European Parliament

Legal migration to the EU

INTRODUCTION

Entering the EU as a non-European is not too difficult for people from stable countries. Those planning to visit one or more EU Member States can get in as a tourist, with or without a visa. If the intention is to live and work for a longer period, they can use the many possibilities offered by labour migration. Regular mobility schemes also include provisions for other categories such as students, researchers, au pairs and voluntary workers. People wishing to join a family member who is already residing legally in the EU might even be eligible for family reunification. However, for people coming from countries at war or where democracy is in serious peril, or who happen to live in a non-EU country after fleeing their own country, or who are simply looking for a better life, the options are more limited. Moreover, even when options exist, gaining access to them is not always possible for people who find themselves in precarious, dangerous or even life-threatening situations.

In 2015, a record number of people tried to reach Europe by all means, often risking their lives along their journeys. Although the number of irregular arrivals in the EU is back to pre-crisis levels, immigration remains one of the key concerns of European citizens and is expected to remain a challenge for years to come.
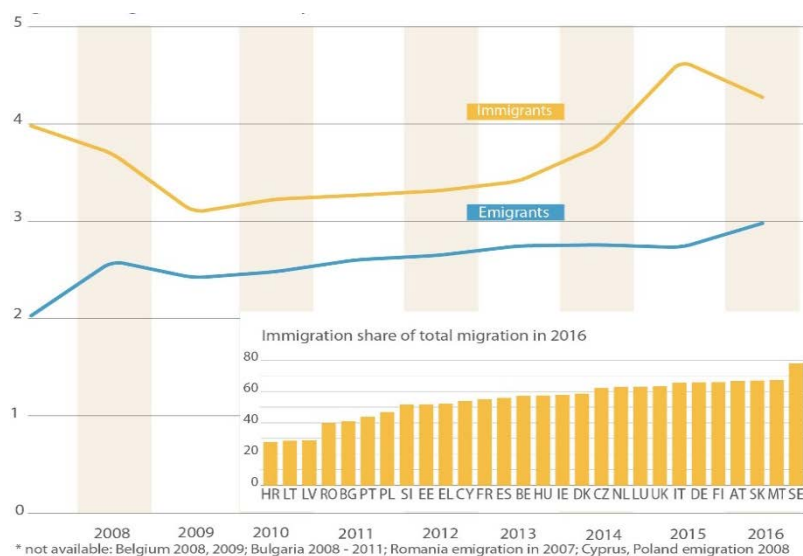
In order to address this challenge, the EU has embarked on a process of reform aimed at rebuilding its common asylum policies on fairer and more solid ground, strengthening its external borders by reinforcing the links between border controls and security, and renewing cooperation with third countries on migration issues. A forward-looking and comprehensive European immigration policy, based on solidarity and respect for European values, requires a balanced approach to dealing with both irregular and legal migration. The EU is committed to help create more, safe and controlled channels to migration both to help people in need of protection and to address labour market needs and skills shortages adequately.

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Figure 1 – Migrants in the European Union* (in millions)

* not available: Belgium 2008, 2009; Bulgaria 2008 - 2011; Romania emigration in 2007; Cyprus, Poland emigration 2008

The graph shows the evolution in the numbers of immigrants and emigrants in the EU between 2008 and 2016. The bar chart indicates the share of immigrants in total migration for the EU-28 in 2016. The first eight countries had more people who had emigrated from their territories, whereas in the rest of the EU Member States immigrants exceeded emigrants.

Data sources: Eurostat [migr_emi2], [migr_imm8].

Regular mobility schemes

Well-managed migration is an important tool when it comes to enhancing the sustainability of EU countries' welfare systems and securing sustainable growth of the EU economy. Increasing automation and robotisation, demographic ageing and lower birth rates in the EU require the recruitment of new labour and skills. Attracting talent enables the EU to match admissions with Member States' labour market needs. The EU measures on legal migration cover the conditions of entry and residence for certain categories of immigrants, such as highly skilled workers subject to the EU Blue Card Directive – under revision –, students and researchers, seasonal workers and intra-corporate transferees.

Not only does the EU benefit from the presence of migrants but so do their countries of origin. Many migrants send home remittances during their stay, some even invest in their countries of origin while residing legally in the EU. Many migrants eventually return to their home countries and contribute to the local economies with newly acquired knowledge, skills and human capital.

In order to help fill temporary gaps in the labour markets of the EU Member States and to maximise the benefits for the countries of origin, the EU also facilitates temporary and circular migration. This means that third-country nationals can engage in their country of origin while retaining their main residence in one of the EU Member States or persons residing in a third country can come to the EU temporarily for work, study, training or a combination of these. In 2017 about 3.1 million first residence permits were issued in the European Union to non-EU citizens. This number had increased by almost 4 % compared with 2016 (see Figure 2).

