categories are collected for SEX category: Male, Female and Unknown.

## Age and Sex categories

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Age (and sex) disaggregation are reported only at the total level of permits<sup>15</sup> issued or valid for the following reasons:

- First permits issued for reasons related to family formation and reunification (Table RP1AS), education and study (RP2AS), remunerated activities (RP3AS), other reasons (RP4AS);
- First permits issued for change of immigration status or reason to stay (RP5AS);
- The number of valid permits to stay at the end of the reference period (Table RP6AS);
- Population of third-country nationals having long-term legal resident status at the end of the reference period (Table RP7AS).
- Population of third-country nationals receiving long-term legal resident status during the reference period (Table LTRAS).

## I. STATISTICS ON FIRST PERMITS

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### Legal framework

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Member States shall supply to the Commission (Eurostat) statistics on the number of:

- d) residence permits issued to third-country nationals, disaggregated as follows:
  - i. permits issued during the reference period whereby the third-country national is being granted permission to reside **for the first time**, disaggregated by citizenship, by the reason for the permit being issued, by the length of validity of the permit, by age and by sex;

### Coverage

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First residence permits issued to third-country nationals during the year.

#### **First residence permits**

For the purpose of the reporting under Article 6 of the Migration Statistics Regulation a residence permit should be regarded as a first permit in the following situations:

- a) when no residence permit was issued by the Member State to the person concerned before: first permit is every permit issued by the Member State authority to the third-country national with at least 3 months validity;

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<sup>15</sup> the age and sex categories are not collected for the sub-reason categories.

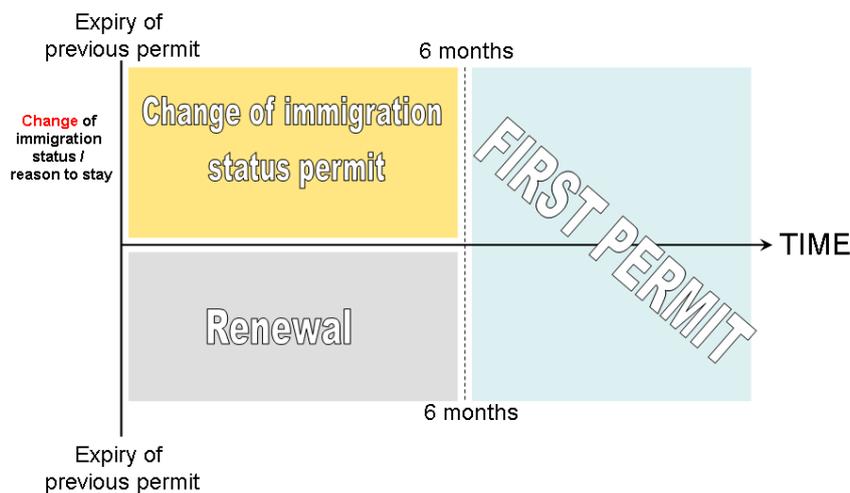
- b) when a residence permit was issued by the Member State to the person concerned already in the past: first permit is a permit issued by the Member State authority after at least 6 months, since the expiry of the previous permit, irrespective of the year of issuance of the permit and with at least 3 months validity.

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 (if no change or reason or immigration status) or as a change of status permit (if change in reason or immigration status).

For example: When the first residence permit was issued on 1<sup>st</sup> January 2007 with the validity of 12 months, a permit issued after 6 months since the expiry of that permit, i.e. after 30<sup>th</sup> June 2008, will be recorded as a new permit.

Accordingly, permits issued during 6 months after the expiry (i.e. between 1<sup>st</sup> January 2008 and 30<sup>th</sup> June 2008) will be treated as renewals if there is no change of immigration status or reason to stay. These renewed permits are not a subject of the flows statistics under Article 6 and are therefore to be excluded from statistics collected under the tables RP1 – RP5 and RP1\_AS – RP5\_AS.

However, if during that period the immigration status or the reason to stay has been changed (for example, the person had a student permit and afterwards receives a permit for remunerated activities), this permit will be recorded according to the Article 6.1(a)(ii), i.e. under the table RP5 - *Grants of permission to stay issued to third-country nationals on the occasion of a person changing immigration status or reason to stay*.



The definition 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) shall be considered to be a first permit (if of course the time gap conditions are met).

If the **decision** to issue a residence permit has been made but the actual issuance of the residence permit is delayed, and during the waiting period the person is issued with a **provisional document** proving that the person has been granted permission to reside on the territory of the Member State, such provisional document shall be considered as a residence permit if the validity length is of at least 3 months. However, this does not apply to a

document issued that only proves that an application for permission to reside has been lodged (i.e. in the case where no decision to grant permission to reside has yet been taken).

Statistics on short-term visas issued to third-country nationals shall not be included in the data provided under Article 6.

In order to avoid double counting, statistics on **long-term visas** issued abroad to third-country nationals, who are not present on the territory of the reporting country for the purpose of the **first entry** to a Member State, shall not be included in the data provided under Article 6, if immediately after entry in the territory of the Member State the third-country national is granted a residence permit.

## Collected datasets and cross-tabulations

### First residence permits for family formation and reunification

#### ***Table RP1. Grants of permission to stay issued to third-country nationals for reasons related to family formation and reunification:***

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Disaggregations:

- Citizenship: list of countries;
- Length of validity: 3 to 5 months (minimum 3 months and less than 6 months); 6 to 11 months (minimum 6 months and less than 12 months); 12 months or more (minimum 12 months).
- Reason: Joining an EU citizen, Joining a non-EU citizen;
- Member: Spouse/Partner, Children (Minor/Adult), Other family members;

#### ***Table RP1\_AS. Grants of permission to stay issued to third-country nationals for reasons related to family formation and reunification:***

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Disaggregations:

- Citizenship: list of countries
- Age: 0–4; 5–9; 10–14; **15–17; 18–19**; 20–24; 25–29; 30–34; 35–39; 40–44; 45–49; 50–54; 55–59; 60–64; 65–69; 70–74; 75–79; 80–84; 85 and over; unknown;
- Sex: Males, Females, unknown;

## Coverage

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These tables refer to first residence permits issued for family reasons, counting also cases when the reason of issuing the permit is very close to family formation and reunification (e.g. instead of covering these cases in Other - residual category). Therefore, this category covers first residence permits for family reasons issued under national framework and those first permits for family reasons issued under EU directives.

The EU directives on family formation and reunification provide the guidelines on the way of classifying these first permits by<sup>16</sup>: 1. sponsor's citizenship (EU citizen or non-EU citizen) and 2. family member type (spouse/partner, child and other family member).

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<sup>16</sup> Collected separately in the data collection file (sponsor's citizenship as REASON category and family member type as MEMBER category) then are merged in REASON category for simpler data dissemination.

Reasons related to family formation and reunification<sup>17</sup>:

- Joining an EU citizen as:
  - Spouse/partner
  - Child (minor/adult)
  - Other family member
- Joining a non-EU citizen as:
  - Spouse/partner
  - Child (minor/adult)
  - Other family member

### Family reunification

'Family reunification' means the entry into and residence in a Member State by family members of a third country national residing lawfully in that Member State in order to preserve the family unit, whether the family relationship arose before or after the resident's entry. (Article 2(d) Directive 2003/86/EC)

### Sponsor

'Sponsor' means<sup>18</sup> a third country national or an EU citizen residing lawfully in a Member State and applying or whose family members apply for family reunification to be joined with him/her.

Sponsor's citizenship (EU vs non-EU): The rights of third-country nationals joining other third-country nationals (non-EU citizens) are regulated by Directive 2003/86/EC<sup>1</sup>, while the rights of third-country nationals joining EU citizens residing in another Member State are set out in Directive 2004/38/EC<sup>1</sup>. The case of third-country joining EU nationals who live in their own country of citizenship (i.e. 'non-mobile EU citizens') is regulated by national law only.

Directive 2004/38/EC refers to the rights of third-country nationals joining EU-citizens is of EEA (European Economic Area)<sup>19</sup> 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. For example, this Directive is not applicable when a third-country national joins a Norwegian citizen in the territory of Norway or a French citizen in France. In this respect and as the rights are given on the same legislative basis, third-country nationals who join or accompany the citizens of Iceland, Liechtenstein and Norway in the territory of an EEA country (but other than that of which they are a national) shall be reported under category 'Joining an EU citizen'.

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<sup>17</sup> Regulation (EU) No 216/2010 of 15 March 2010 implementing Regulation (EC) No 862/2007

<sup>18</sup> Definition from Article 2(c) of Directive 2003/86/EC adapted to cover EU citizens.

<sup>19</sup> The following countries are Members of EEA: 27 EU Member States, Iceland, Liechtenstein and Norway. Switzerland is not a Member of EEA, therefore this Directive is not applicable in this country.

## Family member

“Family member” means<sup>20</sup>:

- a) the spouse;
- b) the partner with whom the Union citizen or the TCN has contracted a registered partnership, on the basis of the legislation of a Member State, if the legislation of the host Member State treats registered partnerships as equivalent to marriage and in accordance with the conditions laid down in the relevant legislation of the host Member State;
- c) the direct descendants who are under the age of 21 or are dependants and those of the spouse or partner as defined in point (b);
- d) the dependent direct relatives in the ascending line and those of the spouse or partner as defined in point (b);

## Special cases

Adopted **children**, if the adoption process is legally completed before the permission to reside is granted, shall be 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 permit shall be recorded under the category 'Other family members'.

**Children** being third-country nationals and born after the issuance of the residence permits to parents shall be 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).

**Family members** who are the subject of a family formation/reunification residence permit and who also receive the right to work should be only included in the statistics under the table RP1 and not under the table RP3 (reasons related to remunerated activities). Only family members granted an independent work permit (not linked to the sponsor) can be recorded in the table RP3.

## Family formation and reunification under national legislation

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/EC and 2004/38/EC) shall be also included in the statistics under the table RP1.

For the purpose of the coherent reporting of the third-country nationals joining citizens of Iceland, Liechtenstein, Norway and Switzerland, permissions issued to such third-country nationals on the basis of national law shall also be reported under the category 'Joining an EU citizen'. For example a third-country national who receives a residence permit on the basis of Norwegian law and who joins or accompany a Norwegian citizen which moves or resides on the territory of Norway, shall be reported in the category 'Joining an EU citizen'.

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<sup>20</sup> Definition from Article 2.2 of Directive 2004/38/EC adapted to cover TCN.

## First residence permits for Education reasons

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### **Table RP2. Grants of permission to stay issued to third-country nationals for reasons related to education and study:**

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Disaggregations:

- Citizenship: list of countries
- Length of validity: 3 to 5 months (minimum 3 months and less than 6 months); 6 to 11 months (minimum 6 months and less than 12 months); 12 months or more (minimum 12 months).
- Reason: Students; Other educational-related

### **Table RP2\_AS. Grants of permission to stay issued to third-country nationals for reasons related to education and study:**

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Disaggregations:

- Citizenship: list of countries
- Age: 0–4; 5–9; 10–14; **15–17; 18–19**; 20–24; 25–29; 30–34; 35–39; 40–44; 45–49; 50–54; 55–59; 60–64; 65–69; 70–74; 75–79; 80–84; 85 and over; unknown;
- Sex: Males, Females, unknown;

## Coverage

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These tables refers to first residence permits issued for education reasons, counting also cases when the reason of issuing the permit is very closed to education, study or training such as: trainees, volunteers, au pairs, pupils, students not covered by Directive (EU) 2016/801 (e.g. instead of covering these cases in Other - residual category). Therefore, this category cover first residence permits for education reasons issued under national framework and those first permits for education reasons issued under EU directives.

Reasons related to education:

- Students
- Other educational-related

## Students

‘Student’ means a third-country national who has been accepted by a higher education institution and is admitted to the territory of a Member State to pursue as a main activity a full-time course of study leading to a higher education qualification recognised by that Member State, including diplomas, certificates or doctoral degrees in a higher education institution, which may cover a preparatory course prior to such education, in accordance with national law, or compulsory training. (Article 3(3) of Directive (EU) 2016/801<sup>21</sup>)

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<sup>21</sup> [Directive \(EU\) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing](#) OJ L 132, 21.5.2016, p. 21–57 replaced [Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the](#)

## Other education-related

Category 'Other education-related' relates to first residence permits issued to persons admitted for education and study reasons not covered by the 'Student' definition above.

