

Policy plan on legal migration

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PURPOSE: the presentation of a policy plan on legal migration.

CONTENT: this Commission Communication on an EU policy plan for legal migration has been prepared in accordance with a 2004 Council request for it to develop a policy plan on legal migration, including admission procedures capable of responding promptly to fluctuating demands for migrant labour.

Worldwide migration flows have been growing considerably largely due to global economic variations, demographic changes and the opening up of global trade. Determining legislation on legal migration is a matter for the Member States. However, the admission of third-country nationals in one Member State can affect the labour market of other Member States. The purpose of this paper is to put forward EU initiatives for legal migration.

Legislative measures on labour migration.

Based on extensive research and public consultation the Commission suggests that the most appropriate legislative framework for legal migration, at an EU level, would be one general framework Directive complemented by four specific Directives. The legislative measures envisioned are:

i) A general framework Directive: The main purpose of this horizontal instrument will be to guarantee a common framework of rights to all third-country nationals in legal employment and who have already been admitted to a Member State but who have no entitlement to a long-term residence status. This would not only be fair on those persons contributing, both economically and in terms of tax, to the EU's economy, it would also contribute towards the establishment of a level playing field within the EU. The proposed Directive would also include a single application for a joint work/residence permit, to be held by the worker and containing advance biometric identifies. Such an approach would simplify procedures for immigrants and employers. An employer could be held financially responsible for a third country employee as is the case under the research Directive. Admission will be conditional on the existence of a work contract and on the economic needs test, although exceptions may be necessary for declared structural needs in certain sectors, occupations and regions.

ii) A proposed Directive on the conditions of entry and residence of highly skilled workers. The vast majority of Member States need these workers because of shortfalls in the labour markets for highly qualified workers. The proposed Directive could include a special procedure which allows for the rapid admission and acceptance of highly skilled workers. Conditions could be attached which make working in Europe more attractive. A more ambitious proposal could be the creation of an EU work permit or an EU Green Card, which if issued in one Member State could be applicable throughout the EU.

iii) A proposed Directive on the conditions of entry and residence of seasonal workers: Seasonal workers are regularly needed in sectors such as agriculture, building and tourism. The proposed scheme would include a new residence/work permit, which would allow third country nationals to work for a certain number of months per year for up to four to five years. Entry and exist stamps should help prevent abuses.

iv) A proposed Directive on the procedures regulating the entry into, the temporary stay and residence of, Intra-Corporate Transferees (ICT): This scheme will set out common procedure on how to regulate the entry into, temporary stay of, and residence in, the EU of ICT personnel. The procedures will be without prejudice to international commitments entered into by the EC or by the EC and its Member States. In order to enable the allocation of international companies' key personnel and specialists within Europe, intra-EU mobility of ICT personnel will be addressed.

v) A proposed Directive on the conditions of entry and residence of remunerated trainees: Currently, no rules exist for this particular category of persons unlike unremunerated trainees. Allowing third-country nationals to acquire skills and knowledge through a period of training in Europe can be a way to encourage the circulation of bright persons. Safeguards will be put in place to avoid abuses such as trainees who are in reality underpaid temporary workers.

In other measures, the Commission considers enhanced integration, knowledge-sharing and co-operation with third countries. With this policy plan, the Commission is fulfilling a mandate it received from the Hague Programme in 2004. More precise measures will be proposed in the coming four years and the Commission will continue to engage in talks with experts from the Member States, the EU's social partners and all other interested parties.