

**TECHNICAL GUIDELINES FOR THE DATA COLLECTION
UNDER ART. 6 OF REGULATION 862/2007 – STATISTICS ON
RESIDENCE PERMITS**

**INCLUDES SPECIFICATION OF THE DATA COLLECTION
UNDER ART. 20 OF THE DIRECTIVE 2009/50/EC –
STATISTICS ON EU BLUE CARDS AND SPECIFICATION OF
DATA COLLECTION UNDER ART 15 DIRECTIVE 2011/98/EU
– STATISTICS ON SINGLE PERMIT**

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These guidelines are meant to explain the templates for the residence permits data collection, reflecting Union legislation on migration statistics (Regulation (EC) No 862/2007)¹. The aim is to describe the requested variables, definitions used and disaggregations required by the Article 6 of this Regulation.

Moreover, these guidelines reflect the legal requirements of the Commission Regulation (EU) No 216/2010 implementing the categories of reasons for residence permits².

After consultation with all Member States, these guidelines may be subject of future amendments.

These guidelines include an Annex (Annex 2) specifying the requirements of the data collection on EU Blue Cards under the Article 20 of the Directive 2009/50/EC and an Annex (Annex 3) specifying the requirements of the data collection on Single Permit under Article 15 of the Directive 2011/98/EU.

Data coverage

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 17.1 of the Treaty, including stateless persons" (Art 2.1(i) of the Regulation).

Article 6 of the Regulation relates to the number of residence **permits** issued to persons. Article 6.1(a)(i) relates to the permissions to reside issued for the **first time** while Article 6.1(a)(ii) relates to the permissions to reside granted on the occasion of **person changing immigration status or reason to stay**.

According to the Article 6.2 when national laws and administrative practices of a Member State allow for **specific categories of long-term visa or immigration status** to be granted instead of residence permits, such visas and grants of statuses are to be included in the statistics required under Article 6.

Renewals of residence permits are not a subject of the Article 6.1(a)(i) and (ii) of the Regulation 862/2007 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 RP6_AS).

¹ [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](#)

² [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](#)

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**. The first reference year of this data collection is 2008 i.e. statistics for 2008 shall be provided to Eurostat not later than by 30th June 2009.

In December 2009 / January 2010 Eurostat consulted Member States on its proposal to amend the timeliness of data provisions. This proposal reflected the statistical needs arising from the operation of the European Integration Fund, which requires earlier data delivery by Member States and data verification by Eurostat than it is set by Regulation 862/2007. To meet this need Eurostat proposed to set the deadline for the data transmission at **end of April each year** i.e. 4 months after the end of the reference period. This proposal was supported by the majority of the Member States, although several Member States indicated this provision must be considered as provisional and revised datasets might be transmitted to Eurostat at a later stage. This commitment is applicable on a **voluntary basis**.

Disaggregations

In accordance with Article 6, statistics on residence permits are disaggregated by the following variables:

Compulsory disaggregations:

1. **Citizenship**
2. **Reason for the permit being issued**
3. **Length of validity of the permit:**
 - a. At least 3 months but less than 6 months;
 - b. At least 6 months but less than 12 months;
 - c. 12 months and more;

Voluntary disaggregations (due to cross-tabulation with the above disaggregations):

4. **Age (5-years age groups)**
 - a. **0-4, 5-9, 10-14, 15-19, 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**
5. **Sex**
 - a. **Male**
 - b. **Female**
 - c. **Unknown**

In accordance with the Article 6(b) and Article 8.1(e) of the Regulation, data on '*Population of third-country nationals having long-term legal resident status at the end of the reference period*' is disaggregated only by citizenship, age and sex.

In accordance with Article 8.1(e) of the Regulation, the Commission (Eurostat) proposes to introduce the additional disaggregations for the statistics covered by the Article 6, i.e. age and sex. Article 8.1(e) foresees the introduction of the following additional disaggregations:

1. Year in which permission to reside was first granted;
2. Age;
3. Sex;

During the Migration Statistics Working Group Meeting in March 2009 Eurostat started the discussions on additional disaggregations necessary for the application of Article 8. These negotiations were continued in June 2010 during the next Working Group Meeting, where Eurostat presented the indicative timetable of the implementation of these disaggregations. Eurostat indicated that the scope of the additional disaggregations will not include the breakdown by 'Year in which permission to reside was first issued'. This breakdown by 'Year in which permission to reside was first issued' was therefore not proposed for implementation.