Figure 2 – First residence permits per inhabitant in 2016
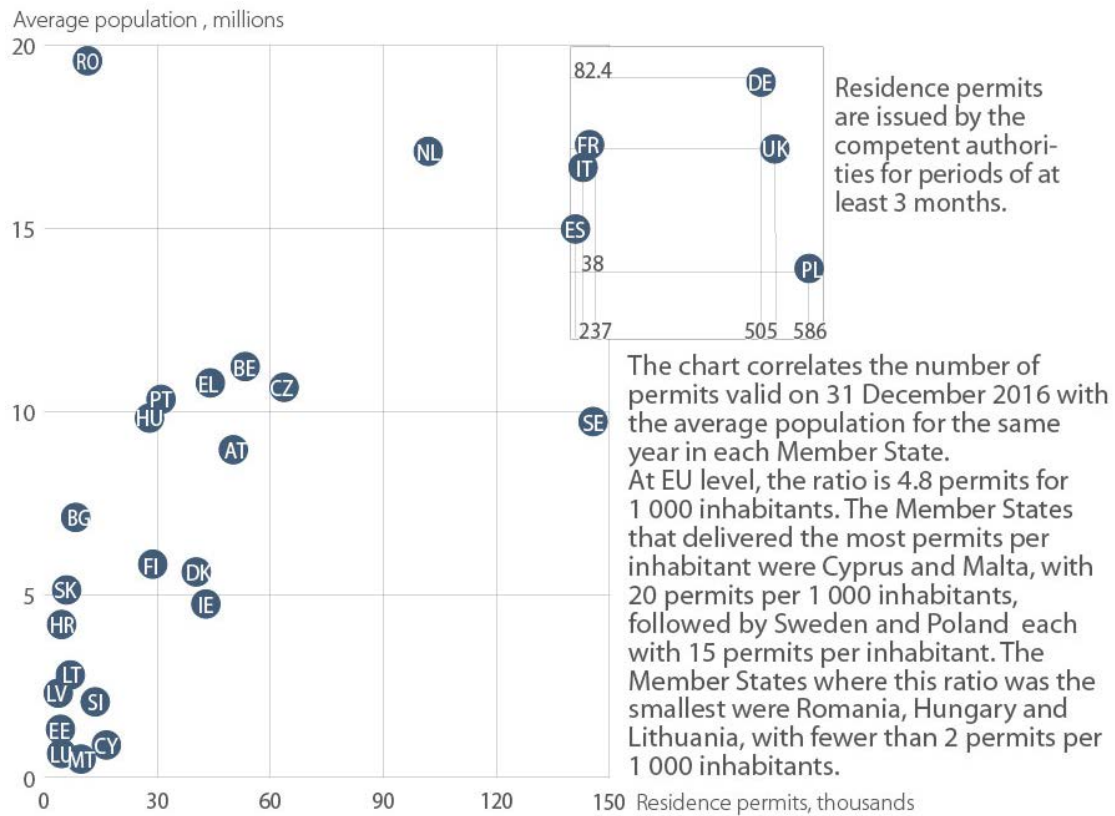
Data sources: Eurostat [demo_gind] and [migr_resfas].
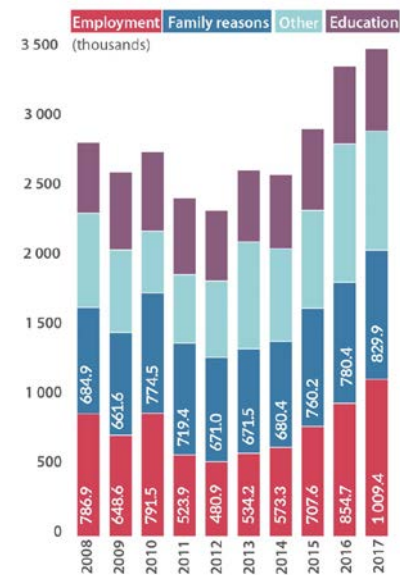
Most first residence permits in the EU-28 were issued for employment-related reasons (1.01 million of all first permits issued), followed by family-related reasons (830 000), other reasons (including international protection) (767 000) and education-related reasons (530 000) (see Figure 3). Poland issued the highest number of first residence permits in 2017 (a total of 683 228), followed by Germany (535 446) and the United Kingdom (517 000). Further opening up these regular mobility schemes could help facilitate cooperation with third countries on issues such as the prevention of irregular migration, readmission and return, while also benefiting people in need of international protection.

Figure 3 – First residence permits by reason

Data source: Eurostat, [migr_resfirst].

Labour migration

Creating legal channels for labour migrants is an indispensable part of the EU's comprehensive approach to migration and goes hand in hand with the fight against irregular flows. The proper management of labour migration not only helps reduce the incentives to use irregular routes, it also enables the EU to attract the right set of talent and skills and enables admissions to be tailored to labour market needs, hence contributing to the overall economic growth of the EU.

