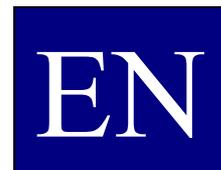




**COUNCIL OF  
THE EUROPEAN UNION**



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## **Free movement of third country nationals with a long stay visa within the Schengen area**

The Council adopted a regulation of the European Parliament and of the Council amending the convention implementing the Schengen agreement and regulation (EC No 562/2006) as regards movement of persons with long-stay visas ([7392/10](#)). Long-stay visas, or so-called "D" visas, are visas issued to third country nationals for periods of stay longer than three months.

The new provisions concern mainly three aspects: free movement, maximum validity of long-stay visas, and security aspects.

Concerning free movement, third country nationals with a long-stay visa are put on the same footing as third country nationals holding valid residence permits: They will be able to move freely for up to three months in any six-month period within the territories of the other Schengen states. This is important for two reasons: First, for the general purpose of free travel within the Schengen area and second, for the specific purpose of transit through another Schengen state when returning from the country that issues the visa.

# **P R E S S**

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Under the previous rules, a third-country national holding a national long-stay visa for stays exceeding three months was allowed to stay only in the territory of the Schengen state which issued the visa and to transit through other member states only in order to reach the country which issued the visa. Such a person was not allowed to travel to the other Schengen states during his stay (for different legitimate purposes such as business, conferences, visits etc.) nor to transit through the other states when returning to their country of origin which, in some cases, posed problems.

The new rules also stipulates that long-term visas shall have a period of validity of no more than one year. If a member state allows an alien to stay for more than one year, the long stay visa shall be replaced before the expiry of its period of validity by a residence permit. In other words, Schengen states will in these cases be obliged to replace the long-stay visa with a residence permit.

As far as security aspects of the Schengen area are concerned, the new provisions oblige member states considering the issuance of a long-stay visa to a third-country national to consult the Schengen Information System (SIS) in the same way as they need to do when considering the issuance of a residence permit. In case the third-country national concerned is a person for whom an alert has been issued for the purpose of refusing entry, the member state shall first consult that member state which issued the alert and shall take account of its interests. In such cases the residence permit shall be issued only for substantive reasons, notably on humanitarian grounds or by reason of international commitments. Similarly, in case an alert for the purpose of refusing entry has been issued for a third-country national who already holds a long-stay visa issued by another State, the member state issuing the alert shall consult the other member state which issued the residence permit in order to determine whether there are sufficient reasons for withdrawing the long-stay visa. With these provisions, the free circulation of the holders of a long-stay visa will not constitute any additional security risk compared to the holders of Schengen residence permits and short-stay visas.