Article 8 specifies that the additional disaggregations collected under its provisions shall not be **cross-classified** with the disaggregations required by the Article 8 and shall be provided separately. However, due to the extremely limited statistical usefulness of such application of the Article 8 provisions, Eurostat proposed to cross-classify the current and future disaggregations on a **voluntary basis**. Such application was implemented in these Guidelines.

Exceptional arrangements:

No disaggregations by the length of validity of the permit, age and sex 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 that the limited usefulness of a full disaggregation does not justify the additional burden of collecting these data. **However, in accordance with the definition of first permit, only residence permits issued for duration of at least 3 months shall be included in the obligatory statistics collected in the table RP5.**

During the Task Force meeting on 9th December 2008 it was recommended by several Member States that an additional validity length i.e. 'less than 3 months', for the permits related to the 'Seasonal Workers' category (table RP3), should be requested on **voluntary basis**. This will allow the complete collection of statistics related to the permissions to stay issued to the seasonal workers. It is assumed that this category, due to its specific characteristics (related to the permit duration) could be otherwise not sufficiently covered by the obligatory statistics collected under Article 6 of the Regulation.

Age

The basis for recording **ages** is the age accepted by the national authority. For the **flow statistics** covered by the tables RP1_AS – RP4_AS 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 31st December 2010) it shall be the age of the person on 31st December 2010.

Reporting of age is based on the **5-years age groups** (as referred in the section 'Disaggregations'). The reporting of the 5-years age groups is in line with age groupings applied in other statistical domains related to population statistics such as the migration flow data collected under Article 3 of the Regulation. The reporting must be done in accordance with the format provided in the separate technical document related to the data transmission format.

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.

Age (and sex) disaggregations are reported only at the total level of permits issued or valid for the following reasons:

- First permits issued for reasons related to family formation and reunification (Table RP1_AS)
- First permits issued for reasons related to education and study (RP2_AS)
- First permits issued for reasons related to remunerated activities (RP3_AS)
- First permits issued for other reasons (RP4_AS)
- The number of valid permissions to stay at the end of the reference period (Table RP6_AS)
- Population of third-country nationals having long-term legal resident status at the end of the reference period (Table RP7_AS)

Citizenship codes

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 administrative event i.e. separately for permits to reside issued for the first time and permits issued on the occasion of 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 a 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.

Flows / stock data

The collection tables RP1 – RP5 and RP1_AS – RP4_AS 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 number of valid permits **at the end of the reference period** that is at the end of the reference year (31st December of each year) (i.e. so called stock statistics).

Persons / permits

Article 6.1(a) of the Regulation relates to the **number of permits issued to persons**. In particular Art.6.1(a)(i) and Art.6.1(a)(ii) relate to the number of permits being issued to persons during the reference period, while Art.6.1(a)(iii) relate to the number of permits valid at the end of the reference period. 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 further applies also to children being third-country nationals and born in the EU after the issuance of the residence permits to parents.

Article 6.1(b) relates to the number of long-term residents (as defined by Article 2(h) of the Regulation) at the end of the reference period and relates to the number of persons i.e. all persons having such status shall be covered by the statistics under Article 6.

First permits

For the purpose of the reporting under Article 6 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;**