'Other education-related' should include, notably:

- trainees,
  - as defined in Article 3(5) of Directive (EU) 2016/801 - 'trainee' means a third-country national who holds a degree of higher education or is pursuing a course of study in a third country that leads to a higher education degree and who is admitted to the territory of a Member State for a training programme for the purpose of gaining knowledge, practice and experience in a professional environment.
  - other third-country nationals coming for a traineeship or internship, but not covered by Directive (EU) 2016/801
- school pupils
  - as defined in Article 3(4) of Directive (EU) 2016/801, 'school pupil' means a third-country national admitted to the territory of a Member State to follow a recognised, state or regional programme of secondary education equivalent to ISCED level 2 or 3 in the context of a pupil exchange scheme or educational project operated by an education establishment in accordance with national law or administrative practice;
  - other third-country nationals coming for secondary education or any other level, but not covered by Directive (EU) 2016/801
- volunteers
  - as defined in Article 3(6) of Directive (EU) 2016/801 - 'volunteer' means a third-country national who is admitted to the territory of a Member State to participate in a voluntary service scheme.
  - Other third-country nationals coming for participating in a voluntary service scheme, but not covered by Directive (EU) 2016/801
- Au pairs
  - as defined in Article 3(8) of Directive (EU) 2016/801, 'au pair' means a third-country national who is admitted to the territory of a Member State to be temporarily received by a family in order to improve his or her linguistic skills and knowledge of the Member State concerned in exchange for light housework and taking care of children;
  - other third-country nationals coming for au pairing but not covered by Directive (EU) 2016/801
- Students not covered by Directive (EU) 2016/801

Researchers, job searchers and entrepreneurs or their family members should not be included in 'Other education-related' category (these categories belong to other tables, RP1, RP3 or RP4).

### First residence permits for Employment reasons

#### **Table RP3. Grants of permission to stay issued to third-country nationals for reasons related to remunerated activities:**

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Disaggregations:

- Citizenship: list of countries;
- Length of validity: 3 to 5 months (minimum 3 months and less than 6 months); 6 to 11 months (minimum 6 months and less than 12 months); 12 months or more (minimum 12 months).
- Reason: Highly skilled workers; EU Blue Card; Researchers; Other remunerated activities;

#### **Table RP3\_AS. Grants of permission to stay issued to third-country nationals for reasons related to remunerated activities:**

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Disaggregations:

- Citizenship: list of countries
- Age: 0–4; 5–9; 10–14; **15–17; 18–19**; 20–24; 25–29; 30–34; 35–39; 40–44; 45–49; 50–54; 55–59; 60–64; 65–69; 70–74; 75–79; 80–84; 85 and over; unknown;
- Sex: Males, Females, unknown;

### Employment reasons

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These tables refers to first residence permits issued for employment reasons, counting also cases when the reason of issuing the permit is very closed to employment. Therefore, this category cover first residence permits for employment reasons issued under national framework and those first permits for employment reasons issued under EU directives.

The Directives provides some guidelines on the way of classifying these first permits for employment reasons: Directive 2009/50/EC (EU Blue Cards), Directive 2014/66/EU (intra-corporate transferees), Directive (EU) 2016/801 (researchers), or other EU Directives.

#### Reasons related to the remunerated activities (employment reasons):

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- Highly skilled workers;
- EU Blue Card;
- Researchers;
- Seasonal workers;
- Other remunerated activities.

## Highly skilled workers

Category '**Highly skilled workers**' refers to the first residence permits issued to third-country nationals admitted under national programmes/schemes 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<sup>22</sup> could provide an **indication** of the characteristics of these type of migrants. However, these definitions do not represent the set of criteria to be fulfilled as the category 'Highly skilled workers' refer to the national admission programmes, which are based on national legislation specifying other criteria not listed below:

- Article 2(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,
- Article 2(g): '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(h): '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(i): 'professional experience' means the actual and lawful pursuit of the profession concerned;
- Article 2(j): 'regulated profession' means a regulated profession as defined in Article 3(1)(a) of Directive 2005/36/EC<sup>23</sup> (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

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<sup>22</sup> [Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment](#); OJ L 155, 18.6.2009, p. 17–29.

<sup>23</sup> [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.

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).

### **EU Blue Cards holders**

Category '**EU Blue Card**' refers to the first residence permits issued to persons granted such authorisation to reside.<sup>24</sup> '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. In accordance with Article 20(2) of this Directive, statistics on this category shall be provided to the Commission annually and for the first time not later than 19 June 2013 i.e. for the reference year 2012.

### **Researchers**

Category '**Researcher**' refers to the first residence permits (or long-stay visas) issued to persons granted such an authorisation to reside. 'Researcher' is defined by Directive (EU) 2016/801<sup>25</sup> as a third-country national who holds a doctoral degree or an appropriate higher education qualification, which gives access to doctoral programmes, who is selected by a research organisation and admitted to the territory of a Member State for carrying out a research activity for which such qualification is normally required. If the national definition of 'Researcher' deviates from the above, Member States are requested to provide the definition used by them for the category 'Researcher'.

### **Seasonal workers**

**Seasonal workers category is not collected anymore in table RP3 from 2021 reference period onwards.** Collecting seasonal workers in table RP3 represents an overlap with SW data collection. The figures reported in previous years under the seasonal workers category will be included in 'Other remunerated activities' category (see below) from 2021 onwards. The previous RESPER guidelines will be used for revising the data related to the reference years 2010-2020).

Category '**Other remunerated activities**' should include first residence permits issued to persons granted authorisation to work not covered by the other categories above. This would include self-employed persons notably.

### **First residence permits for *Other* reasons**

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<sup>24</sup> Please note that the definition of the first 'EU Blue Card' is not fully consistent with the definition of the 'EU Blue Card GRANTED' used for the purpose of the data collection under Article 20 of the Directive 2009/50/EC.

<sup>25</sup> [Directive \(EU\) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing](#) OJ L 132, 21.5.2016, p. 21–57. replaced [Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research](#); OJ L 289, 3.11.2005, p. 15–22. as of 24.05.2018

***Table RP4. Grants of permission to stay issued to third-country nationals for other reasons:***

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- Citizenship: list of countries;
- Length of validity: 3 to 5 months (minimum 3 months and less than 6 months); 6 to 11 months (minimum 6 months and less than 12 months); 12 months or more (minimum 12 months).
- Reason: Refugee status and subsidiary protection; Humanitarian reasons; Unaccompanied minors (non-asylum related); Victims of trafficking in human beings; Residence only; Residual categories

***Table RP4\_AS. Grants of permission to stay issued to third-country nationals for other reasons:***

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Disaggregations:

- Citizenship: list of countries;
- Age: 0–4; 5–9; 10–14; **15–17; 18–19**; 20–24; 25–29; 30–34; 35–39; 40–44; 45–49; 50–54; 55–59; 60–64; 65–69; 70–74; 75–79; 80–84; 85 and over; unknown;
- Sex: Males, Females, unknown;

**Other reasons**

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These tables refers to first residence permits issued for other reasons (other than family reasons, education reason or employment reason). This category cover first residence permits for other reasons issued under national framework, and also those first permits for family reasons issued under some EU directives mentioned below.

**Reasons related to *Other reasons***

- Refugee status and subsidiary protection;
- Humanitarian reasons;
- Unaccompanied minors (non-asylum related);
- Victims of trafficking in human beings;
- Residence only;
- Residual categories.

**Refugee status and subsidiary protection**

Category '**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(e) of Directive 2011/95/EU<sup>26</sup> 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

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<sup>26</sup> [Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 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.](#)

1967. In accordance with Article 2(e) '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(g) of Directive 2011/95/EU. In accordance with Article 2(g) '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**

Category '**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 is 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<sup>27</sup>.

### **'Unaccompanied minors (non-asylum related)**

Category '**Unaccompanied minors (non-asylum related)**' relates to first residence permits issued to minors considered to be unaccompanied minor as defined in Article 2(k and l) of Directive 2011/95/EU. As defined in previous Directive 2004/83/EC this legal documents was covering asylum issues but the definition was applicable to unaccompanied minors who are not asylum-seekers. In accordance with new Directive 2011/95/EU Article 2(k and l), '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 shall 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 shall be 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**

Category '**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<sup>28</sup>. 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 shall 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

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<sup>27</sup> The European Migration Network prepared a study on the different national practices concerning the granting of non-EU harmonised protection statuses. Reports are available here: [EMN Study on national practices concerning the granting of non-EU harmonised protection statuses](#).

<sup>28</sup> [Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities](#).

derogation, Member States may decide to apply this Directive to minors under the conditions laid down in their national law.

### **Residence only**

Category '**Residence only**' shall 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.

### **Residual categories**

Category '**Residual categories**' shall include all other reasons for which first residence permits may be issued and which are not covered by the tables RP1-RP3 and any of the other categories from the table RP4. This categories should not include categories which can be classified under one of the existing reasons in Resper data collection (it is not meant to cover unknown cases; the reason of the permit issued should be approximated to one of the existing reasons from above).

Long-term permits should be included in residual categories, if the long term permits do not have another main reason to reside (e.g. if the RP is for working reason with more than 5 years validity, this should be reported for working reasons).

## II. STATISTICS ON CHANGE OF IMMIGRATION STATUS/REASON TO STAY (tables RP5)

### Legal framework

Article 6 of Migration Statistics Regulation is stating: “Member States shall supply to the Commission (Eurostat) statistics on the number of:

- a) residence permits issued to third-country nationals, disaggregated as follows:
  - ii. permits issued during the reference period and granted on the occasion of a third-country national changing immigration status or reason for stay, disaggregated by citizenship, by the reason for the permit being issued, by the length of validity of the permit, by age and by sex”.

### Coverage

**Permission to reside shall be counted as a change of immigration status or reason to stay permit if the period between the expiry of the previous 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.**

For example: When a first residence permit issued for education related reasons expired on 31<sup>st</sup> March 2021 the following permission to reside will be counted under Article 6.1(a)(ii), i.e. in table RP5 (*Grants of permission to stay issued to third-country nationals on the occasion of a person changing immigration status or reason to stay*). If it was granted not

later than by 30<sup>th</sup> September 2021 and for the reason of the person changing immigration status or reason to stay. If the immigration status or reason to stay has not changed, a permit issued during these 6 months will be treated as a renewal (and therefore falls outside of the scope of the flows statistics collected under Article 6).

Change of immigration status or reason to stay shall be interpreted as a change of the (hypothetical) major category of the permit being issued i.e. only changes between following categories:

1. Reasons related to family formation and reunification;
2. Reasons related to education and study;
3. Reasons related to remunerated activities;
4. Other reasons.

That means that for instance the change of permit from the 'Study reasons' to the 'Other educational-related reasons' **shall not** be interpreted as a change of immigration status or reason to stay as both permits are residence permits issued for the reasons related to education and study. Similarly, a change of permit from 'Highly Skilled Workers' into 'Other remunerated activities' permit category shall not be interpreted as a change of status.

Only changes of statuses between major categories can be recorded as a change of status permit. An example of that change may be a 'Researcher' permit (i.e. permit related to remunerated activities) granted after expiry of a 'Study reasons' permit (permit related to educational reasons).

If the new information allows the identification of the main reasons for the cases considered initially with unknown reasons, (e.g. from residual category) – a revision of the data should be provided to Eurostat. If these cases are the subject of change of status should be included in RP5, if there is no change of status these cases should be excluded from this table.

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

#### [Reason for change of status or reason to stay](#)

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Permit type registered in this table indicate the change from the previous status/reason to the new immigration status or reason to stay. For instance, a person having previously held residence permit related to education who then receives a new residence permit for reasons related to remunerated activities will be recorded under category 5.2.2 i.e.:

*5.2. When previous permission was granted for reasons related to education and study*

*5.2.2. Reasons related to remunerated activities*

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 should be included in this table. 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 in Table RP3 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 and shall be reported under one of the tables RP1-RP4. Please see also the section related to the definition of change of status.

#### Collected datasets and cross-tabulations

##### ***Table RP5. Grants of permission to stay issued to third-country nationals on the occasion of a person changing immigration status or reason to stay:***

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- Citizenship: list of countries
- Reason:
  1. When *previous* permission was granted for reasons related to family formation and reunification and the new permission changed to:
    - 1.1. Reasons related to education and study;
    - 1.2. Reasons related to remunerated activities;
    - 1.3. Other reasons;
  2. When previous permission was granted for reasons related to education and study and the new permission changed to:
    - 2.1. Reasons related to family formation and reunification;
    - 2.2. Reasons related to remunerated activities;
    - 2.3. Other reasons.
  3. When previous permission was granted for reasons related to remunerated activities and the new permission changed to:
    - 3.1. Reasons related to family formation and reunification;
    - 3.2. Reasons related to education and study;
    - 3.3. Other reasons.
  4. When previous permission was granted for other reasons and the new permission changed to:
    - 4.1. Reasons related to family formation and reunification;
    - 4.2. Reasons related to education and study;
    - 4.3. Reasons related to remunerated activities.

