



EU policy on Legal Migration

DG Migration and Home Affairs

EU migration basic facts and figures

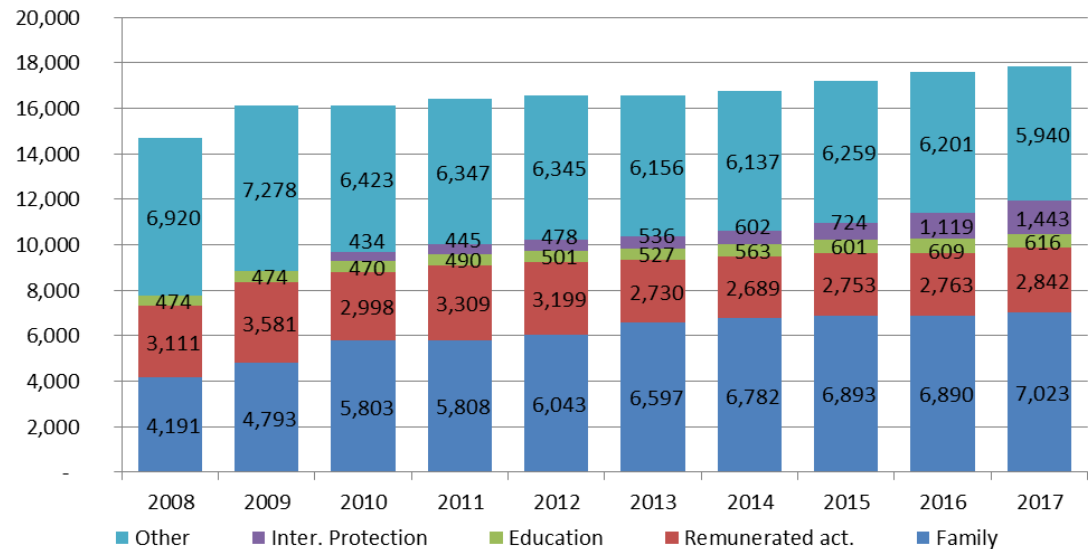
➤ 21.6 million third-country nationals (TCN) in the EU

➤ 4.2% of EU population

➤ Migration reasons:

- Family reunification
- Work
- Studies/research
- International protection

Valid residence permits **EU-25** (2008-17)



Enhancing legal pathways

- Robust growth and strong job creation (although not in all countries);
- Unfilled vacancies: skilled trades, engineers, technicians and IT professionals; also occupations with less formal skills, e.g. sales representatives and drivers.
- Expected job openings up to 2030: business and administration professionals, but also sales workers, cleaners and helpers.

Attracting talents to the EU

- Priority: tap better into existing talents and human capital;
- Well managed labour migration;
- Attracting the labour migrants Europe needs;
- > EU's legal migration policies in tune with labour market needs;
- > act as single player to attract skilled/highly skilled workers;
- > implementation of **intra-corporate transferee (ICT) Directive**, **Students and Researchers Directive** and **reform of EU Blue Card** (in negotiation);
- > improving job matching, recognition of qualifications and facilitating labour mobility of foreign workers in the EU's single market.

EU migration policy: objectives

Art. 79 TFEU: *"The Union shall develop a common immigration policy..."*

Objectives:

- **Efficient management of migration flows: common conditions of entry and residence**
 - **Fair treatment of third-country nationals: definition of rights and intra-EU mobility rights**
 - Prevention and fight against *irregular* migration, smuggling of migrants and trafficking in human beings
- + **Strengthen EU competitiveness and growth**

Member States determine the numbers of TCN they admit for economic purposes (*Denmark, Ireland and UK are not covered by the common rules*)

EU legislation on legal migration

Directives on:

- Family reunification (2003)
- Long-term residents (2003)
- Highly-qualified employment ('Blue Card') (2009) (*being revised – negotiations ongoing*)
- Single Permit (2011)

- Seasonal Workers (2014)
- Intra-Corporate Transferees (2014)
- Students, researchers, trainees, volunteers (EVS) (2016) replacing the Students (2004) and Researchers (2005) Directives

Directive Intra-Corporate Transferees

- 'Atypical' labour migrants
 - **Link to employer**
 - **Do not access labour market**
- Already regulated by free trade agreements (services)
- Related to foreign investment

Intra-EU Mobility

- Right to stay and work in other Member States
 - **Very flexible scheme: up to 3 months in each additional Member State (short term mobility)** (no procedure or notification – no fee)
 - **Long-term mobility: more than 3 months in a second MS** (notification or application)
- Second Member State can object if conditions are not respected