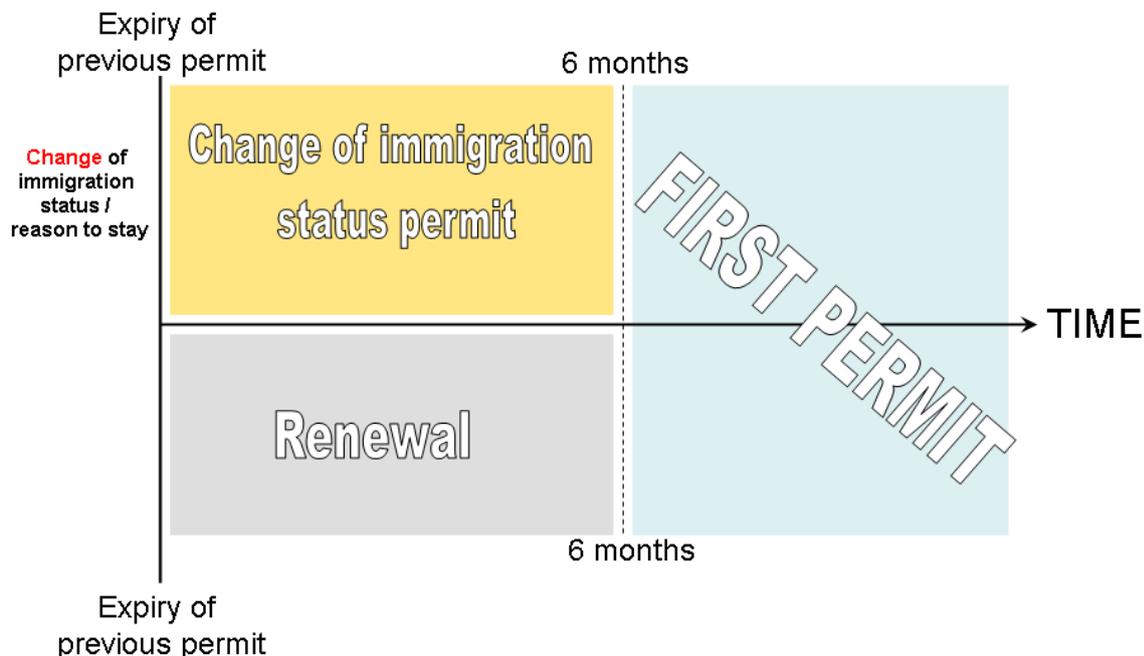
- b) when a residence permit was issued by the Member State to the person concerned already in the past: first permit is a permit issued by the Member State authority after at least 6 months, since the expiry of the previous permit, irrespective of the year of issuance of the permit and with at least 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 January 2007 with the validity of 12 months, a permit issued after 6 months since the expiry of that permit, i.e. after 30 June 2008, will be recorded as a new permit.

Accordingly permits issued during 6 months after the expiry (i.e. between 1 January 2008 and 30 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 – RP4_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 work permit), 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.

Change of immigration status / reason to stay

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 March 2008, 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 September 2008 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 a subject of the residence permit issued for the reasons related to education and study. Similarly 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).

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.

Categories of permits to be collected according to Article 6

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 negotiated with 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 fully established and the particular needs for statistics are more defined.

1. Grants of permission to stay issued to third-country nationals for reasons related to family formation and reunification.

1.1. Permissions valid for at least 3 months but less than 6 months

- 1.1.1. Joining an EU citizen
 - 1.1.1.1. Spouse/Partner
 - 1.1.1.2. Children (Minor/Adult)
 - 1.1.1.3. Other family members

- 1.1.2. Joining a non-EU citizen
 - 1.1.2.1. Spouse/Partner
 - 1.1.2.2. Children (Minor/Adult)
 - 1.1.2.3. Other family members

1.2. Permissions valid for at least 6 months but less than 12 months

- 1.2.1. Joining an EU citizen
 - 1.2.1.1. Spouse/Partner
 - 1.2.1.2. Children (Minor/Adult)
 - 1.2.1.3. Other family members

- 1.2.2. Joining a non-EU citizen
 - 1.2.2.1. Spouse/Partner
 - 1.2.2.2. Children (Minor/Adult)
 - 1.2.2.3. Other family members

1.3. Permissions valid for 12 months and more

- 1.3.1. Joining an EU citizen
 - 1.3.1.1. Spouse/Partner
 - 1.3.1.2. Children (Minor/Adult)
 - 1.3.1.3. Other family members

- 1.3.2. Joining a non-EU citizen
 - 1.3.2.1. Spouse/Partner
 - 1.3.2.2. Children (Minor/Adult)
 - 1.3.2.3. Other family members

2. Grants of permission to stay issued to third-country nationals for reasons related to education and study.

2.1. Permissions valid for at least 3 months but less than 6 months

- 2.1.1. Students
- 2.1.2. Other educational-related

2.2. Permissions valid for at least 6 months but less than 12 months

- 2.2.1. Students
- 2.2.2. Other educational-related

2.3. Permissions valid for 12 months and more

- 2.3.1. Students
- 2.3.2. Other educational-related

3. Grants of permission to stay issued to third-country nationals for reasons related to remunerated activities.

3.1. Permissions valid for at least 3 months but less than 6 months

- 3.1.1. Highly skilled workers
- 3.1.2. EU Blue Card
- 3.1.3. Researchers
- 3.1.4. Seasonal workers
- 3.1.5. Other remunerated activities

3.2. Permissions valid for at least 6 months but less than 12 months

- 3.2.1. Highly skilled workers
- 3.2.2. EU Blue Card
- 3.2.3. Researchers
- 3.2.4. Seasonal workers
- 3.2.5. Other remunerated activities

3.3. Permissions valid for 12 months and more

- 3.3.1. Highly skilled workers
- 3.3.2. EU Blue Card
- 3.3.3. Researchers
- 3.3.4. Seasonal workers
- 3.3.5. Other remunerated activities