##### ***Table RP5AS. Grants of permission to stay issued to third-country nationals on the occasion of a person changing immigration status or reason to stay:***

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Disaggregations:

- Citizenship: list of countries;
- Age: 0–4; 5–9; 10–14; **15–17; 18–19**; 20–24; 25–29; 30–34; 35–39; 40–44; 45–49; 50–54; 55–59; 60–64; 65–69; 70–74; 75–79; 80–84; 85 and over; unknown;
- Sex: Males, Females, unknown;

### III. STATISTICS ON VALID PERMITS TO STAY AT THE END OF THE YEAR (tables RP6)

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#### Legal framework

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Article 6.a (iii) of the Migration Statistics Regulation is stating “Member States shall supply to the Commission (Eurostat) statistics on the number of:

- a) residence permits issued to third-country nationals, disaggregated as follows:
  - iii. valid permits at the end of the reference period (number of permits issued, not withdrawn and not expired), disaggregated by citizenship, by the reason for the issue of the permit, by the length of validity of the permit, by age and by sex”.

#### Coverage

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**IMPORTANT: The number of valid permissions to stay contains the permanent residence permits issued to the third-country nationals.**

This table shall include statistics on all valid permits at the end of reference period, therefore including **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.

The permit category '**Other reasons**' shall 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 shall be primarily reported under the respective category (i.e. 'Refugee status' or 'Subsidiary protection')

#### Collected datasets and cross-tabulations

***Table RP6. The number of valid permissions to stay at the end of the reference period held by third-country nationals:***

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Disaggregations:

- Citizenship: list of countries;
- Length of validity: 3 to 5 months (minimum 3 months and less than 6 months); 6 to 11 months (minimum 6 months and less than 12 months); 12 months or more (minimum 12 months).
- Reason: Family formation and reunification; Education and study; Remunerated activities; Refugee status; Subsidiary protection; Other reasons;

***Table RP6\_AS. The number of valid permissions to stay at the end of the reference period held by third-country nationals:***

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Disaggregations:

- Citizenship: list of countries

- Age: 0–4; 5–9; 10–14; **15–17**; **18–19**; 20–24; 25–29; 30–34; 35–39; 40–44; 45–49; 50–54; 55–59; 60–64; 65–69; 70–74; 75–79; 80–84; 85 and over; unknown;
- Sex: Males, Females, unknown;

#### IV. STATISTICS ON LONG-TERM RESIDENTS AT THE END OF THE YEAR (tables RP7)

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##### Legal framework

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Member States shall supply to the Commission (Eurostat) statistics on the number of:

- b) long term residents at the end of the reference period, disaggregated by citizenship, by type of long term status, by age and by sex;

##### Coverage

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These statistics refers to third-country nationals having long-term status in the end of the year, under the Directive 2003/109/EC (EU long-term residence status) or under national framework. Therefore, there are two types of long-term status: 1.EU long-term resident status and 2. National long-term resident status.

##### EU long-term resident status

Category '**EU long-term residence status**' 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<sup>29</sup>. 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

Category '**National long-term residence status**' refers to the number of such permits valid at the end of the reference period. This category includes **long-term or permanent** residence status granted to third-country nationals under rules, which are different from Council Directive 2003/109/EC. The minimum requirement to qualify permit under this category shall be the duration of the permit of at least 5 years.

The 2019 AMM Working Group endorsed the following definition:

“National Long-term Residence Permits include all residence permits with 5 years or more validity length (including Permanent Residence Status) granted to third-country nationals under rules which are different from Council Directive 2003/109/EC.”

Countries not implementing Directive 2003/109/EC shall report statistics on long-term residents under category 'National long-term resident status' (e.g. Denmark, Ireland, the United Kingdom, EFTA countries).

**IMPORTANT:** Category **Total long-term resident status** is a subset of all permits valid in the end of the year (table RP7 is a subset of table RP6 and table RP7\_AS is a subset of table RP6\_AS). A validation rule had been set to reject the files that do not follow this rule.

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<sup>29</sup> [Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents](#); OJ L 16, 23.1.2004, p. 44–53.

## Collected datasets and cross-tabulations

### **Table RP7. Population of third-country nationals having long-term legal resident status at the end of the reference period:**

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Disaggregations:

- Citizenship: list of countries;
- Type of long-term status: EU long-term resident status; National long-term resident status;

### **Table RP7\_AS. Population of third-country nationals having long-term legal resident status at the end of the reference period:**

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Disaggregations:

- Citizenship: list of countries;
- Age: 0–4; 5–9; 10–14; **15–17; 18–19**; 20–24; 25–29; 30–34; 35–39; 40–44; 45–49; 50–54; 55–59; 60–64; 65–69; 70–74; 75–79; 80–84; 85 and over; unknown;
- Sex: Males, Females, unknown;

## V. STATISTICS ON LONG-TERM RESIDENCE PERMITS ISSUED DURING THE YEAR (tables LTR)

### Legal framework

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Member States shall supply to the Commission (Eurostat) statistics on the number of:

- c) third-country nationals having acquired a long term residence permit during the reference year, disaggregated by age and by sex.

### Coverage

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The long-term residence status data collection refers to some different definition than other RESPER data collections (e.g. New long-term residence status).

The present guidelines refer to the statistics on 'third-country nationals' who were granted a new long-term residence status (New LTR) during the reference year, excluding the renewed long-term permits. A partial overlap might exist between New LTR data collection and change of status permits data collection (table RP5).

**New long-term residence status** refers to the long-term residence permits issued during the year with at least five years of validity, excluding the renewal cases (e.g. the prolongation of the EU or National LTR permit). The cases where a new long-term residence status is granted following a change of status or reason to stay should be included in the New LTR permits (i.e. including the change of permit from National long-term residence to EU long-term residence).

'**EU long-term resident status**' refers to the number of such permits issued during the reference period. This status is defined by Article 2(h) of the Migration Statistics Regulation i.e. by reference 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' refers to the number of such permits issued during the reference period. This category includes long-term or permanent residence status granted to third-country nationals under rules, which are different from Council Directive 2003/109/EC. The minimum requirement to qualify permit under this category shall be the validity of the permit of at least 5 years. The 2019 AMM Working Group endorsed the following definition:

"National Long-term Residence Permits include all residence permits with 5 years or more validity length (including Permanent Residence Status) granted to third-country nationals under rules which are different from Council Directive 2003/109/EC."

Countries not implementing Directive 2003/109/EC shall report statistics on long-term residents under category 'National long-term resident status' (e.g. Denmark, Ireland, the United Kingdom, EFTA countries).

#### Collected datasets and cross-tabulations

##### ***Table LTR. Population of third-country nationals receiving long-term residence permits during the year (new and change of status or reason to stay) by type of permit and citizenship***

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Disaggregations:

- Citizenship: list of countries
- Type of long-term status: EU long-term resident status; National long-term resident status;

##### ***Table LTRAS. Population of third-country nationals receiving long-term residence permits during the year (new and change of status or reason to stay) by type of permit and citizenship***

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Disaggregations:

- Citizenship: list of countries
- Age: 0–4; 5–9; 10–14; **15–17; 18–19**; 20–24; 25–29; 30–34; 35–39; 40–44; 45–49; 50–54; 55–59; 60–64; 65–69; 70–74; 75–79; 80–84; 85 and over; unknown;
- Sex: Males, Females, unknown;

## STATISTICS BASED ON THE EU DIRECTIVES

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### VI. STATISTICS ON EU BLUE CARDS UNDER ARTICLE 20 OF DIRECTIVE 2009/50/EC

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This section provides guidance about the statistics on EU Blue Cards collected in accordance with Article 20 of the Council Directive 2009/50/EC<sup>30</sup>. The aim is to provide a methodological and technical guidance for the compilation of the statistical data requested under Article 20.

#### Legal base

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Article 20 (2) of the Directive 2009/50/EC:

"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, 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."

The "as far as possible" phrase mentioned in this Directive shall be interpreted as an obligation to provide data if the data on the specific category/disaggregation is available to the national data provider in the respective administrative register or database.

Although Denmark and Ireland are not implementing Directive 2009/50/EC, these Member States shall, as far as possible, supply statistics based on comparable definitions. These definitions shall be provided to Eurostat.

Directive 2009/50/EC does not apply to EFTA countries, therefore these countries are not a subject of this data collection, except that there would be any national law derived from this Directive or based on very similar framework. In that case, these countries may provide statistics based on comparable definitions. These definitions shall be provided to Eurostat.

#### Data coverage

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All the requested statistics relate only to **third-country nationals**, defined as "any person who is not a citizen of the Union within the meaning of Article 20(1) of the Treaty" (Art 2(a) of the Directive). In accordance with the requirements of Article 20 of the Directive, data are collected on the number of EU Blue Cards **granted, renewed and withdrawn**.

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<sup>30</sup> [Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment](#); OJ L 155, 18.6.2009, p. 17–29.

## Definitions

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In accordance with the Directive 'EU Blue Card' means 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 (Article 2(c)).

'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 Card<sup>31</sup>;
- 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;

Practically the term 'EU Blue Card GRANTED' refers to:

- all first time issued EU Blue Cards (irrespective if the person was previously in a possession of a residence permit issued by the same Member State or not)
- EU Blue Card issued after 6 months since the expiry of the previous EU Blue Card (both issued by the same Member State).

For example: When the EU Blue Card was issued on 1<sup>st</sup> January 2012 with the validity of 12 months, any EU Blue Card issued after 6 months since the expiry of that permit, i.e. **after** 30<sup>th</sup> June 2013, will be recorded as a 'EU Blue Card GRANTED'.

'EU Blue Card RENEWED' means EU Blue Card issued to the same person with the validity starting immediately after the expiry of the previous EU Blue Card or if the time gap between the expiry of the previous EU Blue Card and the start of the validity of the following EU Blue Card is shorter than 6 months.

For example: When the EU Blue Card was issued on 1<sup>st</sup> January 2012 with the validity of 12 months and this card was valid (and not withdrawn) until the end of 2012, any following EU Blue Card issued with a validity starting between the period 1<sup>st</sup> January – 30<sup>th</sup> June 2013 (i.e. within 6 months since the expiry of EU Blue Card) shall be recorded as a 'EU Blue Card RENEWED'.

'EU Blue Card WITHDRAWN' means EU Blue Card withdrawn in accordance with the Article 9 of the Directive 2009/50/EC.

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<sup>31</sup> 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.

'First Member State' means the Member State, which first grants a third-country national an 'EU Blue Card' (Article 2(d)).

'Second Member State' means any Member State other than the first Member State (Article 2(e)).

'Family members' means third-country nationals as defined in Article 4(1)<sup>32</sup> of Directive 2003/86/EC (Article 2(f)).

'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)).

'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)).

'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)).

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<sup>32</sup> Article 4.

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:

- (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 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.

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.

'Professional experience' means the actual and lawful pursuit of the profession concerned (Article 2(i)).

'Regulated profession' means a regulated profession as defined in Article 3(1)(a) of Directive 2005/36/EC<sup>33</sup> (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)).

### Periodicity and reference periods of the residence permit tables

The EU Blue Cards data collection relates to reference periods of one calendar year and shall be completed by national data suppliers and sent to Eurostat according to the specified data format and data transmission tools.

The first reference year of the compulsory data provision is 2012. Statistics shall be supplied to Eurostat **within six months of the end of the reference year**.

### Disaggregations

In accordance with Article 20, statistics on EU Blue Cards are disaggregated by the following variables (please note that not all disaggregations are cross-classified):

1. **Citizenship** (cross-classified with 'Status of EU Blue Card', 'Subject person' and 'Occupation')
2. **Status of EU Blue Card** (cross-classified with 'Citizenship', 'Subject person' and 'Occupation')
  - a. Granted;
  - b. Renewed;
  - c. Withdrawn;
3. **Subject person**
  - a. EU Blue Card holder (cross-classified with 'Citizenship' and 'Status of EU Blue Card', 'Occupation' and 'Member State of previous residence');
  - b. Admitted family member (cross-classified with 'Citizenship', 'Status of EU Blue Card' and 'Member State of previous residence');
4. **Occupation** (cross-classified with 'Citizenship' and 'Status of EU Blue Card')
5. **Member State of previous residence** (cross-classified with 'Subject person')

Article 20.2 of the Directive specifies that the statistics on:

- 'EU Blue Cards RENEWED';

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<sup>33</sup> [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.

- 'EU Blue Cards WITHDRWAN';
- 'Occupation' (including EU Blue Cards GRANTED, RENEWED and WITHDRAWN);
- 'Member State of previous residence' (including 'EU Blue Cards holders' and 'Admitted family members');

shall be provided to the Commission 'as far as possible'. This phrase shall be interpreted as an obligation to provide data if the data on the specific category/disaggregation is available to the national data provider in the respective administrative register or database).

