

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 9

Withdrawal or loss of status

1 Long-term residents shall no longer be entitled to maintain long-term resident status in the following cases:

- a detection of fraudulent acquisition of long-term resident status;
- b adoption of an expulsion measure under the conditions provided for in Article 12;
- c in the event of absence from the territory of the Community for a period of 12 consecutive months.

2 By way of derogation from paragraph 1(c), Member States may provide that absences exceeding 12 consecutive months or for specific or exceptional reasons shall not entail withdrawal or loss of status.

3 Member States may provide that the long-term resident shall no longer be entitled to maintain his/her long-term resident status in cases where he/she constitutes a threat to public policy, in consideration of the seriousness of the offences he/she committed, but such threat is not a reason for expulsion within the meaning of Article 12.

[^{F13a} Member States may withdraw the long-term resident status in the event of the revocation of, ending of or refusal to renew international protection as laid down in Articles 14(3) and 19(3) of Directive 2004/83/EC if the long-term resident status was obtained on the basis of international protection.]

4 The long-term resident who has resided in another Member State in accordance with Chapter III shall no longer be entitled to maintain his/her long-term resident status acquired in the first Member State when such a status is granted in another Member State pursuant to Article 23.

In any case after six years of absence from the territory of the Member State that granted long-term resident status the person concerned shall no longer be entitled to maintain his/her long term resident status in the said Member State.

By way of derogation from the second subparagraph the Member State concerned may provide that for specific reasons the long-term resident shall maintain his/her status in the said Member State in case of absences for a period exceeding six years.

5 With regard to the cases referred to in paragraph 1(c) and in paragraph 4, Member States who have granted the status shall provide for a facilitated procedure for the re-acquisition of long-term resident status.

The said procedure shall apply in particular to the cases of persons that have resided in a second Member State on grounds of pursuit of studies.

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The conditions and the procedure for the re-acquisition of long-term resident status shall be determined by national law.

6 The expiry of a long-term resident's EC residence permit shall in no case entail withdrawal or loss of long-term resident status.

7 Where the withdrawal or loss of long-term resident status does not lead to removal, the Member State shall authorise the person concerned to remain in its territory if he/she fulfils the conditions provided for in its national legislation and/or if he/she does not constitute a threat to public policy or public security.

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 \(Text with EEA relevance\)](#).