EU labour migration policies

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European Integration vs Home Affairs

European integration
- 1950s, 60s: European Communities
- Supranational / community decision making: Commission, Court
- Customs Union, Single Market: Focus on removing economic barriers

Home Affairs
- 1970s
- Event-driven
- Intergovernmental
- Maastricht, Amsterdam (1997)
- Lisbon (2009)
EU common immigration policy

- "Third-country nationals" (TCN) = non-EU citizens different from "mobility" of EU citizens/workers

- Rules covering
  - Admission
  - Rights, ensuring fair treatment
  - Movement within the EU
  - Unauthorised residence and return
  - Combatting trafficking

- Decision by co-legislation between EP and Council and qualified majority of Member States (Lisbon treaty, 2009)
A Common EU migration policy

- No single policy on labour migration, but specific EU immigration policies where MS shared an interest
- More favourable provisions remain possible
- Result:
  - Common legal framework which regulates admission, gives rights and sanctions violations
  - Shared commitment to integration
  - Engagement with third countries
The need for a migration policy

- Immigration and emigration are already a reality
  - Every year, around 1.4 million people migrate to the EU, while around 700 thousand leave
  - 25% for work, 16% for studies (2012 – excl. UK, IRL, DK)
- Net immigration cushions the effect of ageing
  - Without net immigration, the EU population would start to decline in 2015 and age significantly faster
- The EU economy needs the means to address labour shortages, including through migration if necessary, to remain competitive
  - Top bottleneck occupations are in health, ICT, engineering, sales and finance.
  - Low mobility of EU citizens
Complexity

• Links with other policies
  • Employment and social affairs, trade, internal market, int’l relations
• Legal migration: Geometrie variable
  • excl UK, IE, DK
• Schengen area
  • excl BG, RO, CY, HR
• Politically sensitive
• Evidence base
EU action on labour migration

- Highly-qualified workers (blue card)
- Seasonal workers
- Intra-corporate transferees
- Students and Researchers
- Employers Sanctions
- Immigration Portal
Blue Card (2009)

- Highly qualified workers
- A work contract or binding job offer
- 1.5 times average gross annual salary (1.2 for bottleneck professions)
- Subject to labour market test
- Some allowance for intra-EU mobility
- Decided by unanimity, no role for EP
- Nearly all MS were late in implementing

Statistics (2012, so partial):
- Total 3538, 1107 for family members
- In DE: 2584 (just over 1/3 in shortage occupations)
Seasonal Workers (2014)

- First 'circular migration directive'
- First Directive covering short stays
- Stays up to 9 months (5-9 months)
- Ensures equal treatment with nationals of the host Member State
- Vulnerable group of labour migrants
Intra-corporate transferees (2014)

- A-typical labour migrants
  - Link to employer
  - Do not access labour market
- Already regulated by free trade agreements
- Represent large share of international trade in services
- Important for EU also as exporter of services
- Challenges
  - Intra-EU mobility
  - Circularity
  - Link with existing legislation and agreements
  - Employment-related issues,
Students, researchers and related categories (proposed in 2013)

- Recast of two existing Directives
- Labour market provisions:
  - Job seekers & entrepreneurs
  - Not purely demand-driven
- Mobility within the EU
- Global trend
  - High potential
  - Young, educated, integrated

- Prohibits the employment of illegally-staying migrants from outside the EU
- Stops employers taking advantage of the vulnerable situation of irregularly-staying migrants, while social security systems and public finances lose out
- Fines, administrative and criminal sanctions in the most serious cases against employers of irregularly-staying migrants
- Migrants can claim back outstanding payments, and can be supported in this process by NGOs
Union Preference

Two distinct concepts:

- **one legal principle**, enshrined in the recent Treaties of Accession, and which is legally binding for the EU legislature and for the MS during the relevant transitional periods (primary law)

- **one political principle**, which does not only concern Union citizens and which have been applied in several secondary instruments under the form of optional clauses ("labour market test").
Volumes of admission

- Member States have the right "to determine volumes of admission of third-country nationals coming from third countries to their territory in order to seek work, whether employed or self-employed." (Art 79.5 TFEU)

- Interpretation
EU attractiveness

- Legislation: not just admission
- Wages and working conditions
- Economic situation
- Educational systems, family support
- Attitude towards migrants
- Prospects for career and personal development
More information

DG Home Affairs – European Commission
http://ec.europa.eu/dgs/home-affairs/index_en.html

European Migration Network
www.emn.europa.eu

EU Immigration Portal
http://ec.europa.eu/immigration

European Web Site on Integration
www.integration.eu