### **Occupation category**

In accordance with the requirements of the Article 20, data on EU Blue Card holders shall, as far as possible, be disaggregated by the 'Occupation'.

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 Ramon<sup>34</sup> or International Labour Organization (ILO)<sup>35</sup>.

In accordance with the requirements of the Directive (Preamble point 10) data on 'Occupation' are collected for the ISCO-08 major groups 1 (Managers) and 2 (Professionals). The level of disaggregation of ISCO-08 applied for this data collection corresponds with the sub-major Groups of ISCO. The list of occupations applied is the following (numerical codes correspond to the ISCO-08 codes):

- 1 Managers
  - 11 Chief executives, senior officials and legislators;
  - 12 Administrative and commercial managers;
  - 13 Production and specialized services managers;
  - 14 Hospitality, retail and other services managers;
- 2 Professionals
  - 21 Science and engineering professionals;
  - 22 Health professionals;
  - 23 Teaching professionals;
  - 24 Business and administration professionals;
  - 25 Information and communications technology professionals;
  - 26 Legal, social and cultural professionals;
- 3 Technicians and Associate Professionals
  - 31 Science and Engineering Associate Professionals;
  - 32 Health Associate Professionals;

<sup>34</sup> [http://ec.europa.eu/eurostat/ramon/index.cfm?TargetUrl=DSP\\_PUB\\_WELC](http://ec.europa.eu/eurostat/ramon/index.cfm?TargetUrl=DSP_PUB_WELC).

<sup>35</sup> <http://www.ilo.org/public/english/bureau/stat/isco/index.htm>.

- 33 Business and Administration Associate Professionals;
- 34 Legal, Social, Cultural and Related Associate Professionals;
- 35 Information and Communications Technicians;

UNK Unknown.

For the definitions of the above occupations, including definitions of the occupations at the more detailed level of disaggregation, please refer to the latest definitions published by ILO<sup>36</sup>.

A separate disaggregation 'Unknown' is included only for situations when there is an error in administrative data or in the extraction of the statistics. This should not exceed 2% of the total of the corresponding table. In addition, when no data by occupation can be delivered data on EU Blue Cards GRANTED, RENEWED or WITHDRAWN shall be provided under this category.

### **Citizenship category**

See the corresponding section of the guidelines for residence permit data collection 'Citizenship codes'.

### **Flows / stock data**

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All the statistics collected under Article 20 of the Directive refer to the number of permissions issued, renewed or withdrawn **during the reference period** that is during the reference year.

### **Persons / permits**

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In accordance with Migration Statistics Regulation all the statistics collected refer to the **number of persons**. In the case where one residence permit has been issued to several **family members** of the EU Blue Card holder, all persons being a subject of that permit should be counted individually. This applies also to children being third-country nationals and born in the EU after the issuance of the EU Blue Cards and admission of other family members.

### **Data transmission and format**

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See the corresponding section of the guidelines for residence permit data collection 'Data transmission and format'.

### **Quality standards**

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See the corresponding section of the guidelines for residence permit data collection 'Quality standards'.

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<sup>36</sup> <http://www.ilo.org/public/english/bureau/stat/isco/isco08/index.htm>.

**Table BC1. EU Blue Cards issued, renewed and withdrawn in accordance with Directive 2009/50/EC:**

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### 1.1. EU Blue Cards GRANTED

- 1.1.1. Chief executives, senior officials and legislators;
- 1.1.2. Administrative and commercial managers;
- 1.1.3. Production and specialized services managers;
- 1.1.4. Hospitality, retail and other services managers;
- 1.1.5. Science and engineering professionals;
- 1.1.6. Health professionals;
- 1.1.7. Teaching professionals;
- 1.1.8. Business and administration professionals;
- 1.1.9. Information and communications technology professionals;
- 1.1.10. Legal, social and cultural professionals;
- 1.1.11. Science and Engineering Associate Professionals;
- 1.1.12. Health Associate Professionals;
- 1.1.13. Business and Administration Associate Professionals;
- 1.1.14. Legal, Social, Cultural and Related Associate Professionals;
- 1.1.15. Information and Communications Technicians;
- 1.1.16. Unknown;

### 1.2. EU Blue Cards RENEWED

- 1.2.1. Chief executives, senior officials and legislators;
- 1.2.2. Administrative and commercial managers;
- 1.2.3. Production and specialized services managers;
- 1.2.4. Hospitality, retail and other services managers;
- 1.2.5. Science and engineering professionals;
- 1.2.6. Health professionals;
- 1.2.7. Teaching professionals;
- 1.2.8. Business and administration professionals;
- 1.2.9. Information and communications technology professionals;
- 1.2.10. Legal, social and cultural professionals;
- 1.2.11. Science and Engineering Associate Professionals;
- 1.2.12. Health Associate Professionals;
- 1.2.13. Business and Administration Associate Professionals;
- 1.2.14. Legal, Social, Cultural and Related Associate Professionals;
- 1.2.15. Information and Communications Technicians;
- 1.2.16. Unknown;

### 1.3. EU Blue Cards WITHDRAWN

- 1.3.1. Chief executives, senior officials and legislators;
- 1.3.2. Administrative and commercial managers;
- 1.3.3. Production and specialized services managers;
- 1.3.4. Hospitality, retail and other services managers;
- 1.3.5. Science and engineering professionals;

- 1.3.6. Health professionals;
- 1.3.7. Teaching professionals;
- 1.3.8. Business and administration professionals;
- 1.3.9. Information and communications technology professionals;
- 1.3.10. Legal, social and cultural professionals;
- 1.3.11. Science and Engineering Associate Professionals;
- 1.3.12. Health Associate Professionals;
- 1.3.13. Business and Administration Associate Professionals;
- 1.3.14. Legal, Social, Cultural and Related Associate Professionals;
- 1.3.15. Information and Communications Technicians;
- 1.3.16. Unknown.

Further disaggregation applied:

- Citizenship;

All third-country nationals granted EU Blue Card by the national authority shall be reported in this table irrespective of whether they entered the reporting Member State from a third-country or from another Member State.

**Table BC2. Admitted family members of EU Blue Cards holders:**

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- 1.1. Residence permits of admitted family members
  - 1.1.1. Granted
  - 1.1.2. Renewed
  - 1.1.3. Withdrawn

Further disaggregation applied:

- Citizenship

Each family member of the EU Blue Card holders admitted by the Member State shall be reported individually in this table. Those family members who do not receive an individual permission (e.g. minors) shall also be reported in this table.

**Table BC3. EU Blue Cards holders and family members admitted in accordance with Articles 18 and 19, by Member State of previous residence:**

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- 1.1. EU Blue Cards holders;
- 1.2. Family members;

Further disaggregation applied:

- Member State of previous residence

Only those EU Blue Card holders and their family members issued with EU Blue Card or admitted as family member in accordance with Articles 18 and 19 of the Directive shall be reported in this table.

Each family member of the EU Blue Card holders admitted by the Member State shall be reported individually in this table. Those family members, which may not receive an individual permission (e.g. minors) shall also be reported in this table.

## VII. STATISTICS ON SINGLE PERMITS UNDER ART 15 DIRECTIVE 2011/98/EU

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### Legal base

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Art 15 (2) of Directive 2011/98/EU:

“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.”

Please note that the technical guidelines for Single Permit data collection 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.

Ireland and Denmark are not bound by Directive 2011/98/EU and this Directive is not applicable for EFTA countries. Therefore, these Member States should not send the statistics based on this directive.

### Data coverage

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All the requested statistics relate to third-country nationals who have been granted a Single Permit. Each person should be counted only once during the reference period.

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

### Type of permits counted

The categories of third-country nationals covered by the "Single Permit" are: **new permits**, **renewed permits** and **change of immigration status permits**; including the cases when the third-country national is admitted to reside for other main reason than work (permits issued under both article 6 and article 7 Directive 2011/98/EU).

*“This Directive shall apply to:*

- (a) third-country national applying to reside in country for work*
- (b) third-country national admitted to country for other purposes (EU or national law) , who are allowed to work and holding a permit in accordance with Regulation (EC) No 1030/2002*
- (c) third-country nationals already admitted for purpose of work (national or EU law)” (Art 3 (1) Directive 2011/98/EU)*

*“Member States shall issue a single permit, where the conditions provided for are met, to third-country nationals who apply for admission and to third-country nationals already admitted who apply to renew or modify their residence permit after the entry into force of the national implementing provisions.” (Art 4 (4) Directive 2011/98/EU)*

Please note that the “single permits” may have another ‘main reason’ counted for the statistics on residence permits (table RP1-4). Example: one person receives the permit for family reasons (counted in table RP1), and has also the right to work. This case should be counted as Single Permits if this person receives the residence permit following the simplified procedure. This person will be reported also in the statistics on Residence Permits (Table RP1).

A number of categories excluded from the whole Directive are listed in article 3.2 of the Directive. Article 3.3 and 3.4 list categories excluded from the single application procedure and single permit (Chapter II), but to whom the right to equal treatment (Chapter III) still applies.

## Definitions

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**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)*

**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 (see the categories from below).

**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).

## Periodicity and reference periods

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The statistics on 'Single permit' should be reported annually as part of the Residence Permit Statistics based on the Regulation (EC) No 862/2007.

First reference period for the statistics on 'Single permit' is 2013 according to Art 15 (2) from Directive 2011/98/EU. The statistics on single permits can be estimated, using available statistics. The estimation done should be justified and described in the metadata information.

The Single Permit data collection relates to reference periods of one calendar year and shall be completed by national data suppliers and sent to Eurostat according to the specified data format and data transmission tools.

**The first reference year of the compulsory data provision is 2013. Statistics shall be supplied to Eurostat within six months of the end of the reference year (i.e. by the end of June each year).**

**For the first data transmission (2013 reference period), only the totals by main reasons were mandatory (see the grey line in table 1).**

## Data collection template

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### Table SP - Single permit under Art 15 Directive 2011/98/EU

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The statistics on Single Permit are disaggregated by the following variables:

1. Type of permit
  - Total (First Permit + Change of status + Renewed);
  - First Permit;
  - Change of status;
  - Renewed;
2. Main reason:
  - Total (Family + Education + Occupation + Other);
  - Family reasons (family formation and reunification);
  - Education reasons (education and study);
  - Occupation reasons (remunerated activities);
  - Other reasons.
3. Length of validity of permit:
  - From 3 to 5 months (3 and 5 months included); **minimum 3 months and less than 6 months;**
  - From 6 to 11 months (6 and 11 months included); **minimum 6 months and less than 12 months;**

- 12 months and over (12 included); minimum 12 month.

The statistics on Single permits should be sent to Eurostat using the following cross-tabulation:

Table 1. SP - Single permit under Art 15 Directive 2011/98/EU

Type of permit	Length of validity	Main Reason				
		Total	Family	Education	Occupation	Other
<b>TOTAL</b>	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	<b>3 - &lt; 5 months</b>	0	0	0	0	0
	<b>6 - &lt; 11 months</b>	0	0	0	0	0
	<b>&gt;= 12 months</b>	0	0	0	0	0
<b>First Permit</b>	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	<b>3 - &lt; 5 months</b>	0	0	0	0	0
	<b>6 - &lt; 11 months</b>	0	0	0	0	0
	<b>&gt;=12 months</b>	0	0	0	0	0
<b>Change of status</b>	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	<b>3 - &lt; 5 months</b>	0	0	0	0	0
	<b>6 - &lt; 11 months</b>	0	0	0	0	0
	<b>&gt;= 12 months</b>	0	0	0	0	0
<b>Renewed</b>	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	<b>3 - &lt; 5 months</b>	0	0	0	0	0
	<b>6 - &lt; 11 months</b>	0	0	0	0	0
	<b>&gt;=12 months</b>	0	0	0	0	0

## VIII. STATISTICS ON "SEASONAL WORKERS" BASED ON DIRECTIVE 2014/36/EU

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### Legal base

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Art 26 Statistics - Directive 2014/36/EU:

"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 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."

Ireland and Denmark are not bound by Directive 2014/36/EU and this Directive is not applicable for EFTA countries. Therefore, these Member States should not send the statistics based on this directive.

### Data coverage

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All the requested statistics on seasonal work (SW) relate to 'third-country nationals' who are issued an AUTHORISATION for the purpose of seasonal work.

### Statistical unit

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The statistics on seasonal work refers to the NUMBER OF AUTHORISATIONS issued for the purpose of seasonal work.

### Definitions

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**Proper attention should be paid to the definitions and categories applied for the statistics on seasonal workers before data transmission. Some rules/definitions are different from the rules/definitions applied to other datasets from RESPER data collection notably due the short term nature of the stay of seasonal workers.** For example, the data collected can in some cases be *short-stay visas*; the subcategories of length of validity follow specific rules for seasonal workers; the persons/permits rule differs from the one applied to other residence permits categories.