Migration is a challenge that should also be seen as an opportunity, in particular at a time when Europe is witnessing the rapid ageing of its population. In the coming years, the working-age population in the EU (people aged between 15 and 64) will decrease significantly. The smaller

workforce may cause problems in the medium and longer term, for instance regarding the financing of Member States' pension systems. To minimise the negative impacts of an ageing population and to help key sectors of the EU's economy that are already facing skills shortages, the EU is working towards improving the legal pathways to enter Europe.

Figure 4 – First residence permits for occupational reasons in 2017

Data sources: Eurostat, [migr_resocc] and [migr_resbc1].
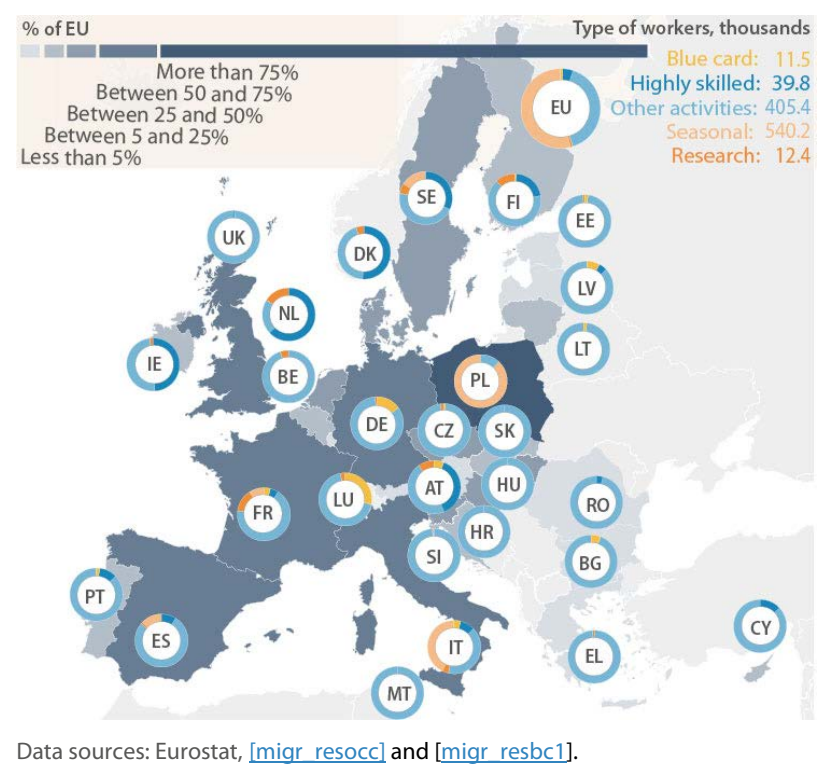
Poland was the leading destination in the EU for those seeking to obtain a residence permit for employment reasons (569.9 thousand permits), mainly because a large number of Ukrainians requested a residence permit in this country. The next most common destination was the United Kingdom with 104.2 thousand. Added to permits granted by Germany (52.9), Spain (42.7) and France (27.5) they accounted for more than 80% of first time permits granted in 2017 for work in the EU.

To this end, the EU has developed several legislative instruments that set common standards covering the conditions of entry and stay and the labour rights of specific categories of migrants. These include highly qualified workers, seasonal workers and intra-corporate transferees (see Figure 4). The EU is also in the process of revising its visa rules for the issuing of short-term (Schengen) visas.
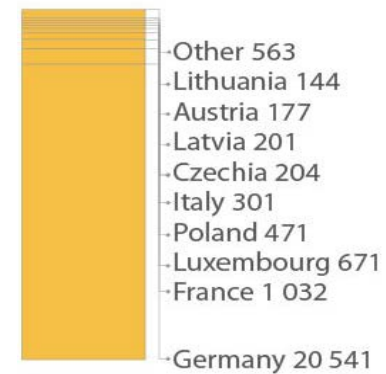
The Blue Card Directive (2009) governs conditions for entry and residence of **highly qualified** third-country workers in the EU. However, the scheme has proven ineffective and is underused. The very low overall numbers of permits issued to highly skilled foreign workers show that neither the national schemes nor the EU blue card are sufficiently effective in attracting highly skilled workers. The directive has also been criticised for disregarding medium and low-skilled third-country nationals.

For that reason the European Commission, in June 2016, proposed to reform the Blue Card Directive by offering immigrants more flexible admission conditions, improved procedures and enhanced rights. The aim of the revised EU blue card scheme is to make it easier and more appealing for highly skilled third-country nationals to come and work in the EU, thus helping European businesses to attract qualified people from around the world. Improvements include less stringent admissions criteria, such as a lower salary threshold, better family reunification conditions, facilitated mobility and the abolition of parallel national schemes.

