



Recommendation 1082 (1988)¹

Right of permanent residence of migrant workers and members of their families

Parliamentary Assembly

The Assembly,

1. Considering that millions of migrant workers and their families have resided in the territories of the member states of the Council of Europe for periods in excess of five years and are in fact permanent residents of those states, although their legal status and rights there are often those of temporary residents;
2. Considering that policies of offering incentives to those migrant workers and their families to return to their countries of origin have met with very limited success;
3. Considering consequently that most migrant workers who are settled in the Council of Europe member countries will remain there;
4. Recalling the European Convention on Establishment of 1955, the European Social Charter of 1961 and the European Convention on the Legal Status of Migrant Workers of 1977, all testifying to the determination of the Council of Europe member states to protect the rights of migrant workers and their families;
5. Referring to its [Resolution 551 \(1973\)](#) on the integration of migrant workers with the society of their host countries;
6. Recalling that, in ratifying the Convention for the Protection of Human Rights and Fundamental Freedoms, the states have undertaken to guarantee all persons within their jurisdiction the same rights;
7. Considering that millions of persons are nonetheless unable to take advantage of certain of those rights because they are migrants;
8. Considering that the necessary measures should be adopted to give all persons resident on the territories of Council of Europe member states an effective guarantee of fundamental rights,
9. Recommends that the Committee of Ministers:
 - a. invite those member states not having yet done so to ratify the European Convention on Establishment (1955), the European Social Charter (1961) and the European Convention on the Legal Status of Migrant Workers (1977);
 - b. Invite the governments of member states:
 1. to recognise the right of migrants, irrespective of their country of origin or nationality, to reside permanently on their territories when they have resided there for at least five years;
 2. to recognise the right of permanent residence of the former spouse of a migrant worker who remains on the territory of the state following divorce, death or desertion;

1. See [Doc. 5904](#), report of the Legal Affairs Committee, Rapporteur: Mr Altug. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 30 June 1988.



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3. to give the migrant having the right of permanent residence a guarantee of equality of treatment when it comes to freedom of movement, access to employment, excluding the national civil service, and employment conditions, including the right to serve on works committees and join trade unions, the right to welfare benefits and vocational training;
 4. to guarantee migrants and other foreigners having the right of permanent residence the right to vote and stand for election at local elections;
10. Hopes that the draft convention on the participation of foreigners in public life at local level will be concluded as speedily as possible;
11. Recommends that the Committee of Ministers instruct a committee of experts to draw up a European convention on the right of permanent residence for migrant workers and members of their families incorporating the principles set out above.