4. Grants of permission to stay issued to third-country nationals for other reasons.

4.1. Permissions valid for at least 3 months but less than 6 months

- 4.1.1. Refugee status and subsidiary protection
- 4.1.2. Humanitarian reasons
- 4.1.3. Unaccompanied minors (non asylum related)
- 4.1.4. Victims of trafficking in human beings
- 4.1.5. Residence only
- 4.1.6. Residual categories

4.2. Permissions valid for at least 6 months but less than 12 months

- 4.2.1. Refugee status and subsidiary protection
 - 4.2.2. Humanitarian reasons
 - 4.2.3. Unaccompanied minors (non asylum related)
 - 4.2.4. Victims of trafficking in human beings
 - 4.2.5. Residence only
 - 4.2.6. Residual categories
- 4.3. Permissions valid for 12 months and more
 - 4.3.1. Refugee status and subsidiary protection
 - 4.3.2. Humanitarian reasons
 - 4.3.3. Unaccompanied minors (non asylum related)
 - 4.3.4. Victims of trafficking in human beings
 - 4.3.5. Residence only
 - 4.3.6. Residual categories

5. Grants of permission to stay issued to third-country nationals on the occasion of a person changing immigration status or reason to stay.

- 5.1. When *previous* permission was granted for reasons related to family formation and reunification
 - 5.1.1. Reasons related to education and study
 - 5.1.2. Reasons related to remunerated activities
 - 5.1.3. Other reasons
- 5.2. When *previous* permission was granted for reasons related to education and study
 - 5.2.1. Reasons related to family formation and reunification
 - 5.2.2. Reasons related to remunerated activities
 - 5.2.3. Other reasons
- 5.3. When *previous* permission was granted for reasons related to remunerated activities
 - 5.3.1. Reasons related to family formation and reunification
 - 5.3.2. Reasons related to education and study
 - 5.3.3. Other reasons
- 5.4. When *previous* permission was granted for other reasons
 - 5.4.1. Reasons related to family formation and reunification
 - 5.4.2. Reasons related to education and study
 - 5.4.3. Reasons related to remunerated activities

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

- 6.1. Permissions valid for at least 3 months but less than 6 months
 - 6.1.1. Family formation and reunification
 - 6.1.2. Education and study
 - 6.1.3. Remunerated activities
 - 6.1.4. Refugee status
 - 6.1.5. Subsidiary protection
 - 6.1.6. Other reasons

6.2. Permissions valid for at least 6 months but less than 12 months

- 6.2.1. Family formation and reunification
- 6.2.2. Education and study
- 6.2.3. Remunerated activities
- 6.2.4. Refugee status
- 6.2.5. Subsidiary protection
- 6.2.6. Other reasons

6.3. Permission valid for 12 months and more

- 6.3.1. Family formation and reunification
- 6.3.2. Education and study
- 6.3.3. Remunerated activities
- 6.3.4. Refugee status
- 6.3.5. Subsidiary protection
- 6.3.6. Other reasons

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

- 7.1. EU long-term resident status
- 7.2. National long-term resident status

Data transmission and format

Data format is specified by Eurostat separately in the technical annex on data transmission format.

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

Quality standards

According to the Article 9.2 of the Regulation Member States shall report to Eurostat on the data sources used, the reasons for the selection of these sources and the effects of the selected data sources on the quality of the statistics, on the estimation methods used and shall keep Eurostat informed of changes thereto.

Furthermore, according to Article 9.3, Eurostat may request Member States to provide all the information necessary to evaluate the quality, comparability (understood as the extent to which differences between statistics from different geographical areas, non-geographical domains, or over time, can be attributed to differences between the true values of the statistics) and the completeness of the statistical information.

Quality standards may be specified by Eurostat on a latter stage.

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.