**Residence permits** refers in this context to authorisations for the purpose of seasonal work.

**The authorisation for the purpose of seasonal work** means any of the authorisations referred to in Article 12 (see in the next section - Types of authorisation for the purpose of seasonal work) entitling their holder to stay and work on the territory of the Member State that issued the authorisation under this Directive (Article 3(h) of Directive 2014/36/EU);

## **Types of authorisations for the purpose of seasonal work**

Authorisations for the purpose of seasonal work depend, firstly on the duration (i.e. stays exceeding or not 90 days), secondly, on the type of authorisation each Member State chooses to provide when transposing the Directive. In total, across all Member States, six possible types of authorisations can be issued in accordance Article 12 of Directive 2014/36/EU:

### **A. For stays not exceeding 90 days<sup>37</sup>, authorisations can be:**

- 1. only a short-stay visa;**
- 2. both a short-stay visa and a work permit** indicating that they are issued for the purpose of seasonal work; or
- 3. only a work permit** indicating that it is issued for the purpose of seasonal work<sup>38</sup>

### **B. For stays exceeding 90 days<sup>39</sup>, authorisations can be:**

- 4. only a long-stay visa**, indicating that it is issued for the purpose of seasonal work;
- 5. only a seasonal worker permit;** or
- 6. both a seasonal worker permit and a long-stay visa**, if the long-stay visa is required under national law for entering the territory.

## **Precise definitions are listed in Article 3 of the Directive:**

**short-stay visa** "means an authorisation issued by a Member State as provided for in point (2)(a) of Article 2 of the Visa Code or issued in accordance with the national law of a Member State not applying the Schengen acquis in full" (Article 3(e) of Directive 2014/36/EU);

**work permit** "means any authorisation issued by a Member State in accordance with national law for the purpose of work in the territory of that Member State" (Article 3(i) of Directive 2014/36/EU);

**long-stay visa** "means an authorisation issued by a Member State as provided for in Article 18 of the Schengen Implementing Convention or issued in accordance with the national law of a Member State not applying the Schengen acquis in full" (Article 3(f) of Directive 2014/36/EU);

**seasonal worker permit** "means an authorisation issued using the format laid down in Council Regulation (EC) No 1030/2002 bearing a reference to seasonal work and entitling its holder to stay and work in the territory of a Member State for a stay exceeding 90 days under the terms of this Directive" (Article 3(d) of Directive 2014/36/EU);

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<sup>37</sup> Article 12(1), Authorisations for the purpose of seasonal work of Directive 2014/36/EU.

<sup>38</sup> where the third-country national is exempted from the visa requirement in accordance with Annex II of Regulation (EC) No 539/2001 and the Member State concerned does not apply Article 4(3) of that Regulation to him or her. In other words, when the third-country national is exempted from the visa requirement, the authorisation consists (only) of a work permit.

<sup>39</sup> Article 12(2), Authorisations for the purpose of seasonal work of Directive 2014/36/EU.

**Please note that:**

- **"authorisation for the purpose of seasonal work" ≠ "seasonal worker permit"**
- **and "work permit" under this Directive ≠ "seasonal worker permit"**

Given the short-term nature of seasonal work, the same third-country national can, in theory, be authorised to stay for the purpose of seasonal work in the same Member State more than once in a given year. In that case, ONE PERSON CAN BE COUNTED MORE THAN ONCE DURING THE REFERENCE PERIOD (double counting of persons is therefore allowed for SW statistics) since the number of authorisations is the subject of the SW statistics instead of the number of persons.

In some cases, the authorisation will consist in two distinct documents. ONLY ONE AUTHORISATION SHOULD BE COUNTED IN THOSE CASES. For instance, only one authorisation should be counted in case of issuing for the same person, the same working contract and the same period a 'short-stay visa' and a 'work permit'; and the same rule should be applied in the case of issuing for the same person, the same working contract and the same period a 'seasonal worker permit' and a 'long-stay visa'.

**Status of authorisation for the purpose of seasonal work**

There are three possible statuses of the authorisation for the purpose of seasonal work:

1. **"issued for the first time"** refers to all authorisations for the purpose of seasonal work issued to third-country nationals at the beginning of their stay for seasonal work (excludes renewals/extensions of the SW authorisation). This category differs from the category of "first permit" from the First Permit data collection (e.g. the criteria of 6 months from the previous permit doesn't apply in this context);
2. **"extended"** (synonym with "renewed" in this context) refers to an "authorisation for the purpose of seasonal work" issued to the same person with the validity starting immediately after<sup>40</sup> the expiry of the previous authorisation, in line with Article 15 of Directive 2014/36/EU (Extension of stay or renewal of the authorisation for the purpose of seasonal work);
3. **"withdrawn"** refers to the situation in which the "authorisation for the purpose of seasonal work" was withdrawn in accordance with Article 9 of Directive 2014/36/EU (withdrawal of the authorisation for the purpose of seasonal work).

**Periodicity and reference periods**

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The statistics on 'Seasonal workers' should be reported annually as part of the Residence Permit Statistics based on the Regulation (EC) No 862/2007.

According to Article 26(2) of Directive 2014/36/EU,

- 'Seasonal workers' statistics relate to reference periods of one calendar year and shall be communicated to the Commission (i.e. Eurostat) within six months of the end of the reference year.
- The first reference year shall be 2017 'seasonal workers' statistics

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<sup>40</sup> In practical terms, an extension/renewal corresponds to the situation where the third-country national applies from the territory of the EU Member State. On the contrary, if the third-country national applies from outside, this is clearly not an extension/renewal but another authorisation issued "for the first time".

The Seasonal Workers data collection relates to reference periods of one calendar year and shall be completed by national data suppliers and sent to Eurostat according to the specified data format and data transmission tools.

Statistics shall be supplied to Eurostat for the first time no later than 30 June 2018 for the first reference year 2017.

## Categories and disaggregations

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The mandatory data categories and disaggregations to be sent to Eurostat are mentioned in the Art 26 Statistics - Directive 2014/36/EU (see Section 1 – Legal Base). The "*as far as possible*" phrase mentioned in this Directive shall be interpreted as an obligation to provide data if the data on the specific category/disaggregation is available to the national data provider in the respective administrative register or database<sup>41</sup>.

The only non-obligatory part of this data collection is represented in the table SW2 and refers to the voluntary provision of the information on sex of the person granted a permit subject of this data collection. However, national data providers are highly encouraged to provide the information on sex. It is understood that such information shall be available in the source registers/databases. Moreover, this information will be extremely valuable for the assessment of the implementation and the impact of the SW Directive. National data providers are therefore thanked for the provision of this additional information.

The statistics on 'Seasonal workers' are disaggregated by the following variables:

4. Status of authorisation for the purpose of seasonal work
  - Issued for the first time
  - Extended/Renewed
  - Withdrawn
5. Citizenship (all the categories used for RESPER data collection)
6. Length of validity of authorisation:
  - From 1 to 90 days (1 and 90 days included)
  - From 91 days to 5 months (91 days and 5 months included); minimum 91 days and less than 6 months;
  - From 6 to 9 months (6 and 9 months included); minimum 6 months and maximum 9 months

The length of validity refers to:

- for authorisation issued for the first time: the validity of the authorisation;
- for extended/renewed authorisation: the period of extension;
- and for withdrawn authorisation: the initial period of validity of the withdrawn authorisation.

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<sup>41</sup> As stated also in the conclusions of the Working Group on "Asylum and Managed Migration Statistics", Luxembourg, 19-20 October 2016.

7. Economic sector (NACE Rev 2 first level of detail)

- A. Agriculture, forestry and fishing
- B. Mining and quarrying
- C. Manufacturing
- D. Electricity, gas, steam and air conditioning supply
- E. Water supply; sewerage, waste management and remediation activities
- F. Construction
- G. Wholesale and retail trade; repair of motor vehicles and motorcycles
- H. Transportation and storage
- I. Accommodation and food service activities
- J. Information and communication
- K. Financial and insurance activities
- L. Real estate activities
- M. Professional, scientific and technical activities
- N. Administrative and support service activities
- O. Public administration and defence; compulsory social security
- P. Education
- Q. Human health and social work activities
- R. Arts, entertainment and recreation
- S. Other service activities
- T. Activities of households as employers; undifferentiated goods- and services-producing activities of households for own use
- U. Activities of extraterritorial organisations and bodies

8. Sex

- Males;
- Females;
- Unknown.

## Data collection templates

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**Table SW1. Authorisations for the purpose of seasonal work by status, length of validity, economic sector and citizenship**

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1. Status of authorisation for the purpose of seasonal work
  - Issued for the first time;
  - Renewed/Extended;
  - Withdrawn.
2. Citizenship
3. Length of validity of authorisation:
  - From 1 to 90 days (1 and 90 days included);
  - From 91 days to 5 months (91 days and 5 months included); minimum 91 days and less than 6 months;
  - From 6 to 9 months (6 and 9 months included); minimum 6 months and maximum 9 months
4. Economic sector (NACE Rev 2 first level of detail) A-U

This table was split in three sub-tables for optimal data collection. Therefore, this table is collected via one template with three tables by "status" dimension: SW1.1 (Issued), SW1.2 (Renewed) and SW1.3 (Withdrawn). Eurostat might publish these three tables together online (under SW1 structure)." Please see the data templates.

**Table SW2. Authorisations issued (first time) for the purpose of seasonal work by economic sector, sex and citizenship**

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1. Citizenship
2. Sex:
  - Males;
  - Females;
  - Unknown.
3. Economic sector (NACE Rev 2 first level of detail) A-U

## IX. STATISTICS ON "INTRA-CORPORATE TRANSFERS" BASED ON DIRECTIVE 2014/66/EU

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### Legal base

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Art 24 Statistics - Directive 2014/66/EU:

"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(2) 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 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.

Ireland and Denmark are not bound by Directive 2014/66/EU and this Directive is not applicable for EFTA countries. Therefore, these Member States should not send the statistics based on this directive.”

### Data coverage

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All the requested statistics on Intra-Corporate Transfers (ICT) relate to 'third-country nationals' who are issued a residence permit for the purpose of an intra-corporate transfer under Directive 2014/66/EU or who are exercising their right to mobility in other Member States. This Directive "shall apply to third-country nationals who reside outside the territory of the Member States at the time of application and apply to be admitted or who have been admitted to the territory of a Member State under the terms of this Directive, in the framework of an intra-corporate transfer as managers, specialists or trainee employees (Art 2(1) Scope - Directive 2014/66/EU).

### Statistical unit

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Three main categories of data are collected for ICT<sup>42</sup>:

- the intra-corporate transferee permits
- permits for long-term mobility where applicable
- the notifications received, where applicable (short or long term mobility)

The statistics on Intra-Corporate Transfers refers to the number of permits and the number of notifications. One person can be counted more than once during the reference period (double counting of person allowed for ICT statistics).

The statistics on Intra-Corporate Transfers shall refer only to the intra-corporate transferees and not to their family members who have been granted family reunification residence permit.

### Definitions

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**Proper attention should be paid to the definitions and categories applied for the statistics on ICT before data transmission. Some rules/definitions are different from the rules/definitions applied to other datasets from RESPER data collection.** For example, there

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<sup>42</sup> Based on Art 24 Statistics - Directive 2014/66/EU.

is a need to collect data on mobility from a first to a second Member State as the right to mobility is an important feature and added value of the Directive; the subcategories of length of validity follow specific rules for intra-corporate transferees; the persons/permits rule differs from the one applied to other residence permits categories.

**Intra-corporate transfer** means the temporary secondment for occupational or training purposes of a third-country national who, at the time of application for an intra-corporate transferee permit, resides outside the territory of the Member States, from an undertaking established outside the territory of a Member State, and to which the third-country national is bound by a work contract prior to and during the transfer, to an entity belonging to the undertaking or to the same group of undertakings which is established in that Member State, and, where applicable, the mobility between host entities established in one or several second Member States; (Art 3(b) Definitions - Directive 2014/66/EU).

**Intra-corporate transferee** means any third-country national who resides outside the territory of the Member States at the time of application for an intra-corporate transferee permit and who is subject to an intra-corporate transfer;

### **Mobility of intra-corporate transferees**

Directive 2014/66/EU sets up a specific intra-EU mobility scheme whereby the holder of a valid intra-corporate transferee permit issued by a Member State is allowed to enter, to stay and to work in one or more Member States; Two types of mobility schemas are considered by this Directive:

1. **Short-term mobility** for the purposes of this Directive should cover stays in Member States other than the one that issued the intra-corporate transferee permit, for a period of up to 90 days per Member State.
2. **Long-term mobility** for the purposes of this Directive should cover stays in Member States other than the one that issued the intra-corporate transferee permit for more than 90 days per Member State.