Despite the Parliament's efforts to resume negotiations with the Council, provided that they lead to a clear added value compared to the current Blue Card system, progress has not been achieved for months. The LIBE Committee has therefore asked to conclude the Parliament first reading on the file at the 2019 March II session. In his 2018 state of the Union address, Commission President Jean-Claude Juncker called on Member States to move forward with the legal migration proposals. In September 2018, the Commission published a communication on enhancing legal pathways to Europe, where it calls on the Parliament and the Council to adopt the new Blue Card Directive before the next European Parliament elections.

In 2017 a total of 24 305 blue cards were granted in the EU. Germany has issued by far the most blue cards (20 541), followed at a distance by France (with only 1 032) and Luxembourg (671) (see Figures 5 and 6).
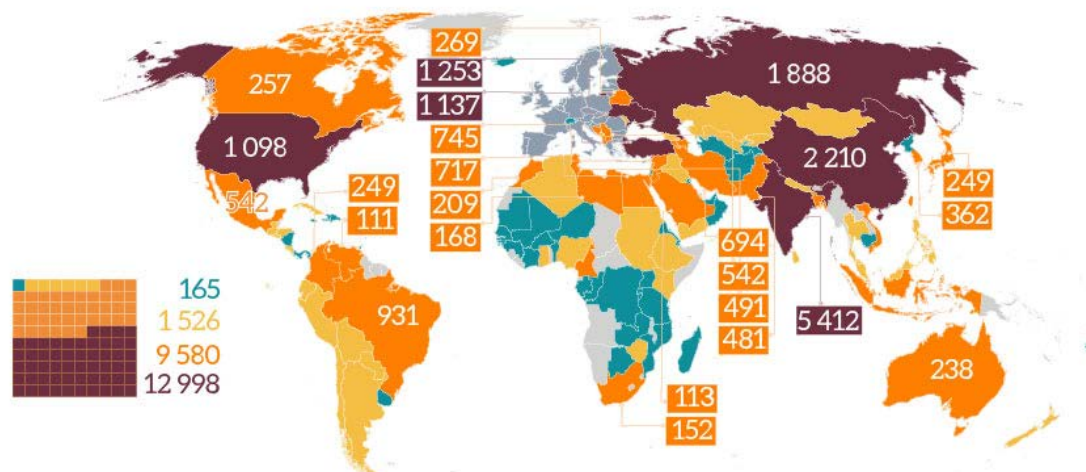
Figure 5 – EU blue cards granted in 2017

- Other 563
- Lithuania 144
- Austria 177
- Latvia 201
- Czechia 204
- Italy 301
- Poland 471
- Luxembourg 671
- France 1 032
- Germany 20 541

Data source: Eurostat, [migr_resbc1]

Ambitious reform of the Blue Card Directive is an essential step towards further increasing the EU's attractiveness to highly-qualified migrants.

Figure 6 – EU blue card holders' main countries of origin, 2017 (thousands)

More than 50% of all valid EU blue cards granted or renewed in 2017 were granted to citizens from countries shown in the map in burgundy (dark brown) , and almost 40% to citizens from countries in orange. Teal (green/blue) shows countries for which fewer than 10 blue cards were issued in 2017 across the EU.

Data source: Eurostat, [migr_resbc1].

Directive 2014/36/EU regulates the conditions of entry and residence of third-country nationals for the purpose of employment as **seasonal workers.** Typically, agriculture and tourism are sectors of the economy characterised by a strong presence of migrant workers carrying out seasonal activities. These are often identified as the sectors most likely to have third-country nationals working irregularly in the EU. Strengthening the legal framework for seasonal workers will reduce the presence of irregular migrants – who are often subject to exploitation and tend to live in precarious situations – and will lead to an improvement in working conditions. A total of 540 216 first permits were granted to seasonal workers in the EU in 2017. Poland issued by far the highest amount of first permits to seasonal workers (525 384), followed at a distance by Spain (5 699) and Italy (3 593).

The Intra-Corporate Transferees Directive covers third-country nationals (and their families) employed outside the EU by international companies and allows them to be transferred to an EU

Member State branch or subsidiary. The system makes it easier for multinationals to temporarily relocate their employees to their offices located on EU territory. Data are collected by the EU statistical agency Eurostat. The data available (2017) so far only includes five countries (Italy, Latvia, Hungary, Portugal and Romania).

Students and researchers

Directive (EU) 2016/801 regulates the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing. Thanks to the directive, students and researchers now have the right to stay at least nine months after finishing their studies or research in order to look for a job or to set up a business, allowing the EU Member States to benefit from their skills. Moreover, researchers have the right to bring their family members with them.