Annex 1 - Description of tables and categories of permits

DATA COLECCION ON RESIDENCE PERMITS ISSUED TO THE THIRD-COUNTRY NATIONALS

FLOWS DATA:

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

1.1. Permissions valid for at least 3 months but less than 6 months

- 1.1.1. Joining an EU citizen
 - 1.1.1.1.Spouse/Partner
 - 1.1.1.2.Children (Minor/Adult)
 - 1.1.1.3.Other family members

- 1.1.2. Joining an non-EU citizen
 - 1.1.2.1.Spouse/Partner
 - 1.1.2.2.Children (Minor/Adult)
 - 1.1.2.3.Other family members

1.2. Permissions valid for at least 6 months but less than 12 months

- 1.2.1. Joining an EU citizen
 - 1.2.1.1.Spouse/Partner
 - 1.2.1.2.Children (Minor/Adult)
 - 1.2.1.3.Other family members

- 1.2.2. Joining an non-EU citizen
 - 1.2.2.1.Spouse/Partner
 - 1.2.2.2.Children (Minor/Adult)
 - 1.2.2.3.Other family members

1.3. Permissions valid for 12 months and more

- 1.3.1. Joining an EU citizen
 - 1.3.1.1.Spouse/Partner
 - 1.3.1.2.Children (Minor/Adult)
 - 1.3.1.3.Other family members

- 1.3.2. Joining an non-EU citizen
 - 1.3.2.1.Spouse/Partner
 - 1.3.2.2.Children (Minor/Adult)
 - 1.3.2.3.Other family members

Disaggregations:

- Citizenship

Here it is necessary to take into account the fact that the third-country national may be joining either an EU citizen or another third-country national residing in the EU. The rights, obligations and procedures are not the same. The rights of third-country nationals joining other third-country nationals are regulated by Directive 2003/86/EC³, while the rights of third-country nationals joining EU nationals are set out in Directive 2004/38/EC⁴.

Directive 2004/38/EC referring to the rights of third-country nationals joining EU-citizens is of EEA (European Economic Area)⁵ 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 at 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'.

Permissions to stay granted for the reasons related to family formation and reunification based on the **national legislation** (not derived from EU Directives 2003/86 and 2004/38) 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 and Norway, permissions issued to such third-country nationals on the basis of the 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'.

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).

³ [Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification](#); OJ L 251, 3.10.2003, p. 12–18

⁴ [Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation \(EEC\) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC \(Text with EEA relevance\)](#); OJ L 30, 3.2.2005, p. 27–27

⁵ 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 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.

Table RP1_AS. Grants of permission to stay issued to third-country nationals for reasons related to family formation and reunification:

1. Total number of first permits issued for reasons related to family formation and reunification

Disaggregations:

- Age
 - 5 years age groups (0-4; 5-9, 10-14, 15-19, 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)
- Citizenship

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

- 1.1. Permissions valid for at least 3 months but less than 6 months

- 1.1.1. Students
- 1.1.2. Other educational-related

- 1.2. Permissions valid for at least 6 months but less than 12 months

- 1.2.1. Students
- 1.2.2. Other educational-related

- 1.3. Permissions valid for 12 months and more

- 1.3.1. Students
- 1.3.2. Other educational-related

Disaggregations:

- Citizenship

Category '**Students**' relates to persons granted a first residence permit and who are admitted to pursue a course of study at an establishment of higher or professional education. In

accordance with Article 2(b) of the Council Directive 2004/114/EC⁶ - 'Student' means a third-country national accepted by an establishment of higher education and admitted to the territory of a Member State to pursue as his/her main activity a full-time course of study leading to a higher education qualification recognised by the Member State, including diplomas, certificates or doctoral degrees in an establishment of higher education, which may cover a preparatory course prior to such education according to its national legislation.

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. This would include unremunerated trainees (according to Art.2(d) of the Council Directive 2004/114 - unremunerated trainee' means a third-country national who has been admitted to the territory of a Member State for a training period without remuneration in accordance with its national legislation, school pupils (according to Art.2(c) of the Council Directive 2004/114 - 'school pupil' means a third-country national admitted to the territory of a Member State to follow a recognised programme of secondary education in the context of an exchange scheme operated by an organisation recognised for that purpose by the Member State in accordance with its national legislation or administrative practice; this shall also include boarding school pupils who would be admitted under national legislation), and volunteers (according to Art.2(f) of the Council Directive 2004/114 - 'voluntary service scheme' means a programme of activities of practical solidarity, based on a State or a Union scheme, pursuing objectives of general interest). This category does not include researchers (covered by the table RP3).

