



MEPs support the European "Blue Card" proposal for highly-skilled immigrants

MEPs backed the EU's "Blue Card" scheme to attract highly-skilled immigrants to take jobs in EU economic sectors suffering from skill shortages, modelled on the US "Green Card" system. However, they propose a clearer frame, more precise definitions, and to ensure more flexibility for Member States, whilst urging them to avoid a brain drain from third countries. They also say that Blue Card workers should not have priority on EU nationals on the labour market.

Who should be eligible for a Blue Card?

In a consultation report drafted by Ewa **Klamt** (EPP-ED, DE) adopted in plenary with 388 votes in favour, 56 against and 124 abstentions, MEPs sought to clarify blue card eligibility requirements: an applicant must have found a job in the EU, and have at least five years' experience in the sector concerned or a university qualification recognised by the Member State. The applicant's contract must guarantee an income of at least 1.7 times the average gross salary in the Member State of residence, add MEPs, who stipulate that this salary must not be lower than that of a comparable worker in the host country.

It must also be possible to grant the card to third country nationals already legally staying in the Union under other regimes, but it should not be granted to asylum applicants or third country nationals admitted to the Union as seasonal workers, as the latter are covered by a specific proposal for a directive, say MEPs.

Access to social protection

The Blue Card will also entitle its holder to family reunification within six months - his or her spouse would also be able to seek a job in the Union - and to social welfare coverage in the Member State concerned. A holder who loses his or her job should have six months to find another, rather than three as proposed by the Commission, say MEPs.

What about Community preference ?

MEPs consider that Member States should be able to decide how many Blue Cards they wish to grant each year. The card should not be viewed as a "right" for migrants, and may be refused even where they meet the criteria. National authorities must also be able to reject holders of Blue Cards granted by other Member States in favour of a national or Community solution. MEPs also agree that preference may be given to EU citizens as well as to unemployed third country nationals who reside legally, for reasons of labour market policy. Members also ask member states not to allow Blue Cards in

sectors where access to new member states' workers is still restricted.

The "brain drain" concern

MEPs also say that Member States should not actively encourage the "brain draining" of third countries through the Blue Card in sectors where these countries suffer from labour shortages, particularly in the areas of health and education.

New Member States

Parliament also says that Member States shall reject an application for an EU Blue Card in labour market sectors to which access by workers from other Member States is restricted on the basis of transitional arrangements set out in the Acts of Accession of 16 April 2003 and 25 April 2005.

Background

The Blue Card, proposed by the European Commission, is designed to attract highly-qualified workers from third countries by giving them access to the 27 Member States. This card would not replace existing national systems, but would provide an additional channel of attraction, with a common grant procedure. By issuing a Blue Card, the member state commits itself to issuing all the necessary documents and visas needed by the immigrant.

Most highly-skilled migrants prefer destinations such as the USA, Australia or Canada to the EU, due to the fragmentation of EU labour markets. The "blue card" would enable holders who have spent three years in a first EU country of residence to access other Member States thereafter. The card would therefore normally be valid for three years, renewable for a further two years. If a worker's contract is for a shorter duration, then the card should be granted for the duration of the contract plus six months, say MEPs.

British and Irish government decided not to opt-in to the Blue Card scheme

In January 2008, the UK decided not to participate in the adoption and application of the Legal Migration Directives including the Blue Card. One of the main reasons for this decision being that it is at odds with the UK's Points Based System and with managing migration on the basis of a national assessment of labour market needs.

The Irish government has also decided not to opt-in to the Blue Card.

Single application procedure could have been more ambitious

The directive on a single application procedure and common set of rights for third-country nationals wishing to legally reside and work in the EU could have been "more ambitious", says the EP, but it does complement the Blue Card directive, the EU plan to model the US "Green Card" system.

While the House generally welcomes the proposal, it regrets that "it was not more ambitious" and that "it does not cover the entry conditions for all third-country nationals wishing to pursue an economic activity in the EU". However, Member States' reluctance with regard to such a proposal is understandable, it says.

Member States rights not affected

MEPs consider it important to make clear that "the content of this directive does not affect the Member States' right to determine the entry conditions nor the number of migrants they wish to admit to their territory". In addition, "the period of validity of the single permit is to be determined by each Member State," says the report adopted with 442 votes in favour 77 against and 42 abstentions.