A total of 529 994 first permits were granted in 2017 for educational reasons. The United Kingdom was the most popular destination in the EU-28 among students from non-EU countries (179 633), followed by France (78 758) and Germany (48 637). A total of 12 413 first permits were issued in 2017 for the purpose of research. In 2017, the first destination for researchers was France (3 930 permits), followed by the Netherlands (2 751) and Sweden (1 087).

Convincing more non-EU nationals to study or undertake research in the EU is a key element of the Union's overall strategy of attracting the most talented profiles. A well-known example is the Erasmus+ programme, which is also open to non-EU nationals. As with the regular Erasmus programme, these exchanges lead to mutual enrichment for the individual migrants, their country of origin and their host EU country.

Family reunification

Historically, family reunification has been one of the main reasons for immigration into the EU. It is an entry channel enabling those who already reside legally in a Member State to be joined by their family members. Furthermore, it helps create cultural stability, facilitating the integration of third-country nationals residing in EU Member States and, eventually promoting economic and social cohesion.

Directive 2003/86/EC establishes common rules for exercising the right to family reunification and determines the conditions under which family reunification is granted, establishing guarantees and rights for the family members concerned. Allowing family members of third-country nationals legally residing in the EU to join them in the country in which they are living, helps to protect the family unit and facilitates integration.

Family reasons accounted for 26 % of all first residence permits issued in the EU in 2017 (830 636 in total), thus being the second major reason for issuing first permits in the EU (after employment) (see Figure 7). Germany (156 973), Spain (125 637), Italy (112 607) and the United Kingdom (101 142) were the EU Member States with the highest number of first residence permits issued for family-related reasons in 2017.

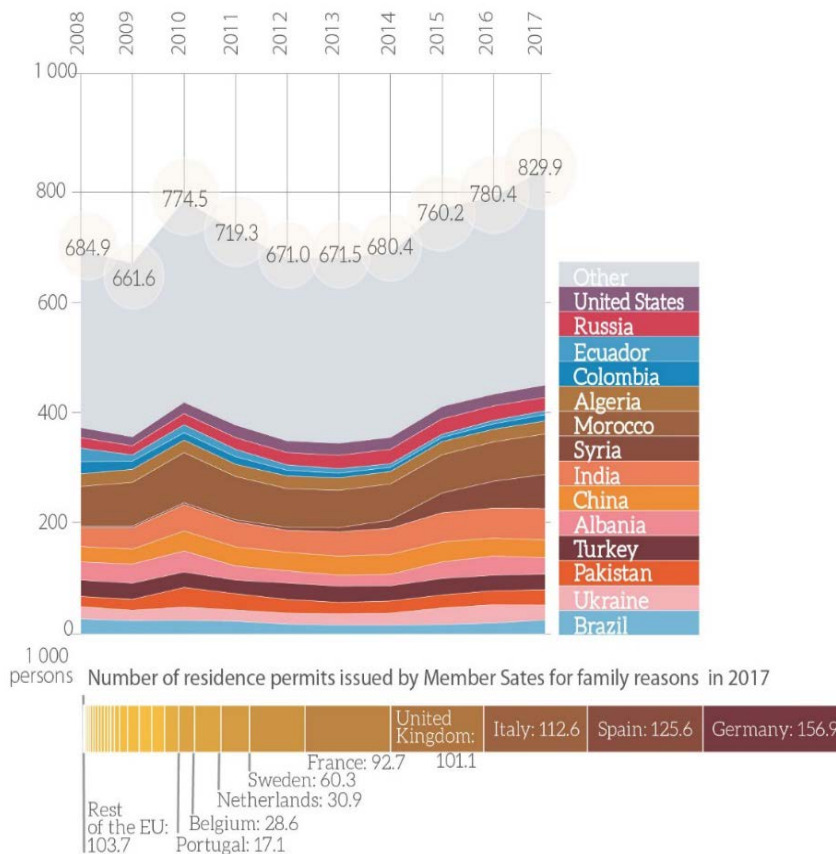Figure 7 – Residence permits granted in the EU for family reasons

Figure 7 shows the main countries of origin for which residence permits based on family reasons were granted for the 2008 to 2017 period. The bar at the bottom shows the distribution among Member States: 87 % of first residence permits granted in 2017 were issued by the nine Member States highlighted.

Data source: Eurostat, [migr_resfam]

Persons in need of protection can also enter the EU through family reunification with persons who have already received protection status in a Member State. This type of family reunification is considered a category of private sponsorship, by means of which a sponsor assumes responsibility for providing a person, in most cases an immediate family member of the primary status holder, such as spouses and children, with financial, social and emotional support. No data exist for all EU Member States. For those countries that provided Eurostat with data for 2017, France (23 254), Sweden (18 369) and Italy (8 196) issued the most first permits for family reunification with a beneficiary of protection status.

