



THE EU'S IMMIGRATION POLICY

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Labour Migration & its Challenges in the EU

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LEGAL FRAMEWORK:

- Family reunification – Directive 2003/86
- Long term residents – Directive 2003/109
- Students – Directive 2004/114
- Researchers – Directive 2005/71
- Highly qualified employment – Directive 2009/50 (“Blue Card”)

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Irregular Immigration:

- Returns – Directive 2008/115
- Victims of trafficking – Directive 2004/81
- Employers' sanctions – Directive 2009/52

NB:

- Member States are competent for the numbers of 3rd country nationals they admit

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What next?

- Single permit proposal
- Seasonal workers proposal
- Intra-corporate transferees proposal
- National transposition of Blue Card and Employers' Sanctions Directives – summer 2011
- Immigration Code?

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Single permit proposal - 2007

- Re-started after Lisbon Treaty (co-decision & majority vote) – intense negotiations in EP & Council, priority for the Belgian Presidency
- Joint work & resident permit
- Equal treatment in working conditions, education and training, recognition of diplomas, social security & healthcare, access to goods and services

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Seasonal Worker proposal

Aims to:

- respond to labour market needs
- protect a vulnerable group of workers from exploitation
- prevent irregular migration by providing a channel for legal migration
- encourage circulation migration & remittances

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Seasonal Worker proposal

- facilitated entry procedure & combined work & residence permit
- max 6 months employment
- defines rights of seasonal workers:
 - work contract or a binding job offer & salary equal to or above a minimum level
 - appropriate accommodation
 - working conditions, health and safety

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Intra-corporate Transferee proposal

- common definitions and harmonised criteria
- key personnel of multinational corporations (managers, specialists, graduate trainees)
- temporary assignment
- specific residence permit
- enhanced intra-EU mobility
- favourable conditions for family reunification

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Intra-corporate Transferee proposal

- Limited duration of combined work & residence permit (max. 3 years for managers and specialists)
- Short dead-lines to process applications and procedural safeguards
- Fast-track admission procedure
- Family reunification
- Equal treatment principle

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EU Blue Card Directive:

- quick procedure – 90 days max
- combined residence & work permit
- progressive free access to labour market
- family reunification & access to labour market
- equal treatment
- free movement after 18 months

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Employers' Sanctions Directive:

- employers must ask for valid residence permit
- criminal sanctions
- duty to pay outstanding remuneration & return costs
- assistance by third parties
- temporary residence permits for victims

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Consolidation of legislation - 2013

- based on an evaluation of the existing 5 legal migration directives (new proposals?)
- amendments needed to simplify or extend the existing provisions and improve their implementation and coherence

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2011 Communication on addressing labour shortages through migration in EU Member States – Problem:

- labour shortages in some economic sectors in the Member States
- Can't be filled with national/EU workers
- demographic challenges
- no EU wide method to assess specific labour shortages

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Communication on labour shortages - challenge:

- how to identify the needs of the national labour markets
- how to identify the people who can fill those shortages

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Communication on labour shortages - Sources of information:

- EMN study "Addressing labour shortages in the EU Member States through migration"
- IOM study "Identification of labour shortages in the context of migration and Employment Policies"
- CEDEFOP "Skill supply and demand in Europe: medium term forecast up to 2020"
- Future study on 3rd country qualifications & EMN ad hoc query

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