European Commission

MIGRATION

Legal Migration

DG MIGRATION AND HOME AFFAIRS

Disclaimer: ***These slides accompany the explanation of the acquis to Albania and North Macedonia and can only be used for that purpose. Their content is subject to further development of the acquis and interpretation by the Court of Justice of the European Union'***

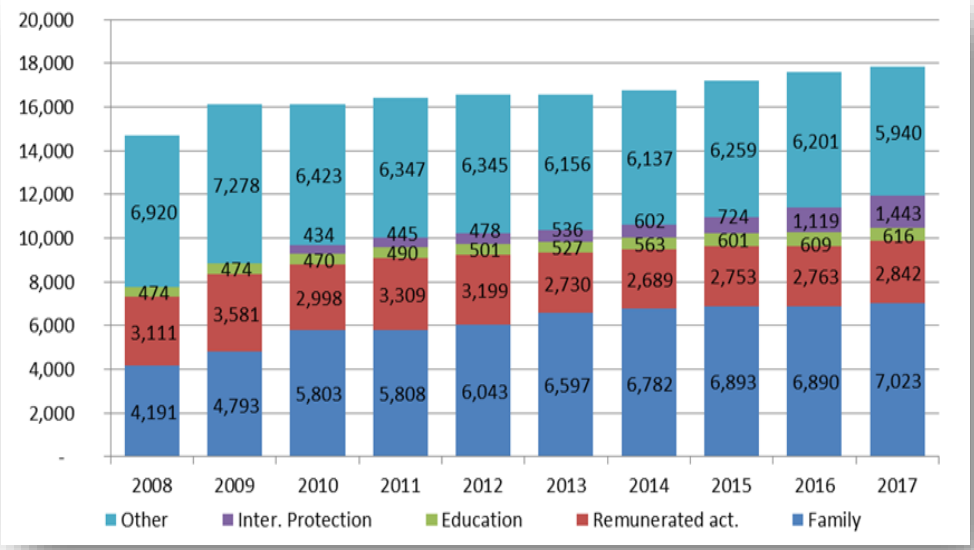
- Context
- EU Legal Framework
- ICTs and Seasonal workers
- Students and Researchers recast
- Revision of the EU Blue Card
- Fitness Check
- Integration
- Commission Communication of 12.9.2018

Context

20 million third-country nationals in the EU

4% of EU population

Valid residence permits EU-25 (2008-17)



Migration reasons:

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

Legal Migration to the EU

Top 10 EU of residence

GEO/TIME	2017
European Union (current composition)	19,525,751
Germany	4,644,288
Italy	3,608,115
France	2,807,593
Spain	2,664,901
United Kingdom	1,533,551
Poland	617,211
Greece	564,608
Netherlands	550,188
Sweden	541,457
Austria	476,406

Top 10 countries of origin

GEO/TIME	2017
Total	19,525,751
Morocco	1,906,421
Turkey	1,834,062
Ukraine	1,132,383
China (Hong Kong)	1,108,349
Syria	877,981
Albania	865,258
Algeria	692,215
Russia	673,495
India	637,417
United States	415,723

EU Migration policy: Legal Basis

- Common EU immigration policy (Art. 79(1) TFEU)
- EU rules covering admission, rights, movement within the EU
- Mostly through Directives - more favourable provisions possible
- Member States determine the numbers of third country nationals they admit for economic purposes (Art. 79(5) TFEU)
- Member States also competent for integration measures

Acquis on legal migration: 'sectorial' approach

- 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

What do the Directives cover?

A. Directive /issue	Admission	Admission procedures	Form of permit	Equal treatment	Access to work	Right to family reunification	Intra EU mobility	Other protection
Family reunification	√	√	√	(√)	√	√		
LTR			√	√	√	√	√	√
Students	√	√	√		√			
Researchers	√	√	√	√	√	√	√	
(S&R)	√	√	√	√	√	√ (researchers)	√	
EU Blue Card	√	√	√	√	√	√	√	
Single Permit		√	√	√				
Seasonals	√	√	√	√	√			√
ICTs	√	√	√	√	√	√	√	

Equal Treatment provisions

- Working conditions *(pay, dismissal, health and safety)*
- Freedom of association and affiliation
- Education and vocational training
- Recognition of diplomas
- Branches of social security *(sickness, maternity,invalidity, old age pension, survivor, accidents at work, death grants, unemployment, pre-retirement and family benefits)*
- Tax benefits
- Access to goods and services
- Services from employment offices