### **Distinction between countries of destination**

**First Member State** means the Member State, which first issues a third-country national an intra-corporate transferee permit; (Art 3(m) Definitions - Directive 2014/66/EU)

**Second Member State** means any Member State in which the intra-corporate transferee intends to exercise or exercises the right of mobility within the meaning of this Directive, other than the first Member State; (Art 3(n) Definitions - Directive 2014/66/EU)

### **Types of permits to reside for ICT reasons**

**Intra-corporate transferee permit** means an authorisation bearing the acronym '**ICT**' entitling its holder to reside and work in the territory of the first Member State and, where applicable, of second Member States (implies the possibility of short-term mobility), under the terms of this Directive; (Art 3(i) Definitions - Directive 2014/66/EU).

**Permit for long-term mobility** means an authorisation bearing the term 'mobile ICT' entitling the holder of an intra-corporate transferee permit to reside and work in the territory of the second Member State under the terms of this Directive (Art 3(j) Definitions - Directive 2014/66/EU).

**Notification** (related to short-term or long-term mobility)

The notification of the mobility of intra-corporate transferees is related to the right of the intra-corporate transferee "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" (based on Art 21 Short-term mobility - Directive 2014/66/EU).

**Notification for the mobility of intra-corporate transfers** refers to the notification by the host entity in the "first Member State" to the "second Member State"<sup>43</sup> mentioning the intention of the intra-corporate transferee to work in an entity established in the second Member State. (Based on Art 21 Short-term mobility - Directive 2014/66/EU)

The notification for the purpose of intra-corporate transfer is applicable only to the Member States that require this procedure as stated in Article 21(2) Short-term mobility - Directive 2014/66/EU or those that require this procedure as stated in Article 22(1) Long-term mobility - Directive 2014/66/EU.

Depending on the choices made by the Member States in relation to mobility, the following possibilities exist in practice:

- for short-term mobility (<3 months) : the second Member State can ask either : a) nothing or b) a notification (by the host entity in the first Member State);
- for long-term mobility (>3 months): the second Member State can ask: 1) nothing or 2) a notification (by the host entity in the first Member State) or 3) an application for a permit for long-term mobility.

In the final version of these guidelines, some information will be provided (through a table in annex or a web link) in order to indicate for each Member State the procedures chosen for short-term and long-term mobility (no procedure / notification / application).

In the present data collection two types of notifications are considered, based on the Directive 2014/66/EU:

1. **Notification received** by the Second Member State;
2. **Notification objected** in accordance with Article 21(6) - Directive 2014/66/EU.

### **Transferee position**

**Manager** means a person holding a senior position, who primarily directs the management of the host entity, receiving general supervision or guidance principally from the board of directors or shareholders of the business or equivalent; that position shall include: directing the host entity or a department or subdivision of the host entity; supervising and controlling work of the other supervisory, professional or managerial employees; having the authority

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<sup>43</sup> See definitions above in the section "Distinction between countries of destination".

to recommend hiring, dismissing or other personnel action; (Art 3(e) Definitions - Directive 2014/66/EU).

**Specialist** means a person working within the group of undertakings possessing specialised knowledge essential to the host entity's areas of activity, techniques or management. In assessing such knowledge, account shall be taken not only of knowledge specific to the host entity, but also of whether the person has a high level of qualification including adequate professional experience referring to a type of work or activity requiring specific technical knowledge, including possible membership of an accredited profession; (Art 3(f) Definitions - Directive 2014/66/EU)

**Trainee employee** means a person with a university degree who is transferred to a host entity for career development purposes or in order to obtain training in business techniques or methods, and is paid during the transfer; (Art 3(g) Definitions - Directive 2014/66/EU)

### **Status of authorisation to reside for intra-corporate transfer (ICT)**

There are three possible decisions for intra-corporate transferee permits counted:

1. **Permits issued for the first time** refers to all ICT permits issued to third-country nationals when they are admitted to the territory of a Member State under the terms of this Directive, in the framework of an intra-corporate transfer as managers, specialists or trainee employees. This category excludes renewals/extensions of the ICT permits and refers to the "**Intra-corporate transferee permit**".
2. "**Renewed**" refers to ICT permits issued to the same person with the validity starting immediately after the expiry<sup>44</sup> of the previous ICT permit (Extension of stay or renewal of the previous ICT permit).
3. "**Withdrawn**" refers to the situation in which the ICT Permit (issued or renewed) was withdrawn in accordance with the Article 8 of the Directive 2014/66/EU (Withdrawal or non-renewal of the intra-corporate transferee permit).

For "**permits for long-term mobility**" the same three possible decisions apply (issuance, renewal, withdrawal).

**Notifications** (for short or long-term mobility) **should be counted by the second Member State** when they are made by the hosting entity in the first Member State. There is no "renewal", "extension" or "withdrawal" of notification but there can be 'objections' to notification by the second Member State, see Article 21(6).

### **Periodicity and reference periods**

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The statistics on 'Intra-corporate transfers' should be reported annually as part of the Residence Permit Statistics based on the Migration Statistics Regulation.

According to Article 24 (2) of the Directive 2014/66/EU,

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<sup>44</sup> In practical terms, an extension/renewal corresponds to the situation where the third-country national applies from the territory of the EU Member State. On the contrary, if the third-country national applies from outside, this is clearly not an extension/renewal but another permit issued "for the first time".

- The statistics on 'Intra-corporate transfers' 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 for ICT statistics

ICT statistics shall be supplied to Eurostat for the first time no later than 30 June 2018 for the first reference year 2017.

### Categories and disaggregations

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The mandatory data categories and disaggregations to be sent to Eurostat are mentioned in the Art 24 Statistics - Directive 2014/66/EU (see Section 1 – Legal Base). The "as far as possible" phrase mentioned in this Directive shall be interpreted as an obligation to provide data if the data on the specific category/disaggregation is available to the national data provider in the respective administrative register or database<sup>45</sup>.

The only non-obligatory part of this data collection is represented in the table ICT3 and refers to the identification of the "first Member State" in case of intra-EU mobility. However, national data providers are highly encouraged to provide the information on "first Member State" required by this table. It is understood, that such information shall be available in the source registers/databases. Moreover, this information will be extremely valuable for the assessment of the implementation and impact of the ICT Directive. National data providers are therefore thanked for the provision of this additional information.

The statistics on 'Intra-corporate transfers' are disaggregated by the following variables:

9. Type of Permit
  - Intra-corporate transferee permit (ICT Permit);
  - Permit for long-term mobility (LTM Permit);
10. Decision of ICT permit and LTM permit
  - Issued;
  - Renewed;
  - Withdrawn;
11. Decision of Notification
  - Notification received (by the second Member State);
  - Notification objected;
12. Citizenship (all the categories used for RESPER data collection)
13. Length of validity:
  - From 0 to 2 months (0 and 2 months included); minimum 1 day and less than three months;

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<sup>45</sup> As stated also in the conclusions of the Working Group on "Asylum and Managed Migration Statistics", Luxembourg, 19-20 October 2016.

- From 3 to 5 months (3 and 5 months included); minimum 3 months and less than 6 months;
- From 6 to 11 months (6 months and 11 months included); minimum 6 months and less than 12 months;
- From 12 to 36 months (12 and 36 months included); minimum 12 months and maximum 36 months.

14. Economic sector (NACE Rev2 – first level of details)

- A. Agriculture, forestry and fishing;
- B. Mining and quarrying;
- C. Manufacturing;
- D. Electricity, gas, steam and air conditioning supply;
- E. Water supply; sewerage, waste management and remediation activities;
- F. Construction;
- G. Wholesale and retail trade; repair of motor vehicles and motorcycles;
- H. Transportation and storage;
- I. Accommodation and food service activities;
- J. Information and communication;
- K. Financial and insurance activities;
- L. Real estate activities;
- M. Professional, scientific and technical activities;
- N. Administrative and support service activities;
- O. Public administration and defence; compulsory social security;
- P. Education;
- Q. Human health and social work activities;
- R. Arts, entertainment and recreation;
- S. Other service activities;
- T. Activities of households as employers; undifferentiated goods- and services-producing activities of households for own use;
- U. Activities of extraterritorial organisations and bodies.

15. Transferee position

- manager;
- specialist;
- trainee employee;

16. First Member State : individual EU Member States.

## Data collection templates

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The ICT statistics should be sent to Eurostat using the following cross-tabulations:

I. Tables related to permits (ICT AND LTM)

### Table ICT1.1 The number of intra-corporate transferee permits (ICT permits and permits for long-term mobility) issued, renewed and withdrawn by type of permit, length of validity and citizenship

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Breakdowns cross tabulated:

**1. Type of Permit:**

- ICT permit;
- LTM permit.

**2. Decision:**

- Issued (first time);
- Renewed;
- Withdrawn.

**3. Length of validity (in months):** 3–5, 6–12, 12–36

**4. Citizenship:** list of third countries.

### Table ICT1.2 The number of intra-corporate transferee permits issued (ICT permits and permits for long-term mobility) by type of permit, economic sector and citizenship

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Breakdowns cross tabulated:

**1. Type of Permit:**

- ICT permit;
- LTM permit.

**2. Citizenship:** list of third countries.

**3. Economic sector:** NACE Rev 2 first level of detail.

### Table ICT1.3 The number of intra-corporate transferee permits issued (ICT permits and permits for long-term mobility) by type of permit, length of validity, transferee position and citizenship

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Breakdowns cross tabulated:

**1. Type of Permit:**

- ICT permit;
- LTM permit.

**2. Length of validity (in months):** 3–5, 6–11, 12–36;

**3. Transferee position:**

- Manager;
- Specialist;
- Trainee employee.

**4. Citizenship:** list of third countries.

## II. TABLES RELATED TO NOTIFICATIONS

### Table ICT2.1 The number of intra-corporate notifications received by length of validity and citizenship

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Breakdowns cross tabulated:

1. **Notification decision**
  - Received
  - Objected
2. **Citizenship**: list of third countries
3. **Length of validity (in months)**: 0–2, 3–5, 6–11, 12–36

### Table ICT2.2 The number of intra-corporate notifications received by economic sector and citizenship

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Breakdowns cross tabulated:

1. **Notification decision**
  - Received;
  - Objected.
2. **Citizenship**: list of third countries
3. **Economic sector**: NACE Rev 2 first level of detail

## III. TABLE RELATED TO IDENTIFICATION OF THE FIRST MEMBER STATE BY THE SECOND MEMBER STATE IN CASE OF INTRA-EU MOBILITY

### Table ICT3 The number of permits for long-term mobility issued and notifications received, broken down by "first Member State" (see definition in section IV)

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Breakdowns cross tabulated:

1. **Type of Permit**:
  - LTM permit issued,
2. **Decision**:
  - Notification received
3. **"First Member State"**: list of the EU Member States (using Alpha-2)
4. **Citizenship**: list of third countries

**Table 1 indicating for each Member State the procedures chosen for short-term and long-term mobility (no procedure / notification / application) in the frame of the ICT Directive (situation as of June 2020)**

	Short-term mobility	Long-term mobility
BE	(notification)	(application)
BG	no procedure	application
CZ	no procedure	application
DE	notification	application
EE	no procedure	application
EL	notification	notification
ES	notification	notification
FR	notification	application
HR	no procedure	application
IT	no procedure	application
CY	notification	application
LV	no procedure	application
LT	no procedure	application
LU	notification	application
HU	notification	application
MT	notification	application
NL	notification	application
AT	no procedure	application
PL	notification	application
PT	no procedure	application
RO	notification	application
SI	notification	application
SK	notification	notification
FI	notification	application
SE	no procedure	application

**Source:** European Commission, DG HOME

**Notes:** references between brackets may still be subject to changes given that those Member States have not yet notified full transposition to the European Commission.

## X. STATISTICS ON STUDENTS AND RESEARCHERS (AND OTHER CATEGORIES) BASED ON ARTICLE 38 OF DIRECTIVE (EU) 2016/801

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The present section refers to the collection of statistics as defined in Article 38 of Directive (EU) 2016/801 (referred as 'SR' data collection), covering the authorisations issued to third-country nationals for the purpose of **research, studies, training, voluntary service, pupil exchange schemes** or **educational projects** and **au pairing**. This data collection refers also to the authorisations to reside under the SR Directive issued to the family members of researchers.

Denmark is not bound by Directive (EU) 2016/801. In addition this Directive is not applicable to EFTA countries. Therefore, these countries should not send statistics based on the present section. Ireland is not bound by Directive (EU) 2016/801 but remains bound by Directive 2005/71/EC. Ireland is therefore expected to provide statistics only in relation to researchers.