"The procedure in no way interferes with the Member States' competence as far as the processing of requests is concerned, only as regards the time limit which needs to be complied with".

The directive complements the EU's Blue Card plan

The single application procedure is meant to complement the EU's Blue Card plan, which seeks to attract skilled workers. Adopting the two simultaneously would therefore avoid a "twin-speed immigration policy", which favours highly-skilled workers and refuses access to those who are less skilled, the report emphasises.

The single procedure

The proposal for a Directive seeks to put in place a single application procedure leading to the issuing of a single residence and work permit. The report claims there are several advantages to this, including simplified administration and less bureaucratic procedures.

The common set of rights

Currently in the EU there are major differences among the Member States regarding the treatment of migrant workers. Equal treatment of third-country nationals in Member States, particularly in areas connected with employment "must be guaranteed", says the House, and granting these rights "is a minimum requirement".

Finally, Member States, say MEPs, should ratify the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

European "blue card" to solve problem of aging population?

Europe is facing a demographic crisis. Forecasts show that by 2050 two workers will have to support one retired person, compared with four workers now. Could immigration be the answer? One suggestion is a "European blue card system" - like the US green card - for skilled third country workers. Two MEPs, dealing with immigration, tell us what they think.

Former Commission Vice-President Franco Frattini said "the EU must learn to compete with the US, which attracts most of the mobile skilled labour in the world. He therefore proposes the "blue card", a specialised residence permit for skilled third-country workers, which would ensure equal treatment at work".

Most skilled migrants go to US

The aim is to tackle Europe's looming demographic crisis by attracting some 20 million extra workers from abroad. "The challenge is to attract the workers needed to fill specific gaps," said Frattini. He said that 85% of unskilled labour goes to EU and 5% to the US, whereas 55% of skilled labour goes to the US and only 5% to the EU.

Italian Socialist Lilli Gruber and Spanish Socialist Javier Moreno Sanchez are reporting to the House on legal and illegal immigration respectively, so we asked their opinion on a European blue card system.

"A step in the right direction"

"This is a first step in the right direction - even if it's timid." said Ms Gruber. "Apart from the 'préférence communautaire' applied in large sectors of our economic policies, there's no question that a real demand exists for specific skills, varying from one country to another, which can't be met inside the EU. In those cases, it's fair to open our doors."

However, she also said care must be taken "not to drain away the reservoir of skills that countries need, without offering anything in exchange. To fight illegal immigration - apart from its criminal phenomena - we need to open and define legal ways to enter the EU, but also increase our forces to stimulate the growing democracy and economy of those countries."

Mr Moreno Sanchez supports "measures that favour legal channels of immigration to the EU, fundamental to curb clandestine immigration and to fight against networks of human trafficking." He also stresses the importance of "the external dimension of a European migration policy."

"This is only an initial step, focused on qualified workers and it will be necessary to continue to work on the establishment of a common status for the rest of immigrant workers, whom we need as much from the demographic point of view as from the economic one", he added.

Blue card scheme backed by MEPs

A Blue Card scheme to attract highly qualified migrants to the EU came closer on Tuesday 4 November. MEPs on the Civil Liberties Committee backed the measure as a way to help address Europe's skills shortage which is estimated at 20 million people. Prior to the vote on 4 November we spoke to the MEP who is guiding the legislation through Parliament - German Christian Democrat Ewa Klamt.

Last October the Commission proposed the Blue Card scheme to make it easier for skilled migrants to come to Europe. At present there are 27 different visa regimes in place.

MEPs in the Civil Liberties Committee want the card to be a work and residency permit for 3 years which can also be renewed. Family members will also be allowed into the EU whilst individual countries would be able to decide for themselves how many skilled migrants to admit.

By way of comparison the US Green Card allows permanent residency for 10 years and allows people to work and travel freely in America.

Speaking to us ahead of the committee vote Ewa Klamt stressed the need for skilled migrants. She said that in her native Germany "there is a lack of 95 thousand engineers" and that "the education system had only produced twenty thousand."

She also warned of the need for Europe not to lose out on skilled labour saying that "50% of skilled migrants from Maghreb states go to the US or Canada, only 5.5 % come to EU."

Defining "highly qualified"

On the wider political need for the measures she was emphatic: "we have always said we need the possibility of a legal migration. If you want to stop illegal migration, you can only close the door if you open up the door for legal migration."