Recent Implementations

- **Directive on Seasonal Workers - 30 September 2016**
  - Stay and work in a MS between 5 and 9 months
  - Sector dependent on the passing of the seasons.
  - Circular migration

- **Directive on Intra-Corporate Transferees - 29 November 2016**
  - Temporary secondment of highly skilled non EU nationals into the European Union.
  - To facilitate the mobility of ICT transferees within the European Union and common set of rights

Students & Researchers Recast Directive: New elements

- **Improved access** to labour market for students

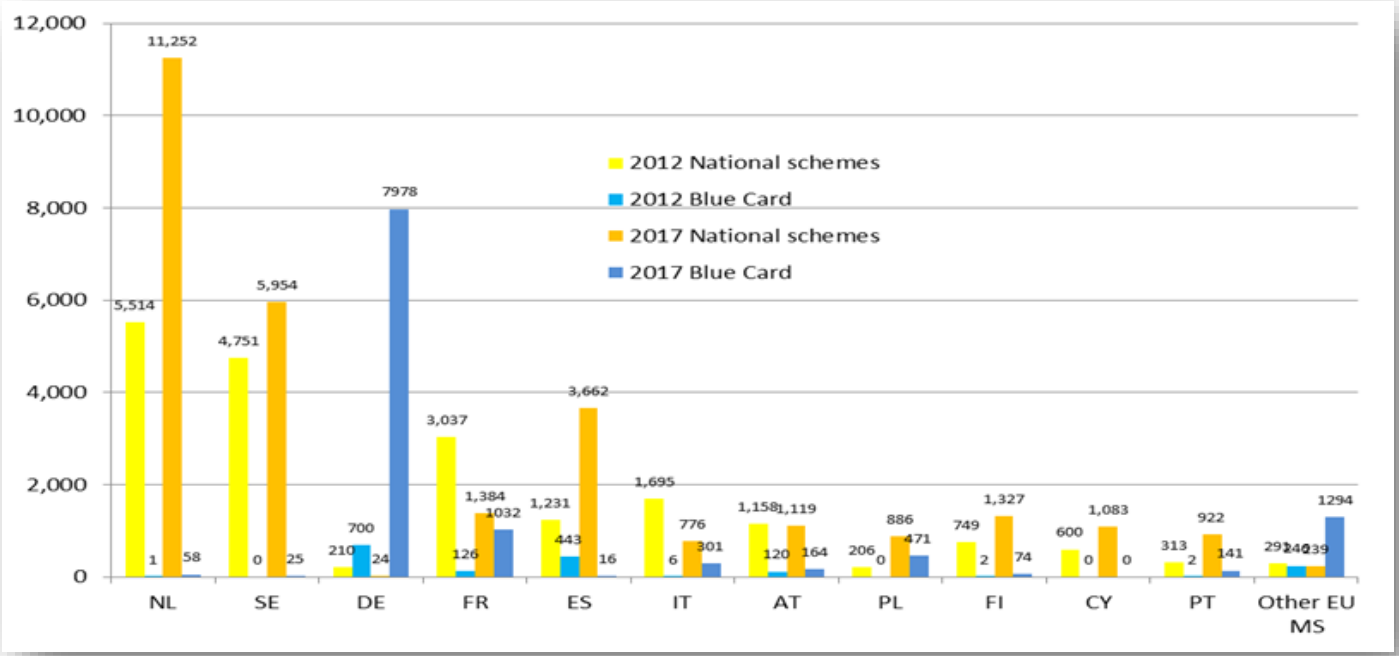
From minimum 10 to minimum 15 hours per week

No restrictions during the first year any more

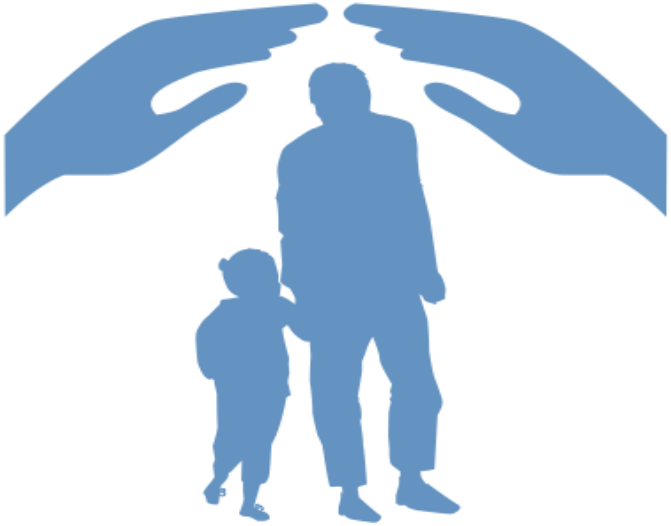
- Enhanced possibility for **job-seeking** and setting-up a **business** - 9 months, with some safeguards
- Clear equal treatment provisions
- More favorable intra-EU mobility rules for students and researchers
- Improved situation for family members of researchers