Directive Students and Researchers

Scope

- Rules for researchers and students + for volunteers under the EVS and trainees (including remunerated trainees) (mandatory for first time), newly added group: au-pairs (optional)

Admission conditions (common procedures/grounds for rejection; possible approval procedure for host entities)

Intra-EU mobility

- Researchers (and their family members)
 - up 6 months per MS: no procedure or notification
- Students
 - under programmes or agreements: up to 360 days per Member State (notification)

Job-searching or entrepreneurship

- Stay in the Member State for a period of **9 months** following the completion of research or studies
- Member State may require job-searching / entrepreneurship to correspond to the level completed

EU Blue Card Directive

- Work and residence permit for **highly qualified workers**
- Work contract or binding job offer for at least 12 months
 - Salary threshold: at least 1,5 times the average gross annual salary in the MS concerned
 - For *regulated* professions: meet the legal requirements
 - For *unregulated* professions: higher education qualification
 - General conditions (e.g. health insurance, public policy/security)
- **Rights:**
- Equal treatment
 - Faster and easier family reunification
 - Facilitated access to EU Long-Term Resident status
 - **Intra-EU mobility after 18 months:** new Blue Card with some benefits compared to first admission

EU Blue Card Directive - a revision

- Blue Card: underused; competes with national schemes; too low to respond to existing/future skills shortages in the EU
- **Objective:** EU scheme more accessible, simple and attractive – especially intra-EU mobility rights

Key proposals by the Commission:

- **Scope: single scheme for highly skilled workers**
 - Shorter work contracts covered (6 months→) + lower salary threshold + facilitation for recent graduates and workers in shortage occupations
 - Professional experience recognised (skills vs formal qualifications)
- **Faster procedures**
- **Enhanced rights** (labour market access, family reunification...)
- **Intra-EU mobility**
 - **Short-term business activity**
 - **Blue Card in a second Member State** (after 12 months of residence)

Fitness Check

Objective: Evaluate possible gaps and inconsistencies

Main conclusions:

- Policy on legal migration remains broadly in line with its **objectives**;
- Gaps between objectives and needs;
- Room to improve the interaction with other EU policies;
- Added value at EU level:
 - **level playing field** across Member States;
 - **simplified** administrative procedures;
 - improved promotion of the **rights** of third country nationals;
 - improved **intra-EU mobility** for certain categories.

Fitness Check

Follow-up:

The evaluation identified several positive effects as well as a number of critical **issues which will need to be addressed:**

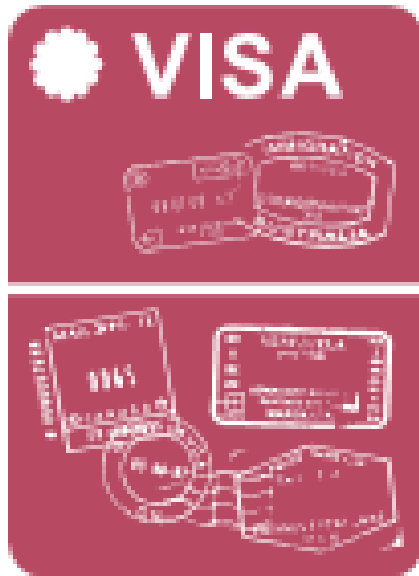
The role of labour migration: a more harmonised and effective approach to attract highly skilled workers;

Legislative approach : legislative measures to tackle the inconsistencies, gaps and other shortcomings identified – sectoral, targeted or horizontal approach;

Non-legislative approach :

- further coordination of national policies;
- legal migration pilot projects
- promoting information campaigns and facilitating information-sharing and cooperation between MS

A stronger Visa policy



- Citizens of 105 non-EU countries are required a visa when travelling to the Schengen area
- Easier traveller for frequent visitors with a positive visa history.
- Visa fee, unchanged since 2006, will increase from 60 to 80 euros. This will ensure MS the resources to maintain a wide consular network and invest in security
- **The conditions for processing visa applications (for example on processing time, visa fees or the issuance of multiple-entry visas) can be adapted depending on whether a non-EU country cooperates satisfactorily on the return and readmission of irregular migrants**
- New visa code entering into force on February 1, 2020

Questions?

DG Home Affairs – European Commission:

http://ec.europa.eu/dgs/home-affairs/index_en.html

European Migration Network: www.emn.europa.eu

European Website on Integration:

<https://ec.europa.eu/migrant-integration/>

EU Immigration Portal: <http://ec.europa.eu/immigration>