Legal channels to international protection

People in need of international protection should be able to reach the EU without having to resort to smugglers and embark on dangerous – and, far too often, deadly – journeys. In 2017, around 3 200 people died or went missing trying to get into Europe, according to an estimate from the International Organisation for Migration (IOM). There are legal and safe channels for people in need of protection to enter the EU to lodge an asylum application, such as resettlement programmes, humanitarian visas, community or private sponsorship schemes, humanitarian corridors, humanitarian admission programmes, temporary protection and medical evacuation or medical resettlement. Most of these schemes exist only at Member State level, whereas those that function at EU level are currently voluntary or not used. In any case, the number of people admitted through all these schemes remains low in comparison with the need and 90 % of those granted international protection reach the EU through irregular means.

Even though EU law does not currently provide any clear procedures, the EU is committed to meeting the need for more individual or collective protection. A 2018 EPRS study states that the adoption of a clear set of rules to access the Schengen area for the purposes of seeking international

protection would allow for better screening of candidates, predictions of arrivals, and better preparation and coordination of post-arrival arrangements. Furthermore, EU intervention would reduce current costs (in human lives, illicit smuggling and trafficking activity, border and migration control, and deterrence) and allow for a reallocation of resources. Consequently, this would ensure the development of an integrated management system for the EU's external borders in line with fundamental rights, the study concludes.

The EU was already promoting **resettlement** before the start of the 2015 refugee crisis as a means of facilitating entry to Europe for the most vulnerable refugees. Resettlement involves the selection and transfer of already-recognised refugees from a country where they are seeking protection to another country, with the person in question receiving protection for as long as necessary. Between 2015 and September 2018, two voluntary EU resettlement schemes helped over 38 000 of the most vulnerable people find shelter in the EU (STAT). Additionally, between April 2016 and December 2018, over 18 000 Syrian refugees from Turkey were resettled under the EU-Turkey Statement. Under the evacuation transit mechanism, over 2 800 people were evacuated from Libya between November 2017 and January 2019, and under the EU Emergency Trust Fund for Africa, over 14 000 refugees living in or transiting Niger, Burkina Faso, Cameroon and Chad have already benefited from resettlement or complementary pathways to Europe. Negotiations at EU level are ongoing to set up a permanent Union resettlement framework, complementing the current ad hoc multilateral and national resettlement programmes.

EU Member States can issue **humanitarian visas** in order to provide protected entry to people not yet recognised as refugees. A humanitarian visa allows a person in need of protection to enter the Member State that issued the visa for the sole purpose of lodging an application for international protection in that country. Here again, the EU has no specific legal framework – neither under the Schengen nor under the asylum or visa acquis – and their issuance happens mainly under national law. According to a 2014 study for the European Parliament, 16 EU Member States have or have had some form of scheme for issuing humanitarian visas. The authors of the study stated that a 'formalised humanitarian visa system' at EU level would 'have added value' because it would, for instance, provide legal certainty and enhance mutual trust between Member States and confidence in the system for asylum seekers. The European Parliament has consistently called for the provision of humanitarian visas. On 11 December 2018, it adopted a resolution with recommendations to the Commission on humanitarian visas, calling on the Commission to table a legislative proposal establishing a European humanitarian visa by 31 March 2019.

Following the Canadian model, **community and private sponsorship schemes** are being promoted by the European Commission as a possible pathway to safe channels for admission to the EU. Although there is no common definition at EU level, sponsorships imply that a person, group or organisation assumes responsibility for providing financial, social and emotional support for a resettled person or family, for a predetermined period of time. The aim is to facilitate integration and community cohesion, while lowering the risk of disengagement with the system and thus reducing the number of irregular arrivals. There is not yet an EU equivalent but several Member States have already launched community and private sponsorship systems, where most of the costs are born by the sponsors.

Italy, France and Belgium are the only countries to have recently experimented with **humanitarian corridors**, whereas up to 14 other EU Member States have had similar schemes in the past. As with sponsorship schemes, a sponsor – in this case a civil society organisation such as a religious group – assumes a number of responsibilities for travel, accommodation, settlement, and integration support for a limited period of time (one year in the Italian and French examples). The project carried out in Italy since 2013 by the Community of Sant'Egidio grants people in 'vulnerable conditions' (victims of persecution, torture and violence, as well as families with children, elderly people, sick people and people with disabilities) legal entry onto Italian territory with humanitarian visas, with the possibility to apply for asylum. Contrary to community-based sponsorship schemes, the eligibility criteria for

becoming a sponsor are not clearly set out. Humanitarian corridors allow for a rapid response to protect people in need and do not require state funding. No EU equivalent exists here either.