Table RP2_AS. Grants of permission to stay issued to third-country nationals for reasons related to education and study:

1. Total number of first permits issued for reasons related to education and study

Disaggregations:

- Age
 - 5 years age groups (0-4; 5-9, 10-14, 15-19, 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)
- Citizenship

⁶ [Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service](#); OJ L 375, 23.12.2004, p. 12–18

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

- 1.1. Permissions valid for at least 3 months but less than 6 months
 - 1.1.1. Highly skilled workers
 - 1.1.2. EU Blue Card
 - 1.1.3. Researchers
 - 1.1.4. Seasonal workers
 - 1.1.5. Other remunerated activities
- 1.2. Permissions valid for at least 6 months but less than 12 months
 - 1.2.1. Highly skilled workers
 - 1.2.2. EU Blue Card
 - 1.2.3. Researchers
 - 1.2.4. Seasonal workers
 - 1.2.5. Other remunerated activities
- 1.3. Permissions valid for 12 months and more
 - 1.3.1. Highly skilled workers
 - 1.3.2. EU Blue Card
 - 1.3.3. Researchers
 - 1.3.4. Seasonal workers
 - 1.3.5. Other remunerated activities
- 1.4. Permissions valid for less than 3 months (to be provided voluntarily)
 - 1.4.1. Seasonal workers

Disaggregations:

- Citizenship

Category '**Highly skilled workers**' refers to the first residence permits issued to third-country nationals admitted under national programmes facilitating the admission of highly-skilled workers. For the purpose of defining the scope of this category, the following definitions in Council Directive 2009/50/EC⁷ 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,

⁷ [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

- 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/EC⁸ (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).

Category '**EU Blue Card**' refers to the first residence permits issued to persons granted such authorisation to reside.⁹ '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.

Category '**Researcher**' refers to the first residence permits issued to persons granted such authorisation to reside. 'Researcher' is defined by Council Directive 2005/71/EC¹⁰ as a third-country national holding an appropriate higher education qualification, which gives access to doctoral programmes, who is selected by a research organisation for carrying out a research project for which the above qualification is normally required. 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'.

In the absence of the common European legislative framework and common definition of the seasonal workers (the Commission proposal was adopted in July 2010 and is currently being

⁸ [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

⁹ 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 (see Annex 2)

¹⁰ [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

negotiated by Parliament and Council), the category '**Seasonal workers**' could (as long as a new Directive is not adopted) include all 'third-country nationals, who retain their legal domicile in a third country but reside temporarily for the purposes of employment in the territory of a Member State in a sector of activity dependent on the passing of the seasons, under one or more fixed-term work contracts concluded directly between the third country national and the employer established in a Member State'. Further the proposal specifies the term 'activity dependent on the passing of the seasons' which means an activity that is tied to a certain time of the year by an event or pattern during which labour levels are required that are far above those necessary for usually ongoing operations. Seasonal workers should in principle be counted only under the disaggregation 'at least 3 months but less than 6 months' and 'at least 6 months but less than 12 months'.

Although in some MS the large share of seasonal workers may receive an authorisation to work for a period not exceeding 3 months, these persons are not a subject of the statistics collected under Article 6, as they are a subject of visa regulations and procedures. However, on a **voluntary basis** Member States may provide statistics related to the category '**Seasonal workers**' with permission issued for **less than 3 months**. Provision of these data is not obligatory and they shall be supplied to Eurostat on a voluntary basis.

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 employed and self employed persons, remunerated trainees, and remunerated au-pairs.

Table RP3_AS. Grants of permission to stay issued to third-country nationals for reasons related to remunerated activities:

1. Total number of first permits issued for reasons related to remunerated activities

Disaggregations:

- Age
 - 5 years age groups (0-4; 5-9, 10-14, 15-19, 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)
- Citizenship

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

- 1.1. Permissions valid for at least 3 months but less than 6 months
 - 1.1.1. Refugee status and subsidiary protection
 - 1.1.2. Humanitarian reasons
 - 1.1.3. Unaccompanied minors (non asylum related)
 - 1.1.4. Victims of trafficking in human beings

- 1.1.5. Residence only
 - 1.1.6. Residual categories
- 1.2. Permissions valid for at least 6 months but less than 12 months
 - 1.2.1. Refugee status and subsidiary protection
 - 1.2.2. Humanitarian reasons
 - 1.2.3. Unaccompanied minors (non asylum related)
 - 1.2.4. Victims of trafficking in human beings
 - 1.2.5. Residence only
 - 1.2.6. Residual categories
 - 1.3. Permissions valid for 12 months and more
 - 1.3.1. Refugee status and subsidiary protection
 - 1.3.2. Humanitarian reasons
 - 1.3.3. Unaccompanied minors (non asylum related)
 - 1.3.4. Victims of trafficking in human beings
 - 1.3.5. Residence only
 - 1.3.6. Residual categories

Disaggregations:

- Citizenship

Notwithstanding Commission Regulation (EU) No 216/2010 implementing the list of categories of reasons for residence permits, the category 'International protection status' is now split in two separate categories: 'Refugee status and subsidiary protection' and 'Humanitarian reasons'. The separation of these two categories was necessary in order to distinguish between these types of protection for the purpose of the European Integration Fund. The residence permits statistics collected under Article 6 are used for the purpose of EIF data verification and under the provisions of this Fund; the category 'Refugee status and subsidiary protection' is not eligible to be included in the relevant data reported for EIF. However at the time of preparation of the Regulation 216/2010 this requirement could not be taken into account and was communicated at the latter stage.

