

Agenda item: Migration and Labour issues

Speaking Points or Line to Take

- **EU needs to better address labour and skills shortages**
- **This is part of the European Agenda on Migration presented on 13th May**
 - ✓ **comprehensive in approach**
 - ✓ **bringing together all our policies and tools**
 - ✓ **at the EU and at national level**
- **The Agenda:**
 - **promotes (protection) of those who are in need**
 - **legal framework for those seeking job (legal migration)**
 - **fight abuse and smugglers who exploit migrant's hopes for profit (irregular)**
- **Also: migration management = only through solid partnerships with our third country partners.**
- **We have significant skill shortages in certain sectors (engineering, IT and health care) even in times of economic crisis and high unemployment levels in some Member States.**

Students and researchers

- **We are currently negotiating the revision of rules on students and researchers to facilitate their admission to the EU and their mobility within and across the EU.**

Labour migration

- We are reviewing the legislation for highly skilled workers ("EU Blue Card")
- MS must also transpose the Seasonal Workers Directive by end 2016. It is important for circular migration as it makes it easier for those non-EU nationals who go regularly to the EU for seasonal work to enter the EU.
- The Single Permit Directive makes life easier for non-EU nationals because with a single permit they can reside and work in the territory of different Member States with a uniform set of rights.
- We want to develop better tools and mechanisms to facilitate job matching and effectively address current shortages and needs of the European labour market.

Dialogues on Migration and Mobility with Third Countries

- The way the EU and its neighbours manage migration is not only about preventing irregular migration.
- We discuss the full spectrum of issues.
- That includes ways of enhancing mobility towards the EU.
- In these Dialogues and Mobility Partnerships we focus a lot also on the diaspora of our partner country and explore ways of how we can tap into this potential.
- Nationals from the third country with whom we have Dialogues and sign Partnerships and who emigrated to or reside in the EU can provide an important link in facilitating legal migration as well as in re-investing and contributing to the development of that third country.
- The link to development is crucial to us.
- We have tried and tested our new comprehensive approach to migration and it is working well with other neighbours. We have

signed Mobility Partnerships with Morocco, Tunisia, Jordan and have opened a Dialogue with Lebanon recently.

Background

Following the adoption of the Common European Asylum System in 2013, the Commission's work focuses on the coherent implementation and monitoring of the EU asylum acquis in order to ensure effective, safe and fair access to the asylum procedure. With a large number of Contacts Committee meetings, close cooperation with the European Asylum Support Office (EASO) and formal infringement proceedings, the Commission is working towards full and efficient implementation of the Common European Asylum System to reduce the gap between those countries that received the vast majority of asylum requests in the EU, and those who are not confronted with this challenge.

The European Commission supports the resettlement request made by UNHCR, and calls on Member States to increase their resettlement efforts. EU Member States have offered over 36 300 **resettlement** places making it the largest pledge in the history of EU resettlement efforts. For this, the European Commission offers Member States continued financial support under the Asylum, Migration and Integration Fund (AMIF).

The **Triton** joint operation, coordinated by Frontex, started its activities in the Central Mediterranean in support of the Italian efforts on 1 November 2014. 18 Schengen Member States (including Germany) as well as other Union agencies and bodies and international organizations participate in the operation. The core objective of the Triton operation is to provide assistance to the Italian authorities' efforts to ensure effective surveillance of the maritime borders and to provide assistance to any person on board a vessel in distress. However, this operation cannot and does not replace **Mare Nostrum**. The operational area covers part of the international waters to the south and southeast of Italy. The monthly budget of Triton is estimated at €2.9 million. Since the launch of the Triton joint operation on 1 November 2014, the participating authorities have dealt with **130 incidents** of which 109 were search and rescue cases. 16,402 people were detected, including 15,325 persons found on boats in distress. In addition to that, 57 facilitators were arrested [Frontex data as of 12 January 2015].

Following the European Council Conclusions of 23rd April 2015, both Triton and Poseidon will be beefed up.

The Commission is also expanding its cooperation with countries outside the EU that are either countries of origin or transit countries. New EU readmission agreements entered into force with Armenia in January 2014, with Azerbaijan in September 2014, with Turkey in October 2014, and with Cape Verde in December 2014, establishing procedures for a rapid and orderly return of persons who are irregularly residing in the EU. With regard to long-term capacity building in third countries in dealing with international protection, the Commission is developing **Regional Development and Protection Programmes (RDPP) for North Africa and the Horn of Africa**.

