Chapter Fourteen

Access to EU Immigrant Status

The following subsections will deal with lege lata adopted so far and binding upon Member States. Policy plans will be noted where relevant as subsidiary means of interpretation or as guidance for further possible developments. The immigrant has three interests: first, conditions for entry and protection from expulsion; second, access to employment and conditions of employment; and third, family reunification. Statuses of immigrants would be more attractive in proportion to higher demand for strengthening current invented statuses instead of naturalization.

14.1. Long Term Resident Status

The LTR Directive covers conditions for acquisition and loss of the status of long-term resident as well as conditions on which an individual can reside in another Member State than the one that granted the status. The Directive liberalizes the regulation that existed so far based on a Council resolution. The overall aim of the LTR Directive is to establish a common framework for integration of long term residents as well as to approximate national legislation, practice and conditions. A number of reasons can justify this approach. First, it would facilitate achievement of the aim of establishing solidarity between Member States in building a common area of freedom, security and justice. Second, the LTR Directive could help to avoid “status shopping”. Third, it could provide long term residents with additional guarantees attached to the status to help them integrate in any of the EU States irrespective of the Member State where they would acquire the status. However, critics admit that this was impossible because of the divergent needs of individual Member States and unwillingness to give too much of their freedom.

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Chapter Fourteen

As noted by Papagianni consensus on legal immigration is lacking for a number of reasons. First, it is generally easier to define what is not wanted than what is wanted. Therefore, compromise is easier to reach on illegal immigration. Second, admission of foreign workers has been a taboo for most Member States since the 1970s. Third, the approach taken by each Member State varies dramatically, since it reflects its own experience, socio-economic development and foreign labour need linked with foreign policy. Papagianni Georgia, *Institutional and Policy Dynamics of EU Migration Law* (Leiden, Boston: Martinus Nijhoff Publishers 2006) 272–274.

This is instead of the ten years that had been proposed by the Commission. See ibid., 166.

A five year permanent residence requirement is higher than provided, for instance in ILO Convention No. 143 Migrant Workers (Supplementary Provisions) Convention (1975) which requires only two years of residence to gain access to the labour market. But see interpretation of the CJEU in the Singh case below, *infra* note 7. The applicant was issued a

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7 Case C-502/10 State Secretary van Justitie v Mangat Singh, Judgment of 18 October 2012 [not yet reported]. Mr. Singh, an Indian national arrived in the Netherlands in 2001 and was granted an ordinary fixed-period residence permit, the validity of which was limited to the exercise of an