

GMS Flash Alert

Immigration

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European Union – Revisions to EU’s Single Permit Directive Adopted, Positives for Non-EU Nationals

On 12 April 2024, the European Council formally adopted the revision of the European Union’s Single Permit Directive.¹ The revision updates the current directive from 2011² by setting out the administrative procedures for a single permit for the right to work and the right to stay in the EU for non-EU nationals. Further, the revision provides for a shortened application procedure, and it strengthens rights of non-EU workers by allowing them to change employer and to have a limited period of unemployment.

The revision of the Single Permit Directive³ will enter into force on the 20th day following that of its publication in the *Official Journal of European Union*. Member states will hereafter have two years to transpose the revision into their national laws.

WHY THIS MATTERS

Once the faster and easier application process for single permits is implemented, it is reasonable to expect an increase in the number of single permits in the EU.

Since a non-EU employee will not lose immigration status in the event of a change of employment or short-term unemployment, the revised rules will strengthen non-EU employees’ negotiating position with their employers once the changes are implemented.

Context

Basically, Basically, EU laws get made through a “trialogue” procedure. Triilogue is a closed-door informal negotiation procedure between the EU Parliament, the EU Commission, and European Council.

The EU Commission initiates a legislative proposal, and for each such proposal each institution appoints its negotiators and establishes its mandate for these tripartite meetings. Any provisional agreement reached in trilogues is informal and must be approved by formal procedures applicable within each of the those institutions' formal procedures.

Key Changes to Single Permit

- **Application:** A non-EU national can submit an application for a permit from the territory of a third country or, if he or she holds a valid residence permit, from within the EU. If the single permit is issued, it will serve as both residence and work permit.
- **Application procedure:** The revised rules set out stricter deadlines for the decision to issue a permit. This should take place within three months from the date an application is received. In case the member state needs to check first, for example if the employee's profile is needed in the domestic/local market, this should take place within 90 days. These time constraints may be exceptionally extended by 30 days.
- **Change of employer:** A holder of a single permit will be allowed to change employer. A change of employer may be subject to a notification obligation to the authorities and member states may carry out a labour market check. Member states may also require a minimum period during which the single permit holder is required to work with the first employer.
- **Short-term unemployment:** In case a holder of the single permit becomes unemployed, the individual will be able to remain in the territory of the member state given that the total duration of unemployment does not exceed three months during the validity of the single permit or six months after two years of holding the permit.

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It will take a couple of years before the revised rules for the single permit are fully implemented.

However, employers that use single permits in their recruitment should note that once implemented, the revised rules will significantly change the negotiating position of the employer vis-à-vis the single permit holder. The fact that a single permit holder will not lose his or her immigration status in case of new employment or short-term unemployment will significantly diminish the employer's negotiating position compared to how it is currently.

The changes to the rules for the single permit may give rise to a review of recruitment policies and general positioning of employees with single permits and those without.

FOOTNOTES:

1 Council of the European Union, Press release (12 April 2024): [Legal migration: Council gives green light to single work and stay permit for non-EU nationals](#).

2 Full text [Single Permit Directive](#) (Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State), on the EUR-Lex website.

KPMG reported on this in *Flash International Executive Alert*, "New Directive Enhancing Intra-EU Employment Conditions Passes EU Parliament" (25 April 2011). *To obtain a copy, please contact your usual KPMG GMS or People Services professional.*

3 European Union: [Revised text of Single Permit Directive](#) (Directive of the European Parliament and of the Council on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (recast), 3 April 2024.)

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Contact us

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