European Agenda on Migration

Several initiatives have been undertaken by the European Commission in the field of Migration to implement the priorities defined in the Stockholm Programme over the period 2010-2014.

In March 2014, the Commission adopted a Communication "An open and secure Europe: making it happen" to open the debate on the future of Home Affairs policies.

Following this Communication, the European Council has adopted, in June 2014, its Conclusions on Freedom, Security and Justice marking the end of the previous Stockholm Programme, and renewing the European commitment to deliver on this crucial Treaty objective.

The tragedy of Lampedusa of October 2013 and the ensuing efforts undertaken in the framework of the Task Force Mediterranean clearly have marked the importance of comprehensive actions in order to match the ambition of a migration policy responding to the demands of our citizens as highlighted in the JHA Council Conclusions of October 2014. The recent tragedy off the Libyan coast with a huge death-toll of more than 700 people has increased the political pressure and time for adoption of the Agenda has been move forward to 13th May.

The most recent Eurobarometer survey has confirmed that an overwhelming majority of EU citizens (71%) support the development of a common European policy in the field of migration (Eurobarometer 82, Autumn 2014). Member States as well as EU citizens expect the EU to do more in order to address migratory challenges which are by nature global and interrelated.

A well-managed migration policy is crucial in order to achieve this goal, and it is at the heart of the political commitment of the new European Commission as presented in the political guidelines of President Juncker.

In this context and in order to build on the results of the recent consultations the European Commission adopted a comprehensive Agenda on Migration, which allows to bridge across policy fields, using all instruments and tools available in order to better manage migration. The Agenda on Migration responds to the vision of the Juncker Commission, enshrined in its structure and working methods, which foster cross cluster cooperation and focuses on areas where Europe can make a difference.

The European Agenda on Migration focuses on linking all the strands of migration policy in order to realize the ambition of a coherent approach with clear political objectives being at the heart of the future initiatives to be developed. The key objectives of the European Agenda on Migration are: (i) strengthening the capacity of Europe to manage international displacement and crisis and protect those in need; (ii) fighting organized crime and international networks of migrant smugglers and traffickers of human beings; (iii) reinforcing border surveillance in order to protect the freedom of movement that EU citizens enjoy in the Schengen area and managing better irregular migration on the European territory ; (iv) developing a legal migration and integration policy making Europe more attractive and conducive for long term economic growth.

The European Agenda on Migration focuses on providing political steering and guidelines, including identifying flagship initiatives where Europe can make a difference. It ensures the participation of all players, first and foremost those dealing with the external dimension of EU Policy, who are at the frontline in the implementation of well-managed migration. The Agenda does not only suggest ways how to better coordinate policies and tools in order to better manage migration to the European Union, but also how migration policy can be built in a way that is conducive to the achievement of other objectives, starting from international development within the framework of the post-2015 Millennium Development Goals (MDGs).

The new strategy should help Europe address skills shortages and attract the talent that it needs by addressing, as a first step, the shortcomings of the "EU Blue Card" Directive. The strategy also entails reflections on the best ways to make the EU an attractive place for migration destination, as well as the creation of a Platform on labour migration, to promote a more coordinated approach at EU level and to allow economic stakeholders (e.g. business, trade unions) to contribute their expertise on labour migration.

Legal Migration

1) Council Directive 2009/50/EC ('Blue Card') on the conditions of entry and residence of third-country nationals for the purposes of highly-qualified employment.

Purpose:

- improve the EU's ability to attract highly qualified workers from third countries by facilitating the admission of these persons by harmonising entry and residence conditions throughout the EU;
- simplifying admission procedures;
- improving the legal status of those already in the EU;
- Applicable to highly qualified TCNs seeking to be admitted to the territory of a Member State for more than three months for the purpose of employment, as well as to their family members.

Entry conditions: to be allowed into the EU, the applicant must produce:

- a work contract or binding job offer with a salary of at least 1,5 times the average gross annual salary paid in the Member State concerned (Member States may lower the salary threshold to 1,2 for certain professions where there is a particular need for third-country workers);
- a valid travel document and a valid residence permit or a national long-term visa;
- proof of sickness insurance;
- for regulated professions, documents establishing that s/he meets the legal requirements, and for unregulated professions, the documents establishing the relevant higher professional qualifications;
- fulfilment of national conditions for regulated professions, proof of higher professional qualifications for unregulated professions;
- no threat to public policy;
- Community preference and ethical recruitment.