A 2018 EPRS study mentions Austria, Germany, Ireland, France and the United Kingdom as the EU countries having accepted refugees between 2013 and 2016 by means of **humanitarian admission programmes**. There is no definition at EU level, but the European Migration Network (EMN) defines humanitarian admission programmes as schemes that are similar to resettlement but for varying reasons do not fully match the definition of resettlement because they could be available to a wider range of potential beneficiaries than just refugees. The Commission adds that humanitarian admission is often an ad hoc initiative operated in response to a particular humanitarian need or displacement situation and limited to a specific group of beneficiaries (e.g. from the Syrian civil war). The future Voluntary Humanitarian Admission Scheme (VHAS), adopted for the implementation of the EU-Turkey Statement arrangements to give former Syrian residents temporary protection, should provide experience at EU level. The scheme was proposed in 2015 but has still to be implemented on the ground.

Temporary protection can be granted for a one year period to a predefined group of persons in case of a 'massive influx' – the arrival of a large number of displaced persons from a specific country or geographical area - under the Temporary Protection Directive 2001/55/EC. It can be activated through a Council decision adopted by qualified majority. However, the directive has never been triggered, despite a request to trigger it in 2011 by Italy and Malta following a high number of applications from Tunisia in the context of the Arab Spring. A 2016 study on the strengths and weaknesses of the directive – commissioned by the European Commission – concluded that the definition of 'massive influx' is too broad, that the activation procedure is lengthy and its criteria not clearly defined, and that the Member States fear the system can act as a pull factor for migrants. The European Parliament has called twice for a revision of the directive, in resolutions in 2015 and in 2016.

Cooperation with third countries

One of the key components of EU external action are third country or regional agreements whereby development funds, trade and investment tools are used for migration policy objectives, with the aim of creating resilient partnerships that are mutually beneficial. By creating a stronger link between development and migration policy, the EU aims to generate long-term growth and development in the partner countries by, for example, improving local living conditions, facilitating visa systems, increasing legal migration and promoting trade exchanges. In addition, this cooperation helps to address shortages in the EU labour markets, while also reducing irregular migration and facilitating readmissions and returns of irregular migrants.

Probably the best known example of this new way of cooperating with non-EU countries is the 18 March 2016 'EU-Turkey Statement', which has helped refugees hosted by Turkey undermine the business model of people smugglers and build cooperation on migration management.

On a regional level, the Africa-EU Migration and Mobility Dialogue focuses on the link between migration and mobility within Africa and between Africa and the EU. The EU Trust Fund for Africa aims to address the root causes of migration by creating employment opportunities, supporting resilience and basic services for local populations, improving migration management, and enhancing stability and governance. The European External Investment Plan meanwhile mobilises public and private financing for partner countries to boost investments in areas such as entrepreneurship, energy and access to new technologies. Another means of evolving towards

Global compacts on migration and on refugees

In a highly interdependent world, migration can only be addressed effectively by the international community as a whole. Migration is a global phenomenon that requires global solutions based on the principles of solidarity and shared responsibility. The United Nations (UN) is investigating the issue in great depth, and one of the main outcomes of the UN General Assembly (UNGA) in 2016 was a declaration demanding greater international cooperation on managing migration and on strengthening the international response to large movements of refugees and protracted refugee situations. The resulting 'Global Compact for Safe, Orderly and Regular Migration' and the 'Global Compact on Refugees' both set up lists of shared objectives. They do not, nor do they intend to, create any legal obligations under domestic or international law. The Global Compact on Migration was adopted at the Intergovernmental Conference on Migration in Marrakesh, Morocco, on 10 December 2018, and endorsed by the UNGA on 19 December 2018. The Global Compact on Refugees was adopted by the UNGA on 17 December 2018.

comprehensive migration management are the pilot projects with selected African countries to promote legal migration schemes for labour or traineeship purposes, under the EU's partnership framework approach (in particular the mobility partnership facility). The partnerships ('compacts') are based on the ability and willingness of the countries to cooperate on migration management and are linked to incentives, both positive ones such as visa facilitation, and negative ones such as conditions on development cooperation, e.g. by limiting access to funds. So far, partnerships have been concluded with Jordan, Lebanon, Niger, Nigeria, Senegal, Mali, Ethiopia, Tunisia and Libya.