How to define a "highly skilled" individual is a key issue. MEPs on the Civil Liberties Committee support Ms Klamt's view that there should be two possibilities. It could either be a higher education qualification - meaning at least 3 years of studies - or higher professional qualification, attested by evidence of at least five years of professional experience.

The report also rules out an upper age limit for migrants.

How to avert a brain drain

Many have voiced a fear that Europe will take the best and brightest from Africa and other parts of the developing world in a modern day "brain drain". Ewa Klamt told us that "we say that in areas and sectors vital to achieving the UN millennium goals - like health and education - which are vital to developing countries we must restrict ourselves from plundering their essential workers."

A possible compromise that could emerge is that EU countries may reject a Blue Card application to avoid brain-drain in sectors suffering from a lack of qualified personnel in the countries of origin.

Regarding the salaries to be paid to migrants, Ms Klamt told us that "we have put down that it has to be 1.7 times of the gross monthly or annual average wages under national law which is different in each country."

For this directive the parliament is involved under the Consultation procedure. The parliament will later vote on the agreement reached in the committee.

Possible blue card migrants have their say

Next week MEPs vote on a new "blue card" scheme for skilled migrants. It is intended to tackle the shortfall in highly qualified people in areas like IT and engineering. We asked some potential future blue card holders what they think.

The blue card would introduce a special procedure for the entry of non-EU citizens to work in the European Union. Inspired by the US Green Card it aims to have a common procedure for the whole of the EU.

Nandagopal Menon is from India and is doing a PhD in the Netherlands. He explained that under current rules "although a residence permit issued by a Schengen country allows its holder to travel freely, taking up residency in another country to work or study is not allowed. This, in a way, dissuades skilled migrants. The blue card could solve this problem."

Good for migrants - and for Europe

Todd Chakara from Zimbabwe, who currently works in South Africa as a privatisation consultant, said "I view the US green card or the proposed blue card as a bureaucratic hurdle rather than an aid. Perhaps this is a matter of inadequate publicity or public awareness. A set of clear, well publicized immigration regulations would perhaps be adequate."

However, Zarifa Abbasova from Baku in Azerbaijan was quite positive about the scheme. "It is also good for Europe as it can benefit from the skills and experience that people from outside the EU can bring" she said.

If the blue card is introduced Todd says it must be accompanied by a change in mentality: "Facing scepticism and suspicion of one's intentions by immigration authorities keeps me away." He explained, "The officer that has the desire to recruit professionals cannot be combined with the officer that has the desire to limit the number of immigrants."

Language barrier

For many would be migrants the language barrier is a key issue. "English is one major factor that draws skilled migrants to the US. But, of late, English is also increasingly being viewed as the preferred second language across the EU," Nandagopal said.

For Masayo - a Japanese post graduate student studying in Italy who speaks English - Europe's many languages can act as a barrier for the highly skilled. Therefore she would "not enthusiastically" consider the blue card but she wouldn't rule it out.

Rights for card holder and family

The Blue Card provides a certain number of rights for the holder and their family. "The advantage of blue card system is that it allows the spouse to work legally. It might be more attractive for a married couple," says Masayo.

Zarifa agreed, "It would be great to be able to come with family as many people in Azerbaijan marry young and have children"

The verdict: red card for the blue card?

One concern raised by some MEPs is that a blue card could lead to a "brain drain" from poorer countries. Zarifa said she thought doctors from her country, for example, might only go abroad for 3 years or so.

Overall the verdict is positive. "I think a blue card will be more attractive because the EU offers more opportunities - in terms of jobs and study - when compared to the US," said Nandagopal. The "sheer diversity of

the EU is the primary reason for this," he added.

Todd - who has lived in Europe said, "I think the balance of work and social life is done better in Europe than in the US."

MEPs will debate the proposed blue card scheme in Strasbourg on Wednesday 19 November and vote on it a day later. MEPs on the Civil Liberties Committee backed the scheme on 4 November.

Audiovisual material

For professional use the European Parliament is providing audiovisual material and photo for reports linked to the immigration package.

- The return directive
- Directive on sanctions to employers of illegal immigrants.
- Delegations visiting detention centres.
- Blue card for highly skilled immigrants

For more information on available material contact the audiovisual unit (see link).