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(d) of Directive 2004/83/EC¹¹ within the meaning of Art.1 of the Geneva Convention relating to the Status of Refugees of 28 July 1951, as amended by the New York Protocol of 31 January 1967. In accordance with Article 2(d) 'Refugee status' means the recognition by a Member State of a third country national or a stateless person as a refugee. **Subsidiary protection** means a status as defined in Article 2(f) of Directive 2004/83/EC. In accordance with Article 2(f) 'Subsidiary protection status' means the recognition by a Member State of a third country national or a stateless person as a person eligible for subsidiary protection.

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

¹¹ [Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted](#)

permit granted for humanitarian reasons could be the outcome of an asylum procedure, when there are no grounds to grant international protection but there's still a need to allow the person concerned to remain in the Member State; or it could be granted without any link to an asylum procedure, in non-asylum contexts¹².

Category '**Unaccompanied minors (non asylum related)**' relates to first residence permits issued to minors considered to be unaccompanied minor as defined in Article 2(i) of Directive 2004/83/EC¹³. In accordance with Article 2(i) 'Unaccompanied minors' means third-country nationals or stateless persons below the age of 18, who arrive on the territory of the Member States unaccompanied by an adult responsible for them whether by law or custom, and for as long as they are not effectively taken into the care of such a person; it includes minors who are left unaccompanied after they have entered the territory of the Member States. This category 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').

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/EC¹⁴. 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 derogation, Member States may decide to apply this Directive to minors under the conditions laid down in their national law.

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.

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.

¹² 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](#)

¹³ This directive covers asylum issues but the definition can be applied to unaccompanied minors who are not asylum-seekers.

¹⁴ [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](#)

Table RP4_AS. Grants of permission to stay issued to third-country nationals for other reasons:

1. Total number of first permits issued for other reasons

Disaggregations:

- Age
 - 5 years age groups (0-4; 5-9, 10-14, 15-19, 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)
- Citizenship

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:

- 5.1. When *previous* permission was granted for reasons related to family formation and reunification
 - 5.1.1. Reasons related to education and study
 - 5.1.2. Reasons related to remunerated activities
 - 5.1.3. Other reasons
- 5.2. When *previous* permission was granted for reasons related to education and study
 - 5.2.1. Reasons related to family formation and reunification
 - 5.2.2. Reasons related to remunerated activities
 - 5.2.3. Other reasons
- 5.3. When *previous* permission was granted for reasons related to remunerated activities
 - 5.3.1. Reasons related to family formation and reunification
 - 5.3.2. Reasons related to education and study
 - 5.3.3. Other reasons
- 5.4. When *previous* permission was granted for other reasons
 - 5.4.1. Reasons related to family formation and reunification
 - 5.4.2. Reasons related to education and study
 - 5.4.3. Reasons related to remunerated activities

Disaggregations:

- Citizenship

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.

STOCK DATA:

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

- 1.1. Permissions valid for at least 3 months but less than 6 months
 - 1.1.1. Family formation and reunification
 - 1.1.2. Education and study
 - 1.1.3. Remunerated activities
 - 1.1.4. Refugee status
 - 1.1.5. Subsidiary protection
 - 1.1.6. Other reasons

- 1.2. Permissions valid for at least 6 months but less than 12 months
 - 1.2.1. Family formation and reunification
 - 1.2.2. Education and study
 - 1.2.3. Remunerated activities
 - 1.2.4. Refugee status
 - 1.2.5. Subsidiary protection
 - 1.2.6. Other reasons

- 1.3. Permission valid for 12 months and more
 - 1.3.1. Family formation and reunification
 - 1.3.2. Education and study
 - 1.3.3. Remunerated activities
 - 1.3.4. Refugee status
 - 1.3.5. Subsidiary protection
 - 1.3.6. Other reasons

Disaggregations:

- Citizenship

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')

Table RP6_AS. The number of valid permissions to stay at the end of the reference period held by third-country nationals:

1. Total number of valid permits at the end of the reference period

Disaggregations:

- Age
 - 5 years age groups (0-4; 5-9, 10-14, 15-19, 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)
- Citizenship

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

- 7.1. EU long-term resident status
- 7.2. National long-term resident status

Disaggregations:

- Citizenship

Category '**EU long-term resident 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/EC¹⁵. 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.

