



TEXTS ADOPTED

P9_TA(2021)0472

Legal migration policy and law

European Parliament resolution of 25 November 2021 with recommendations to the Commission on legal migration policy and law (2020/2255(INL))

The European Parliament,

- having regard to Article 225 of Treaty on the Functioning of the European Union,
- having regard to Article 3(2) of the Treaty on European Union,
- having regard to Article 79 of the Treaty on the Functioning of the European Union,
- having regard to the Charter of Fundamental Rights of the European Union, in particular Article 45 thereof,
- having regard to the European Pillar of Social Rights, in particular Principles 5, 10, 12 and 16 thereof,
- having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms, in particular Article 2 of Protocol 4,
- having regard to the Union legal migration *acquis* developed between 2003 and 2021 which regulates the conditions of entry and residence and the rights of third-country nationals working in the Union and which includes:
 - Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, and repealing Council Directive 2009/50/EC¹,
 - Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on 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 pairing²,

¹ OJ L 382, 28.10.2021, p. 1.

² OJ L 132, 21.5.2016, p. 21.

- Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers³,
- Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer⁴,
- Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State⁵,
- Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals⁶,
- Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents⁷,
- Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification⁸,
- having regard to Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted⁹,
- having regard to Regulation (EU) 2016/589 of the European Parliament and of the Council of 13 April 2016 on a European network of employment services (EURES), workers' access to mobility services and the further integration of labour markets, and amending Regulations (EU) No 492/2011 and (EU) No 1296/2013¹⁰,
- having regard to Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344¹¹,
- having regard to the European Council conclusions on COVID-19 and migration of 24 June 2021, in particular no. 12,
- having regard to the EU Emergency Trust Fund for Africa,

³ OJ L 94, 28.3.2014, p. 375.

⁴ OJ L 157, 27.5.2014, p. 1.

⁵ OJ L 343, 23.12.2011, p. 1.

⁶ OJ L 168, 30.6.2009, p. 24.

⁷ OJ L 16, 23.1.2004, p. 44.

⁸ OJ L 251, 3.10.2003, p. 12.

⁹ OJ L 337, 20.12.2011, p. 9.

¹⁰ OJ L 107, 22.4.2016, p. 1.

¹¹ OJ L 186, 11.7.2019, p. 21.

- having regard to the Commission staff working document of 29 March 2019 entitled ‘Fitness Check on EU Legislation on legal migration’ (the ‘Fitness Check’),
- having regard to the communication of the Commission of 13 May 2015 entitled ‘A European Agenda on Migration’,
- having regard to the communication of the Commission of 24 November 2020 entitled ‘Action plan on Integration and Inclusion 2021-2027’,
- having regard to the communication of the Commission of 6 April 2016 entitled ‘Towards a reform of the Common European Asylum System and enhancing legal avenues to Europe’,
- having regard to the communication of the Commission of 12 September 2018 entitled ‘Enhancing legal pathways to Europe: an indispensable part of a balanced and comprehensive migration policy’,
- having regard to the communication of the Commission of 23 September 2020 on a New Pact on Migration and Asylum,
- having regard to the action plan and political declaration adopted at the EU-Africa Summit on Migration, held in Valletta on 11 and 12 November 2015, in particular their respective parts on legal migration and mobility,
- having regard to the press release of the Commission of 11 June 2021 entitled ‘Talent Partnerships: Commission launches new initiative to address EU skills shortages and improve migration cooperation with partner countries’,
- having regard to the Commission Joint Research Centre study of 23 April 2020 entitled ‘Immigrant Key Workers: Their Contribution to Europe’s COVID-19 Response’ and the Commission Joint Research Centre technical report of 19 May 2020 entitled ‘A vulnerable workforce: Migrant workers in the COVID-19 pandemic’,
- having regard to its resolution of 12 April 2016 on the situation in the Mediterranean and the need for a holistic EU approach to migration¹²,
- having regard to its resolution of 19 June 2020 on European protection of cross-border and seasonal workers in the context of the COVID-19 crisis¹³,
- having regard to its resolution of 20 May 2021 on new avenues for legal labour migration, based on an initiative report of the Committee on Civil Liberties, Justice and Home Affairs¹⁴,
- having regard to the study by the Policy Department for Citizens’ Rights and Constitutional Affairs of its Directorate-General for Internal Policies of September 2015 entitled ‘Exploring new avenues for legislation for labour migration to the European Union’,

¹² OJ C 58, 15.2.2018, p. 9.

¹³ OJ C 362, 8.9.2021, p. 82.

¹⁴ Texts adopted, P9_TA(2021)0260.

