

Council Directive 2003/109/EC of 25 November 2003 concerning  
the status of third-country nationals who are long-term residents

CHAPTER II

**LONG-TERM RESIDENT STATUS IN A MEMBER STATE**

*Article 12*

**Protection against expulsion**

1 Member States may take a decision to expel a long-term resident solely where he/she constitutes an actual and sufficiently serious threat to public policy or public security.

2 The decision referred to in paragraph 1 shall not be founded on economic considerations.

3 Before taking a decision to expel a long-term resident, Member States shall have regard to the following factors:

- a the duration of residence in their territory;
- b the age of the person concerned;
- c the consequences for the person concerned and family members;
- d links with the country of residence or the absence of links with the country of origin.

[<sup>F13a</sup> Where a Member State decides to expel a long-term resident whose long-term resident's EU residence permit contains the remark referred to in Article 8(4), it shall request the Member State mentioned in that remark to confirm whether the person concerned is still a beneficiary of international protection in that Member State. The Member State mentioned in the remark shall reply no later than 1 month after receiving the request for information.

3b If the long-term resident is still a beneficiary of international protection in the Member State mentioned in the remark, that person shall be expelled to that Member State, which shall, without prejudice to the applicable Union or national law and to the principle of family unity, immediately readmit, without formalities, that beneficiary and his/her family members.

3c By way of derogation from paragraph 3b, the Member State which adopted the expulsion decision shall retain the right to remove, in accordance with its international obligations, the long-term resident to a country other than the Member State which granted international protection where that person fulfils the conditions specified in Article 21(2) of Directive 2004/83/EC.]

4 Where an expulsion decision has been adopted, a judicial redress procedure shall be available to the long-term resident in the Member State concerned.

5 Legal aid shall be given to long-term residents lacking adequate resources, on the same terms as apply to nationals of the State where they reside.

[<sup>F16</sup> This Article shall be without prejudice to Article 21(1) of Directive 2004/83/EC.]

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IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

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### Textual Amendments

- F1** Inserted by [Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection \(Text with EEA relevance\)](#).