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

¹⁵ [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

Table RP7_AS. Population of third-country nationals having long-term legal resident status at the end of the reference period:

1. Total number of long-term residents at the end of the reference period

Disaggregations:

- Age
 - 5 years age groups (0-4; 5-9, 10-14, 15-19, 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)
- Citizenship

Annex 2 - Guidelines to the data collection on EU Blue Cards under Article 20 of the Directive 2009/50/EC

This annex provides guidance about the statistics on EU Blue Cards collected in accordance with Article 20 of the Council Directive 2009/50/EC¹⁶. The aim is to provide a methodological and technical guidance for the compilation of the statistical data requested under Article 20.

Although Denmark, Ireland and the United Kingdom are not implementing Directive 2009/50/EC, these Member States shall, as far as possible, supply statistics based on comparable definitions.¹⁷ 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.

After consultation with all Member States, this annex may be subject of future amendments.

Data coverage

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 17.1 of the Treaty" (Art 2.a of the Directive).

In accordance with the requirements of the Article 20 of the Directive, data are collected on the number of EU Blue Cards **granted, renewed** and **withdrawn**.

Definitions

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;

¹⁶ [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

¹⁷ Discussions with the United Kingdom have established that no such comparable definitions exist and therefore it is agreed that the United Kingdom will not be supplying data.

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 Card¹⁸;

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 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 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 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 1st January – 30th 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.

'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)).

¹⁸ 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

'Family members' means third-country nationals as defined in Article 4(1)¹⁹ 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)).

¹⁹ 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/EC²⁰ (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.

Statistics shall be supplied to Eurostat for the first time no later than 19 June 2013 and in accordance with Regulation (EC) 862/2007. The first reference year of the compulsory data provision is 2012. Since 2014 (i.e. data referring to the reference year 2013) 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):

6. **Citizenship** (cross-classified with 'Status of EU Blue Card', 'Subject person' and 'Occupation')
7. **Status of EU Blue Card** (cross-classified with 'Citizenship', 'Subject person' and 'Occupation')
 - a. Granted;
 - b. Renewed;
 - c. Withdrawn;
8. **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');

²⁰ [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

9. **Occupation** (cross-classified with 'Citizenship' and 'Status of EU Blue Card')

10. **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';
- 'EU Blue Cards WITHDRAWN';
- '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'.

Occupation

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 Ramon²¹ or International Labour Organization (ILO)²².

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

²¹ http://ec.europa.eu/eurostat/ramon/index.cfm?TargetUrl=DSP_PUB_WELC

²² <http://www.ilo.org/public/english/bureau/stat/isco/index.htm>

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 ILO²³.

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 codes

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

Flows / stock data

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

In accordance with Regulation 862/2007 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

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

Quality standards

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

²³ <http://www.ilo.org/public/english/bureau/stat/isco/isco08/index.htm>

Description of tables and categories of permits

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

- 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. 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. 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. 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:

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:

- 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.

Annex 3 - Guidelines to the data collection on Single permit under Art 15 Directive 2011/98/EU

LEGAL BASE

Art 15 (2) 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.

DATA COVERAGE

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 permits 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

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

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.

Statistics shall be supplied to Eurostat **for the first time no later than 25 December 2014** and in accordance with Regulation (EC) 862/2007. **The first reference year of the compulsory data provision is 2013.** Since 2015 (i.e. data referring to the reference year 2014) **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 are mandatory (see the grey line in table 1).

DISAGGREGATIONS

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:
 - 3-6 months
 - 6-12 months
 - 12 months or more

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
TOTAL	Total	0	0	0	0	0
	3 -< 6 months	0	0	0	0	0
	6 -< 12 months	0	0	0	0	0
	>12 months	0	0	0	0	0
First Permit	Total	0	0	0	0	0
	3 -< 6 months	0	0	0	0	0
	6 -< 12 months	0	0	0	0	0
	>12 months	0	0	0	0	0
Change of status	Total	0	0	0	0	0
	3 -< 6 months	0	0	0	0	0
	6 -< 12 months	0	0	0	0	0
	>12 months	0	0	0	0	0
Renewed	Total	0	0	0	0	0
	3 -< 6 months	0	0	0	0	0
	6 -< 12 months	0	0	0	0	0
	>12 months	0	0	0	0	0