- having regard to the study by the Policy Department for Citizens' Rights and Constitutional Affairs of its Directorate-General for Internal Policies of October 2015 entitled 'EU cooperation with third countries in the field of migration',
 - having regard to the study by the European Parliamentary Research Service of March 2019 entitled 'The cost of non-Europe in the area of legal migration',
 - having regard to the study by the European Parliamentary Research Service of September 2021 entitled 'Legal migration policy and law – European added value assessment',
 - having regard to the studies by the European Migration Network,
 - having regard to the Universal Declaration of Human Rights, in particular Article 13 thereof,
 - having regard to the Global Compact for Safe, Orderly and Regular Migration of 19 December 2018,
 - having regard to the international labour standards on labour migration adopted by the International Labour Conference of the International Labour Organization,
 - having regard to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families adopted by the General Assembly of the United Nations on 18 December 1990,
 - having regard to the studies on legal migration by the Organisation for Economic Co-operation and Development,
 - having regard to the work and reports of the UN Special Rapporteur on the human rights of migrants,
 - having regard to the study by the Center for Global Development of 15 July 2019, entitled 'Maximizing the Shared Benefits of Legal Migration Pathways: Lessons from Germany's Skills Partnerships',
 - having regard to the Africa Migration Report: Challenging the narrative of October 2020 by the International Organization for Migration,
 - having regard to the study by the European Parliamentary Research Service of August 2021 entitled 'The European Commission's New Pact on Migration and Asylum - Horizontal substitute impact assessment',
 - having regard to Rules 47 and 54 of its Rules of Procedure,
 - having regard to the opinion of the Committee on Development,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0314/2021),
- A. whereas an adequate implementation of the existing legal acts on labour migration is equally important to proposing new legal acts;

- B. whereas Article 79(1) of the Treaty on the Functioning of the European Union (TFEU) states that “The Union shall develop a common immigration policy aimed at ensuring, at all stages, the efficient management of migration flows, fair treatment of third-country nationals residing legally in Member States, and the prevention of, and enhanced measures to combat, illegal immigration and trafficking in human beings”;
- C. whereas the Union is one of the main investors in developing human capital in neighbouring countries;
- D. whereas the creation of additional legal pathways at Union level could help to provide Member States with a tool to properly face upcoming demographic challenges, meet the demands of the labour markets that cannot be met by the domestic workforce and enhance the matching of skills on the labour markets;
- E. whereas 23 million third-country nationals were legally resident in the Member States in 2020, some 5,1 % of the total Union population¹⁵;
- F. whereas the low issuance rate of long-term resident permits indicates that there might be a need to improve their attractiveness, something that could be achieved by a revision of Directive 2003/109/EC to clarify the advantages of holding an EU long-term residence permit and approximate national legislative schemes;
- G. whereas, according to the Commission report on the Impact of Demographic Change, adopted on 17 June 2020¹⁶, the median age of the population of the Union is currently 44 years, has been increasing for several years and will continue to do so for at least the coming two decades;
- H. whereas this implies that over the coming decades the Union will face a growing share of the population consisting of citizens aged 65 years and above, while the share of the population being of working age is projected to decrease during the same time period;
- I. whereas the Fitness Check states that the current Union rules on legal migration have had limited impact in relation to attracting the skills and talents needed for the Union labour market and economy and that the current legal framework is “fragmented and presents a number of gaps, as well as implementation problems”;
- J. whereas the main findings of the Fitness Check highlight effective legal migration policies as being key in the management of migratory flows;
- K. whereas Commissioner Ylva Johansson stated on the occasion of the launch event of the talent partnerships on 11 June 2021 that the Commission’s strategic objective is to replace irregular migration with legal pathways¹⁷;
- L. whereas visa measures can act as a positive incentive in the engagement with third countries; whereas the full implementation of the recently revised Visa Code¹⁸ and

¹⁵ <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/ddn-20210325-2#:~:text=On%201%20January%202020%2C%2023,5.1%25%20of%20the%20EU%20p opulation.>

¹⁶ https://ec.europa.eu/info/sites/default/files/demography_report_2020_n.pdf.

¹⁷ https://ec.europa.eu/commission/presscorner/detail/en/ip_21_2921.