Rights of blue card holders and their families:

- enter, re-enter and stay in the issuing Member State and pass through other Member States;
- work in the sector concerned;
- enjoy equal treatment with nationals as regards, for example, working conditions, social security, pensions, recognition of diplomas, education and vocational training.
- After two years of legal employment, they may receive equal treatment with nationals as regards access to any highly qualified employment.
- After 18 months of legal residence, they may move to another Member State to take up highly qualified employment (subject to the limits set by the Member State on the number of non-nationals accepted).

The new approach to legal migration includes the review of the Blue Card Directive

President Juncker, in his mission letter to Commissioner Avramopoulos, explicitly highlighted the need for "Developing a new European policy on regular migration. Such a policy should help Europe address skills shortages and attract the talent that it needs. A first step will be to address the shortcomings of the "Blue Card" Directive: I would ask for a first review to be concluded within six months of the start of the mandate. Further steps will require reflection on the best ways to make the EU an attractive place for migration destination, on the basis of other existing models."

As regards ex-post analysis of existing policy, the **Commission has issued an implementation report of the Blue Card Directive in May 2014. The Commission has also carried out several studies in the field of legal migration, further studies are on-going or in the pipeline.**

This instrument aiming at attracting highly skilled migrants has been so far used only to a limited extent by most MS, so probably in future some adaptations will be need to use its full potential.

2) Directive 2011/98/EU on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State.

This Directive simplifies procedures of admission of labour migrants. It ensures minimum employment-related rights for migrant workers. These rights are related to working conditions, social security rights, pensions, access to education or recognition of diplomas based on equal footing with nationals of that Member State.

3) Directive 2014/36/EU of the EP and the Council on the conditions of entry and stay of third-country nationals for the purpose of employment of seasonal workers.

This is the first Directive on circular migration for low-wage workers. It covers third-country nationals who come for a maximum duration of between 5 and 9 months, depending on the Member State, to work in a sector depending on the passing of the seasons (typically agriculture and tourism). It

provides for equal treatment with national workers, including as regards terms of employment and working conditions.

The new Directive includes rules on adequate accommodation for seasonal workers, which may be provided by the employer. Seasonal workers may also extend their contract or change employer during their stay. Their re-entry to the EU in subsequent years is facilitated by simplified procedures.

Member States have until September 2016 to transpose it.

- 4) **Directive 2014/66/EU of the EP and of the Council on conditions of entry and residence of third-country nationals via intra-corporate transfers** creates an attractive EU scheme harmonising the conditions of entry, stay and intra-EU mobility for third-country workers (managers, specialists and trainee employees) being posted by a group of undertakings based outside the EU to an entity based on the EU territory.

The new rules entered into force on 27 May 2014 and must be transposed into national legislation within 2.5 years (i.e. before December 2016). These new, business-friendly, flexible rules for admitting such transferees to the EU will foster growth, and facilitate EU-wide investment.

The Directive covers temporary stays, up to 1 year for trainees and 3 years for specialists and managers.

One of the main added values of the new Directive is true EU mobility for these workers. No new application is required and the transferee can continue his/her work in another MS without interruption. There is certainly no need to return to the country of origin.

A number of safeguards are also put in place to allow such far-reaching right to mobility.

- 5) **Legislative proposal at trilogue level for a Recast Directive on students, researchers, pupil exchange, remunerated and unremunerated trainees, voluntary service and au pairing.**

The proposal is a recast merging the existing students and researchers Directives. It is a major simplification and streamlining of existing legislation on admission of third-country nationals. The proposal makes the following key improvements:

- Scope: Other categories which were previously optional (school pupils, unremunerated trainees, volunteers) or not covered at all (remunerated trainees and au pairs) have now been included as mandatory, in order to create a harmonised and simple framework at EU level, and, for certain categories (e.g. au pairs) to better prevent abuses and exploitation.
- Clearer procedural safeguards regarding the assessment of applications.
- Clearer rules on admission procedures (covering both visas and permits), deadlines and possibility for redress.
- Better and more clearly defined equal treatment provisions along the lines of the Single Permit Directive.

- Improved access to the labour market for students (from min. 10 hours to min. 20 hours) as well as to job-seeking or to set up a business for graduates and researchers after finalization of research or studies.
- Better intra-EU mobility rules for researchers, students and unremunerated trainees.

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