Legal migration policy and law

2020/2255(INL) - 05/11/2021 - Committee report tabled for plenary, single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted a legislative initiative report by Abir AL-SAHLANI (Renew Europe, SE) with recommendations to the Commission on legal migration policy and law.

Given that EU is in the process of a post-pandemic economic recovery, improved legislative schemes on legal labour migration are a decisive factor for the economic recovery of the Union. The report noted that 23 million third-country nationals were legally resident in the Member States in 2020, some 5.1 % of the total EU population. The low issuance rate of long-term resident permits indicates that there might be a need to improve their attractiveness, something that could be achieved by a revision of Directive 2003/109 /EC concerning the status of third-country nationals who are long-term residents to clarify the advantages of holding an EU long-term residence permit.

The EU needs to present new avenues for legal labour migration to the Union, while also taking into account the fact that Member States' labour markets are different and face different kinds of labour shortages and challenges.

Members requested that the Commission submit, by 31 January 2022, a proposal for an act that would serve as a package of proposals to facilitate and promote entry into and mobility within the EU for legally migrating third-country nationals applying for work or already holding a work permit.

Members called on the Commission to take account of the following recommendations:

EU talent pool

They considered that the legislative act to be adopted should establish an EU talent pool and matching platform for third-country nationals who wish to apply for work in and migrate legally to a Member State, as well as for Union-based employers to search in third countries for potential employees and should facilitate the admission and free movement of third-country workers.

Admission scheme for low and medium-skilled third country workers

Given the demographic challenges and the global competition for talent, it is a pressing need for many Member States to improve their attractiveness and to create admission schemes for all skilled third-country workers, not only for highly-skilled workers. In this regard, Members recommended provisions setting up an admission scheme with conditions of entry and residence for low and medium-skilled third country workers. That scheme should ensure equal treatment in line with the existing Union acquis on labour migration and include the creation of a framework within which third-country workers are able to have their skills and qualifications properly recognised and validated for use on the Member States' labour markets.

Admittance scheme for entrepreneurs and self-employed persons

Members stressed that self-employed people and entrepreneurs should have the option to immigrate legally to the EU. They called for a Union-wide admission scheme laying down conditions of entry and residence for those wanting to establish businesses and start-ups, and for highly mobile workers such as artists and cultural professionals. They insisted that the schemes proposed must include measures that enhance fundamental rights and promote equal treatment for third-country workers. They also suggested

that the Commission to introduce a five-year multiple-entry visa for self-employed people and entrepreneurs (to enter the EU for up to 90 days per year).

Talent partnerships

Members called on the Commission to prepare a tailor-made framework for talent partnerships in which Member States can voluntarily participate. The aim of this being to add another legal channel as a mobility option for third-country nationals who wish to migrate to the EU for work and to tackle the issues of labour market shortages.

Seasonal workers

Members proposed to change current rules to give seasonal workers **three months** to seek new employment after leaving their job, without having their permit revoked. The rules on sanctions and measures against employers of illegally staying third-country nationals should cover third-country nationals who are legal residents and address labour exploitation.

Revision of Directive 2003/109/EC

Members are of the view that Directive 2003/109/EC, which is currently under used and does not provide an effective right to intra-Union mobility, should be amended to allow third country nationals who are long-term residents of a Member State to reside permanently within another Member State from the day their permit is issued on terms similar to the terms applicable to Union citizens and to reduce the number of years of residence required to acquire EU long-term resident status from five to three years. The Commission should include those amendments in its upcoming revision of that Directive.