### Legal base

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Article 38 'Statistics' - Directive (EU) 2016/801:

*"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. 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."*

### Data coverage

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SR data collection covers third-country nationals who are admitted to the territory of a Member State for the purpose of research, studies<sup>46</sup>, training or voluntary service in the European Voluntary Service. Member States may also decide to apply the provisions of Directive (EU) 2016/801 to third-country nationals who apply for admission for the purpose of a pupil exchange scheme or educational project, voluntary service other than the European Voluntary Service or au pairing. This data collection cover also the authorisations to reside under the SR Directive issued to the family members of researchers.

### Statistical unit

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In accordance with Article 38 of Directive (EU) 2016/801, four main categories of data are collected in the scope of SR statistics:

1. SR authorisations (by a first Member State);

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<sup>46</sup> Including former students and researchers residing for job-searching or entrepreneurship.

2. Residence permits for family members of researchers;
3. Notifications pursuant to Article 28(2), Article 30(2) or Article 31(2) of Directive (EU) 2016/801;
4. Authorisations for long-term mobility of researchers and their family members (pursuant to Articles 29 and 30(3) of Directive (EU) 2016/801).

The statistical unit is represented by the **number of authorisations and notifications** referring to third-country nationals receiving SR authorisation or exercising mobility under the SR Directive.

### **Double counting of same person during the year**

The same third-country national can, be admitted to the territory of a Member State for the purpose of research, studies (etc.) in the same Member State more than once in a given year. In that case, one person can be reported more than once during the reference year, implying double counting of same persons in SR statistics for the same reference period.

Each family member joining a researcher under the terms of the SR Directive should be counted in SR statistics. When one authorisation is valid for several family members each family member should be reported.

Double counting of same person should be avoided if the person receives first a long-stay visa followed by a residence permit for the same purpose.

## **Definitions**

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**Proper attention should be paid to the definitions and categories applied before data transmission. Some rules/definitions are different from the rules/definitions applied to other datasets from RESPER data collection.**

### **SR authorisation**

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**SR authorisation** means a residence permit or long-stay visa entitling its holder to reside for a period exceeding 90 days in one of the EU Member States for one of the following reasons:

1. **Research** - this covers residence permits/long-stay visas issued to researchers. Research means creative work undertaken on a systematic basis in order to increase the stock of knowledge, including knowledge of man, culture and society, and the use of this stock of knowledge to devise new applications<sup>47</sup>. Researcher means a third-country national who holds a doctoral degree or an appropriate higher education qualification which gives that third-country national access to doctoral programmes, who is selected by a research organisation and admitted to the territory of a Member State for carrying out a research activity for which such qualification is normally required<sup>48</sup>.
2. **Studies** - this covers residence permits/long-stay visas issued to students. Student means a third-country national who has been accepted by a higher education institution and is admitted to the territory of a Member State to pursue as a main activity a full-time course of study leading to a higher education qualification recognised by that Member State, including diplomas, certificates or doctoral degrees in a higher education

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<sup>47</sup> Article 3 (9) of Directive 2016/801/EU.

<sup>48</sup> Article 3 (2) of Directive (EU) 2016/801.

institution, which may cover a preparatory course prior to such education, in accordance with national law, or compulsory training<sup>49</sup>.

3. **Training** - this covers residence permits/long-stay visas issued to trainees. Trainee means a third-country national who holds a degree of higher education or is pursuing a course of study in a third-country that leads to a higher education degree and who is admitted to the territory of a Member State for a training programme for the purpose of gaining knowledge, practice and experience in a professional environment;
4. **Voluntary service** this covers residence permits/long-stay visas issued to volunteers. Volunteer means a third-country national who is admitted to the territory of a Member State to participate in a voluntary service scheme<sup>50</sup>.

There are two categories of volunteers mentioned by Directive (EU) 2016/801:

**4.1. Volunteers in the European Voluntary Service (EVS)**

**4.2. Voluntary service other than the EVS** – each Member States can choose whether or not to apply the Directive to this category<sup>51</sup>

5. **Pupil exchange scheme or educational project** - this covers residence permits/long-stay visas issued to school pupils. Member States can choose to apply the Directive to this category at national level. School pupil means a third-country national who is admitted to the territory of a Member State to follow a recognised, state or regional programme of secondary education equivalent to level 2 or 3 of the International Standard Classification of Education, in the context of a pupil exchange scheme or educational project operated by an education establishment in accordance with national law or administrative practice<sup>52</sup>.
6. **Au-pairing** - this covers residence permits/long-stay visas issued to au pairs. Member States can choose to apply the Directive to this category at national level. Au pair means a third-country national who is admitted to the territory of a Member State to be temporarily received by a family in order to improve his or her linguistic skills and knowledge of the Member State concerned in exchange for light housework and taking care of children<sup>53</sup>.
7. **Job-searching or entrepreneurship** for researchers and students (Article 25): after the completion of research or studies, researchers and students have the possibility to stay on the territory of the Member State, for a period of at least nine months in order to seek employment or set up a business.
8. **Family reasons** - this covers SR authorisations for family reasons issued to the third-country nationals who are family members of researchers. The following two categories of family members will be included in this category:
  - 8.1. family members of a researcher** - this covers SR authorisations for family reasons issued to the third-country nationals who are family members of researchers (sponsor's spouse and children as defined in Article 4(1) of Directive 2003/86/EC);
  - 8.2. family members of a job-searcher or an entrepreneur** - this covers SR authorisations for family reasons issued to the third-country nationals who are

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<sup>49</sup> Article 3 (3) of Directive (EU) 2016/801.

<sup>50</sup> Article 3 (6) of Directive (EU) 2016/801.

<sup>51</sup> Member States may also decide to apply the provisions of this Directive to third-country nationals who apply to be admitted for the purpose of a pupil exchange scheme or educational project, voluntary service other than the European Voluntary Service or au pairing. (Article 1 of Directive (EU) 2016/801).

<sup>52</sup> Article 3 (4) of Directive (EU) 2016/801.

<sup>53</sup> Article 3 (8) of Directive (EU) 2016/801.

family members of former researchers staying for the purpose of job-searching or entrepreneurship under SR directive (sponsor's spouse and children as defined in Article 4(1) of Directive 2003/86/EC).

#### Authorisations

**Authorisations** are permissions to stay in the Member State territory issued to the SR authorisation holders and to their family members. There are two types of authorisations, depending on the issuing Member State and the situation with regards to mobility:

- **SR authorisations issued by the first Member State** refer to a residence permit or, if provided for in national law, a long-stay visa issued for the purposes of this Directive<sup>54</sup>.
- **Authorisations for long-term mobility issued by the second Member State** refer to a residence permit or long-stay visa issued by a second Member State to researchers or their family members for stay of more than six months (applicable only for those Member States that choose the application procedure for long-term mobility of researchers, cf. Articles 29 and 30(3) of Directive (EU) 2016/801).

#### Distinction between countries of destination

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- First Member State means the Member State which first issues a third-country national an authorisation on the basis of this Directive;
- Second Member State means any Member State other than the first Member State<sup>55</sup>; in which the third-country national intends to exercise or exercises the right of mobility within the meaning of this Directive

#### Residence permit

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**Residence permit** means an authorisation issued using the format laid down in Regulation (EC) No 1030/2002 entitling its holder to stay legally on the territory of a Member State<sup>56</sup>.

#### Long-stay visa

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**Long-stay visa** means an authorisation issued by a Member State as provided for in Article 18 of the Schengen Convention or issued in accordance with the national law of Member States not applying the Schengen acquis in full<sup>57</sup>.

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<sup>54</sup> Article 3 (21) of Directive (EU) 2016/801.

<sup>55</sup> Article 3(19) of Directive (EU) 2016/801.

<sup>56</sup> Article 3(22) of Directive (EU) 2016/801.

<sup>57</sup> Article 3(23) of Directive (EU) 2016/801.

Summary of the procedure applied for admission and mobility - Students and Researchers Directive – information on procedures chosen/foreseen for short-term and long-term mobility (no procedure / notification / application) (last update: 18 February 2020)

**Table 1 Procedure applied for admission and mobility**

	Researchers' short-term mobility	Researchers' long-term mobility	Students' mobility
<b>BE</b>	no procedure	application	notification
<b>BG</b>	notification	application	notification
<b>CZ</b>	no procedure	no procedure	no procedure
<b>DE</b>	notification	application	notification
<b>EE</b>	notification	notification	no procedure
<b>EL</b>	notification	application	notification
<b>ES</b>	notification	notification	notification
<b>FR</b>	notification	notification	notification
<b>HR</b>	no procedure	application	no procedure
<b>IT</b>	notification	application	notification
<b>CY</b>	notification	application	notification
<b>LV</b>	no procedure	application	no procedure
<b>LT</b>	no procedure	application	no procedure
<b>LU</b>	notification	application	notification
<b>HU</b>	notification	application	notification
<b>MT</b>	notification	application	notification
<b>NL</b>	notification	application	notification
<b>AT</b>	no procedure	application	no procedure
<b>PL</b>	notification	application	notification
<b>PT</b>	no procedure	application	notification
<b>RO</b>	notification	application	notification
<b>SI</b>	notification	application	notification
<b>SK</b>	notification	notification	notification
<b>FI</b>	notification	notification	notification
<b>SE</b>	no procedure	application	notification

Table 3. Procedures applicable for **researchers'** admission and mobility

Member State involved	SR authorisation	Short-term mobility Less than 180 days per Member State	Long-term mobility More than 180 days per Member State
First MS	Residence permit or long-stay visa valid at national level		
Second MS		Short-term mobility <b>notification</b> (optional) for the researcher and for the family member(s)	Long-term mobility <b>authorisation for the researcher and for the family member(s) or notification</b> for the researcher and for the family member(s) (both optional)

Table 4. Procedures applicable for **students'** admission and mobility

Member State involved	SR authorisation	Mobility Up to 360 days per Member State
First MS	Residence permit or long-stay visa valid at national level	
Second MS		Mobility <b>notification</b> (optional) for the student

If the second Member State does not have an application/notification procedure (cases referred to as "optional" in the tables above), SR statistics do not record third-country nationals exercising mobility.

### Notification

**Notification** received by a second Member State refers to the following three situations:

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<sup>58</sup>. 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

<sup>58</sup> Article 28(1) of Directive (EU) 2016/801.

researcher - to carry out part of the research in the research organisation in the second Member State<sup>59</sup>. Member States may also decide to require a notification for long-term mobility (more than 180 days in any 360 days period)<sup>60</sup>.

2. 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.<sup>61</sup> 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<sup>62</sup>.
3. Family members accompanying a researcher covered in point 1.

### Decision on notification

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- **Notifications received** refers to all notifications received by the second Member State regarding the mobility of students and researchers (and their family members).
- **Notification objected** refers to the notifications received and objected in accordance with the SR Directive (the mobility of the student, researcher or family member is refused by the Second Member State).

### Family members

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**Family members** refer to third-country nationals as defined in Article 4(1) of Directive 2003/86/EC<sup>63</sup>.

### Status of SR authorisations

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There are three possible **decisions for SR authorisations** counted:

1. SR authorisations "**Issued**" refers to all SR authorisations issued to third-country nationals when they are admitted to the territory of a Member State under the terms of this Directive.
2. SR authorisations "**Renewed**" refers to SR authorisations issued to the same person with the validity starting immediately after the expiry of the previous SR authorisation (extension of stay or renewal of the previous SR authorisation). "Renewed" refers here only to the renewal of the SR authorisations for the same purpose<sup>64</sup>.

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<sup>59</sup> Article 28(2) of Directive (EU) 2016/801.

<sup>60</sup> Article 29(1) of Directive (EU) 2016/801

<sup>61</sup> Article 31(1) of Directive (EU) 2016/801.

<sup>62</sup> Article 31 (2) of Directive (EU) 2016/801.

<sup>63</sup> Article 3 (24) of Directive (EU) 2016/801.

<sup>64</sup> For example, if a third-country national having a SR authorisation for studies reasons is issued an SR authorisation for research reasons, this case is considered as a new SR authorisation issued (and not renewed).

3. SR authorisations "**Withdrawn**" refers to the situation in which the SR authorisation (issued or renewed) was withdrawn in accordance with Article 21 of the Directive (EU) 2016/801 (grounds for withdrawal or non-renewal of an authorisation).

### **Periodicity and reference periods**

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The SR statistics should be reported annually as part of the Residence Permit statistics (RESPER) based on the Article 6 of Migration Statistics Regulation.

According to Article 38 of Directive (EU) 2016/801:

- SR statistics relate to the **reference period 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**

SR statistics shall be supplied to Eurostat for the first time no later than 30 June 2020 for the first reference year 2019.