Revision of the Blue Card

EU Blue Cards and national permits for highly skilled issued as first permits by the MS in 2012 and 2017



Revision of the Blue Card: proposed changes

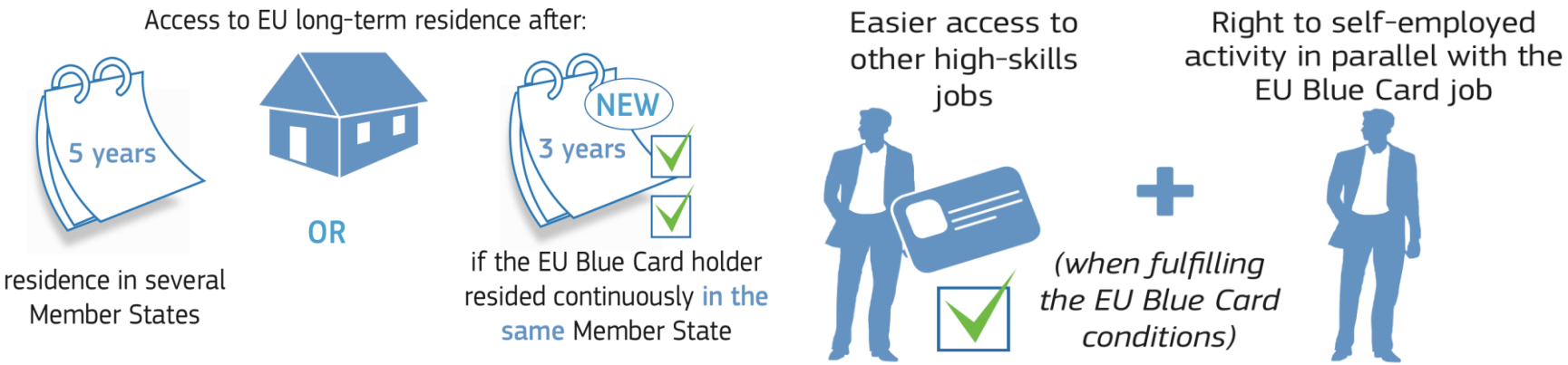


Extension of the personal scope to:

- beneficiaries of international protection
- all third-country national family members of EU citizens so that they can get an EU Blue Card

<u>if they fulfill the regular conditions</u>

How are the rights of Blue Card holders proposed to be improved?



- **Family members** can accompany the BC holder immediately with no extra processing time
- Access to **labour market** is clarified: not only for highly skilled employment

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Fitness Check Legal Migration

- Evaluation of if the legal migration Directives are fit for purpose
- Are the objectives relevant still (effective manegement of migration flows, fair treatment, supporting economic growth)?
- Are there synergies, gaps, inconsistencies in acquis (including other EU polices)
- Implementation/enforcement of legal rules
- Is there scope for streamlining and simplifying
- Extensive consultations & study of practical application included in evidence base
- Timing: December 2016-2018

EU integration policy

- No harmonisation of integration policies…

- even if some obligations in the EU Asylum legislation and legal migration directives

…but in Art 79(4) TFEU: the EU *"may establish measures to provide incentives and support for the action of MS" :*

- Policy guidance (Common Basic Principles 2004)
- EU funding (AMIF, ESF – and future AMF and ESF+)
- European Integration Network (previously NCPI)
- Exchange of good practices including through European website on integration
- Common set of indicators (aligned with EU2020)
- Mainstreaming of integration in relevant policy areas
- 2016 COM Action Plan on integration of TCN

Commission Communication (12 September 2018)

- June 2018 the European Council conclusions: Comprehensive approach

- September 2018 Commission Communication "Enhancing legal pathways to Europe: an indispensable part of a balanced and comprehensive migration policy" - part of the package of proposals accompanying the SoU - address of Pres. Juncker

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THANK YOU FOR YOUR ATTENTION!

QUESTIONS?