Legal migration policy and law

2020/2255(INL) - 25/11/2021 - Text adopted by Parliament, single reading

The European Parliament adopted by 497 votes to 160, with 38 abstentions, a resolution with recommendations to the Commission on legal migration policy and law.

In view of statistics indicating that the share of inhabitants aged 65 years or above is expected to account for about one third of the EU population by 2050, Members believe that in order to meet the demographic challenges of the future in the Member States and the significant labour shortages at all skill levels**, the EU needs to present new legal channels for labour migration to the EU**, taking into account the fact that the Member States' labour markets are different.

According to the resolution, these new pathways will prove **imperative for increasing the Union's economic competitiveness** and its global influence as the champion of democracy, the rule of law, human rights and free trade in goods and services and as a leader in the fight against climate change.

Parliament called on the Commission to **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

Members 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.

The EU talent pool would be an optional tool that Member States could use to address needs and shortages in labour markets that cannot be met by the national workforce. It should be complemented by increased coordination between the participating national authorities, with the involvement of public employment services and local authorities and should take into account national specificities and the different requirements of national labour markets.

Admission scheme for low and medium skilled third-country workers

Given the demographic challenges and the global competition for talent, there is an urgent need for many Member States to improve their attractiveness and to create admission schemes for all qualified third-country workers, and not only for highly qualified workers as provided for in the new Directive (EU) 2021 /1883 (revised Blue Card Directive).

In this respect, Members recommended provisions establishing an admission scheme with conditions of entry and residence for low and medium-skilled third-country workers. This scheme should ensure equal treatment in line with the EU acquis on labour migration and include the creation of a framework within which third-country workers are able to have their skills and qualifications recognised and validated for use on Member States' labour markets.

Admission scheme for entrepreneurs and the self-employed

Through an EU-wide admission scheme, these third-country nationals could be given the opportunity to migrate legally to the EU and establish themselves and their businesses here. To this end, Parliament believes that the legislative act to be adopted should include an admission scheme with conditions of entry and residence for self-employed persons and entrepreneurs, in particular for **third-country nationals setting up SMEs and start-ups**, as well as for the entry and residence of highly mobile self-employed third-country nationals, such as artists and cultural professionals.

Members 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. Parliament should scrutinise and evaluate the functioning of the talent partnerships on a regular basis.

Seasonal workers

Parliament 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.

Parliament also recommended the establishment of a **Union-wide transnational advisory service** network for legally migrating workers.