Figures 8 and 9 – Employment rates in 2017, by citizenship group, education and gender
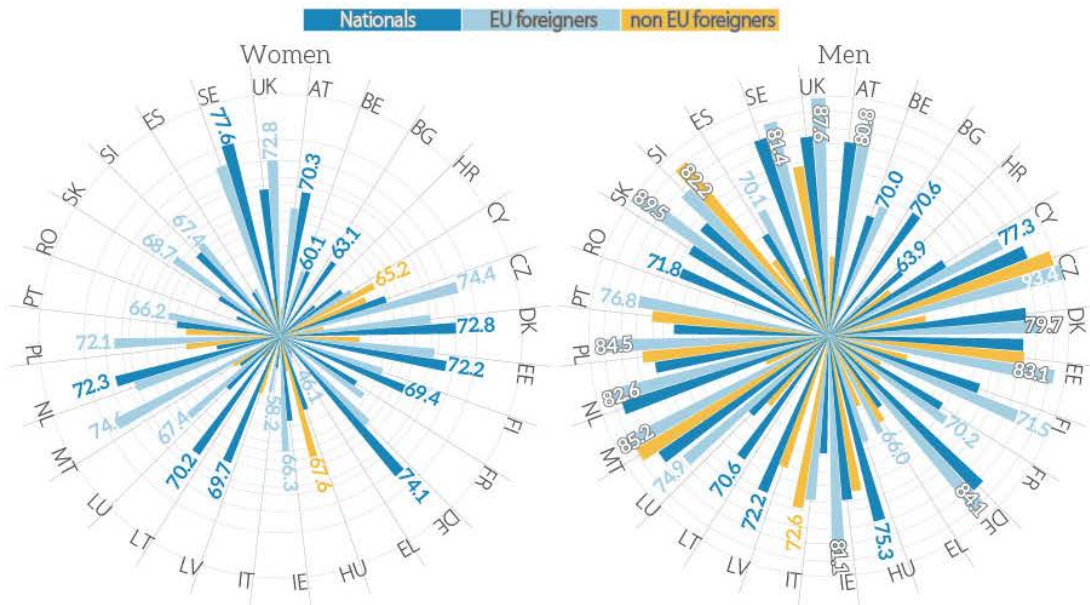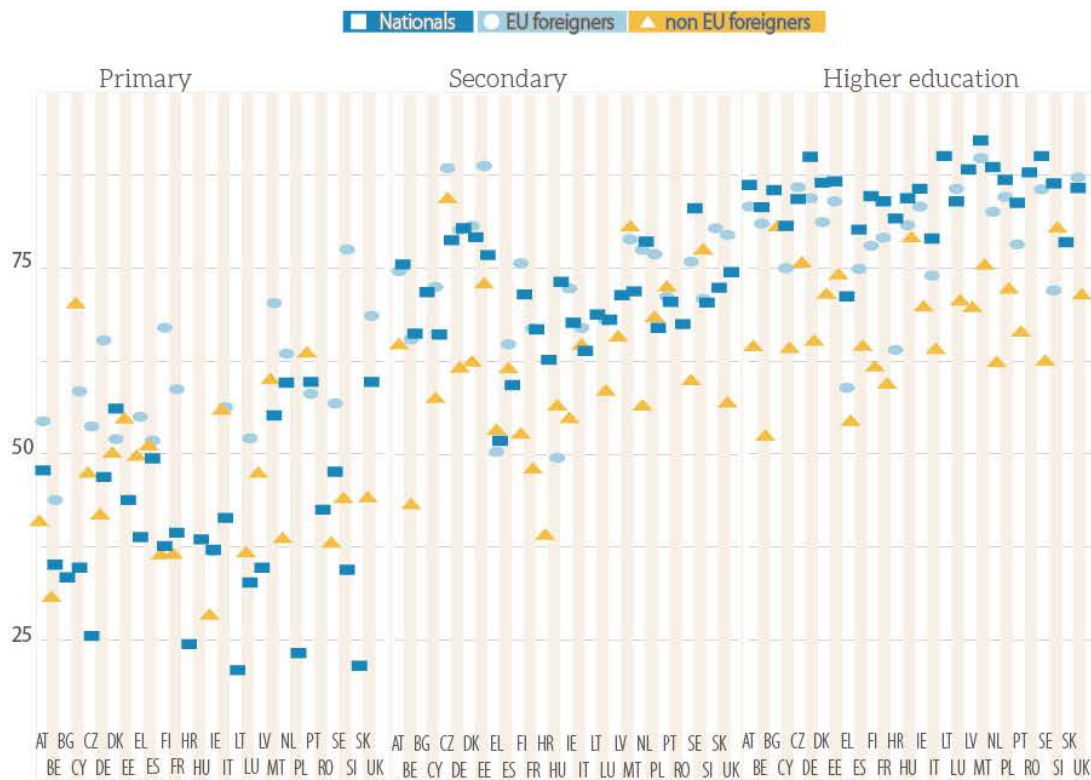
Employment rates of foreigners from outside the EU are on average, lower than those of nationals or non nationals from other Member States notwithstanding gender or educational level. The charts above highlight the differences between Member States across these two dimensions. The lowest employment rates for non EU citizens with up to lower secondary education are found in Ireland (28.2) and Belgium (30.6) whereas at the top of the education scale the rate goes up to 84.3 in the Czech Republic.
The gender gap among non EU citizens is shown in the second charts, with more than 25 percentage points of difference in 10 Member States and between 10 and 20 in another 10.

Sources: Eurostat, [lfsa_ergaedn] and [lfsa_ergan].

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