### **Categories and disaggregations**

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The mandatory data categories and disaggregations to be sent to Eurostat are mentioned in the Article 38 of Directive (EU) 2016/801 (see Section 1 – Legal Base).

The "**insofar as possible**" phrase mentioned in this Directive shall be interpreted as an obligation to provide data if the data on the specific category/disaggregation is available to the national data provider in the respective administrative register or database<sup>65</sup>.

The SR statistics are disaggregated by the following variables:

17. Reason for issuing the authorisation:
  - 1.1. research reasons;
  - 1.2. studies reasons;
  - 1.3. training reasons;
  - 1.4. voluntary service reasons;
    - 1.4.1. volunteers in the European Voluntary Service (EVS) reasons;
    - 1.4.2. voluntary service other than the EVS reasons;
  - 1.5. pupil exchange scheme or educational project reasons;
  - 1.6. au-pairing reasons;
  - 1.7. job-searching or entrepreneurship (after research or study);
  - 1.8. family member of researchers;
18. Type of SR document
  - a. SR authorisations;

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<sup>65</sup> As stated also in the conclusions of the Working Group on "Asylum and Managed Migration Statistics", Luxembourg, 19–20 October 2016.

- b. residence permits for family members of researchers;
  - c. notifications;
  - d. authorisations for long-term mobility;
19. Decision on SR documents
- For SR authorisations and authorisations for long-term mobility,
- a. Issued;
  - b. renewed;
  - c. withdrawn;
- For notifications,
- d. Notifications received;
  - e. Notifications objected;
20. Citizenship (all the categories used for RESPER data collection)
21. Length of validity:
- a. From 1 to 90 days (1 and 90 days included);
  - b. From 91 to 180 days (91 and 180 days included);
  - c. From 181 to 360 days (181 and 360 days included);
  - d. 361 days or over (361 days included).

### **Coherence and consistency with other residence permits statistics**

In SR data collection only the authorisation to reside under SR Directive should be reported and the provision of the statistics based on current guidelines will not change the Member States' obligation in providing other residence permits statistics (the SR data collection should be seen rather as separate data collection without excluding links and overlaps with other residence permits statistics). Therefore, some permits will be provided in SR data collection as well as in the first permit data collection (when the third-country national was previously residing outside of the country). If some first permits are issued to students/researchers outside the scope of the Directive, they will be counted in first permits RESPER but not in SR data collection.

As a general rule, proper attention should be paid to the definitions and categories applied before data transmission. Some rules/definitions are different from the rules/definitions applied to other datasets from RESPER data collection.

Please see the following selected aspects that should be taken into account regarding the overlap and links of SR statistics with other RESPER statistics:

- SR authorisations should be reported in first permit data collection also if the definition of "first permits" is applicable;
- the renewed and change of status or reason to stay concepts from first permits data collection are not applicable in SR data collection;
- The time gap rule from first permit data collection is not applied to SR data collection (for the distinction between new, renewed or change of status permit);

- Change of status from first permit data collection is considered "SR authorisation issued" in SR data collection (see footnote in the section 'Status of SR authorisations');
- Renewed authorisation in SR data collection refers to the prolongation of the previous SR permit maintaining the same reason to stay.

### Data collection templates

The SR statistics should be sent to Eurostat using the following cross-tabulations:

#### **Table SR1. The number of SR authorisations<sup>66</sup> (by the first Member State) by reason, type of decision, citizenship and length of validity**

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Breakdowns cross tabulated:

1. Reason for issuing the authorisation:
  - research reasons;
  - studies reasons;
  - training reasons;
  - voluntary service reasons;
    - volunteers in the European Voluntary Service (EVS) reasons;
    - voluntary service other than the EVS reasons;
  - pupil exchange scheme or educational project reasons;
  - au-pairing reasons;
  - family members of researchers, including the family members of job-searchers or entrepreneurs (former researchers);
  - stay for the purpose of job-searching or entrepreneurship (after research or study);
2. Decision on SR authorisation
  - SR authorisation issued;
  - SR authorisation renewed;
  - SR authorisation withdrawn;
3. Citizenship (all the categories used for RESPER data collection)
4. Length of validity:
  - From 91 to 180 days (91 and 180 days included);
  - From 181 to 360 days (181 and 360 days included);
  - 361 days or over (361 days included).

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<sup>66</sup> By the first Member State only (as authorisation issued for long-term mobility by the second Member State are covered in table 3).

**Table SR2. The number of notifications (received by the second Member State) for researchers (and their family members) and students by reason, decision, citizenship and length of validity**

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Breakdowns cross tabulated:

1. Reason for the notification:
  - research reasons;
  - studies reasons;
  - family members of researchers.
2. Decision of notification
  - notification received (by the second Member State);
  - notification objected (by the second Member State).
3. Citizenship (all the categories used for RESPER data collection).
4. Length of validity:
  - From 1 to 90 days (1 and 90 days included);
  - From 91 to 180 days (91 and 180 days included);
  - From 181 to 360 days (181 and 360 days included);
  - 361 days or over (361 days included).

**Table SR3. The number of authorisations (by the second Member State) for long-term mobility of researchers (and their family members) by reason, type of decision, citizenship and length of validity**

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Breakdowns cross-tabulated:

1. Reason for issuing the authorisation:
  - research reasons;
  - family members of researchers;
2. Decision on authorisation for long-term mobility;
  - authorisation for long-term mobility issued;
  - authorisation for long-term mobility renewed;
  - authorisation for long-term mobility withdrawn;
3. Citizenship (all the categories used for RESPER data collection)
4. Length of validity:
  - From 181 to 360 days (181 and 360 included);
  - 361 days or over (361 days included).

## STATISTICS COLLECTED ON VOLUNTARY BASIS

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### XI. STATISTICS ON RESIDENCE PERMITS ISSUED FOR FAMILY REUNIFICATION WITH BENEFICIARIES OF PROTECTION STATUS

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#### Legal base

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The data submitted according to this section are collected by Eurostat on voluntary basis in the framework of Residence Permit data collection under Article 6 of the Migration Statistics Regulation.

#### Data coverage

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The present guidelines refer to the statistics on third-country nationals who are issued a residence permit for the purpose of "family reunification" with a third-country national who is a beneficiary of protection status (FRPS permit).

The FRPS permits covered by this section represent a subset of data reported in tables RP1 (flow data) and RP6 (stock data), following one of the cases:

1. Residence permits issued based on the Family Reunification Directive 2003/86/EC for the purpose of joining third-country nationals who hold a refugee status. In practice, the sponsor receives a refugee status and thereafter applies for family reunification (referred to in the Family Reunification Directive). In most cases the members of the family are outside of the Member State when the application for family reunification is submitted. Therefore, the fact that the member of the family is outside of the Member State when the application for family reunification is submitted can be used as an alternative criterion for including the TCNs in this category (when the information on legal framework is not available), as long as the sponsor holds a refugee status.
2. Residence permits issued for "family unity" reasons under Article 23 of the Qualification Directive (Directive 2011/95/EU). It refers to the specific situation when family members were already present on the territory of the Member State in relation to the application of the sponsor for international protection. This data collection covers cases where the family members are issued a 'family member' residence permit and not a protection status. The fact that the member of the family is in the territory of the Member State when the application for family reunification is submitted can be used as an alternative criterion for including the TCNs in this category (when the information on legal framework is not available).
3. Residence permit issued for the purpose of family reunification based on national legislation (not derived from Directives 2003/86/EC or 2011/95/EU), if the sponsor is a third-country national who benefits from a protection status. When there is a national legal framework involved, the criteria mentioned under point 1 and 2 (family member outside/inside of the Member State) is not applied but instead all cases should be reported in the category "based on national legislation".

**Beneficiary of protection status** = third-country national who benefits in the present<sup>67</sup> of a protection status (see definition of protection status below). Whenever the beneficiary of protection status applies for family reunification, he or she is referred to as "**sponsor**" in this context. **Note that the beneficiaries of protection status should not be counted for FRPS statistics. Only his/her family members who receive the permission to stay for family reasons (and not as beneficiary of protection status) should be counted for FRPS statistics.**

'**Sponsor**' means a third-country national residing lawfully in a Member State whose family members seek to reside in that Member State based on the family relationship with him/her.

**Family members** are spouses, minor/adult children and all other relatives for whom national law provides for the possibility to be admitted through family reunification or family unity.

**FRPS permit** = residence permit issued to a third-country national for the purpose of family reunification under Family Reunification Directive 2003/86/EC, family unity under Article 23 of the Qualification Directive (Directive 2011/95/EU) or relevant national legislation where the sponsor is a beneficiary of protection status.

**FRPS first permit** refers to the permit complying with the concept of 'first permit' in the Residence Permit data collection (see the definition of the 'first permit' in the First Permit section above).

**FRPS permit valid in the end of the year** refers to all **FRPS** permits valid at the end of the year (stock of the permits at the end of the year)

**The term 'Beneficiary of protection status'** refers to three different categories of protection statuses as defined in the Asylum data collection under Article 4 of the Migration Statistics Regulation:

1. **Person granted refugee status** means a person covered by a decision granting refugee status, taken by administrative or judicial bodies during the reference period. Refugee status means status as defined in Art.2(e) of Directive 2011/95/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. According to Art.2(d) of that Directive refugee means a third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it.
2. **Person granted subsidiary protection status** means a person covered by a decision granting subsidiary protection status, taken by administrative or judicial bodies during the reference period. According to the Art.2(f) of that Directive a person eligible for subsidiary protection means a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country

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<sup>67</sup> The sponsor benefits from the protection status when FRPS first permit is issued during the reference year. In case of stock data, the sponsor has the protection status at the end of the year, when the valid FRPS permit is counted.

of citizenship, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country. Subsidiary protection status means a status as defined in Art.2(g) of Directive 2011/95/EC, entailing the recognition by a Member State of a third-country national or a stateless person as a person eligible for subsidiary protection.

3. **Person granted authorisation to stay for humanitarian reasons** means a person covered by a decision granting authorisation to stay for humanitarian reasons exclusively under national law (and not EU law) concerning international protection, taken by administrative or judicial bodies during the reference period. It includes persons who are not eligible for international protection as currently defined in the first stage legal instruments, but are nonetheless protected against removal under the obligations that are imposed on all Member States by international refugee or human rights instruments or on the basis of principles flowing from such instruments. Examples of such categories include persons who are not removable on ill health grounds and unaccompanied minors.

### Statistical unit

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The statistics on FRPS refers to the number of persons granted FRPS permits during the year (in case of flow data) or valid at the end of the year (in case of stock data).

### Periodicity and reference periods

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The statistics on FRPS should be reported annually as part of the Residence Permit Statistics based on the Migration Statistics Regulation.

The statistics on FRPS 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 for data reporting is 2016.

### Categories and disaggregations

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The statistics on FRPS are disaggregated by the following variables:

1. **FRPS first permits issued during the year** (related to RP1 table)
2. **FRPS permits valid at the end of the year** (related to RP6 table)
3. **Legal framework (i.e. legal basis for granting a residence permit as family member of beneficiary of protection) - optional category**
  - Family reunification under Directive 2003/86/EC;
  - Family unity (Directive 2011/95/EU, Art. 23);
  - National family reunification framework;
  - Unknown.
4. **Protection status of the "sponsor" (i.e. status held by the beneficiary of protection) - optional category**

- Sponsor with refugee status;
- Sponsor with subsidiary protection status;
- Sponsor with humanitarian status (national law);
- Sponsor with unknown status;

5. **Citizenship** (list of third countries).

## Data collection templates

### Table FRPS1. First permits issued for family reunification with a beneficiary of protection status, by sponsor status, legal framework and citizenship (FRPS first permits)

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Breakdowns cross tabulated:

**1. Protection status of the sponsor (optional breakdown):**

- Sponsor with refugee status;
- Sponsor with subsidiary protection status;
- Sponsor with humanitarian status (national law);
- Sponsor with unknown status;

**2. Legal framework (optional breakdown):**

- Family reunification under Directive 2003/86/EC;
- Family unity (Directive 2011/95/EU, Art. 23);
- National family reunification framework;
- Unknown;

**3. Citizenship:** list of third countries.

### Table FRPS2. Permits valid at the end of the year for family reunification with a beneficiary of protection status, by sponsor status, legal framework and citizenship

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Breakdowns cross tabulated:

**1. Protection status of the "sponsor" (optional breakdown):**

- Sponsor with refugee status;
- Sponsor with subsidiary protection status;
- Sponsor with humanitarian status (national law);
- Sponsor with unknown status;

**2. Legal framework (optional breakdown):**

- Family reunification under Directive 2003/86/EC;
- Family unity (Directive 2011/95/EU, Art. 23);
- National family reunification framework;
- Unknown;

**3. Citizenship:** list of third countries.