¹⁸ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ L 243, 15.9.2009, p. 1).

additional efforts on visa facilitation with third countries are part of a comprehensive approach to migration policy outlined in the New Pact on Migration and Asylum; whereas more cooperation and exchange of information would help to detect visa abuse;

- M. whereas the partnership frameworks between Member States and third countries can serve as a crucial tool in the acceleration of mutual recognition of skills and qualifications of legal labour migrants;
- N. whereas several Member States have already entered into successful partnerships with third countries to create a legal pathway for labour migration and to match labour market demands on a smaller scale through pilot projects; whereas talent partnerships should build upon positive lessons learned from these projects;
- O. whereas the renewed European Partnership for Integration with social and economic partners looks into expanding future cooperation to the area of labour migration;
- P. whereas the mismatch of skills on the Member States' labour markets has proven very costly for the Union, causing its economy to lose over 2 % of productivity per year according to a study from the European Economic and Social Committee from 2018¹⁹; whereas that study states that the mismatch occurs on all skill levels, ranging from cooks and truck drivers to medical doctors and teachers; whereas that study asserts that the current legislative schemes are insufficient to ensure that the Union remains economically competitive in the short, medium and long-term and to meet the demands of the Member States' labour markets;
- Q. whereas in 2017 there were around 3,1 million third-country nationals holding an EU long-term residence permit compared to around 7,1 million third-country nationals holding a national long-term residence permit²⁰;
- R. whereas the two main objectives of Directive 2011/98/EU are the facilitation of application procedures for a combined work and residence permit and equal treatment; whereas the evaluation of that Directive as part of the Fitness Check and its implementation report identified a number of shortcomings with regard to the achievement of those objectives; whereas, to address those shortcomings, the Commission in the New Pact on Migration and Asylum announced a number of new initiatives, including a revision of that Directive;
- S. whereas technical developments have transformed the way the world works and has created a situation in which many Union workers and self-employed persons work remotely; whereas remote workers are currently stuck in a legal grey area because they cannot apply for a traditional work permit in a Member State²¹;

¹⁹ <https://www.eesc.europa.eu/en/news-media/press-releases/skills-mismatches-eu-businesses-are-losing-millions-and-will-be-losing-even-more>.

²⁰ <https://ec.europa.eu/migrant-integration/librarydoc/report-on-the-implementation-of-directive-2003/109/ec-on-the-status-of-long-term-foreign-residents>.

²¹ <https://www.etiasvisa.com/etias-news/digital-nomad-visas-eu-countries#:~:text=The%20digital%20nomad%20visa%20allows,are%20reviewed%20with in%2030%20days>.

- T. whereas a number of Member States have launched ‘digital nomad visas’, which aim to facilitate the residence of remote workers or remote self-employed persons within a Member State and to allow them to work²²;
- U. whereas the Union is in the process of a post-pandemic economic recovery; whereas improved legislative schemes on legal labour migration are a decisive factor for the economic recovery of the Union;
- V. whereas, according to the Commission Joint Research Centre study of 23 April 2020 entitled ‘Immigrant Key Workers: Their Contribution to Europe’s COVID-19 Response’, an average of 13 % of workers key for societies are immigrants to the Union, which shows that they played a crucial role as regards the Union's ability to handle the COVID-19 pandemic;
- W. whereas the direct link between the residence rights of legally staying third-country nationals and their employer exposes them to potential labour exploitation; whereas there have been calls to phase out those kinds of permits and instead allow legally staying third-country nationals to change employers without losing their work permits²³;
- X. whereas Directive 2009/52/EC provides for sanctions and measures that can be used against employers exploiting illegally staying third-country nationals who are working; whereas third-country nationals who have entered the Union legally can also be exploited and should benefit from the same level of protection;
- Y. whereas the European Labour Authority has strengthened its cross-border operational capacity to support and strengthen national labour inspectorates and authorities, as well as social partners, in order to promote fair labour mobility and tackle cross-border fraud and abuse;
1. Considers that, in order to face upcoming demographic challenges in Member States with data showing that the share of inhabitants aged 65 years or above is projected to be around one third of the Union population by 2050²⁴, which will produce significant labour shortages at all skill levels²⁵, the Union needs to present new avenues for legal labour migration to the Union, while also taking into account the fact that Member States’ labour markets are different and face different kinds of labour shortages and challenges; is of the view that such new avenues 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 the leader in the fight against climate change; notes that such new avenues should ensure decent working conditions and reduce the exploitation of third-country workers; notes, moreover, that in a scenario where barriers to legal labour migration are reduced and labour market discrimination against third-country workers is diminished, it is estimated that long-run GDP gains of EUR 74 billion per year could be made in the Union²⁶; is concerned that high barriers to legal labour migration entail reduced attractiveness of the Union in the global competition of

²² Ibidem.

²³ <https://picum.org/wp-content/uploads/2021/03/Designing-labour-migration-policies-to-promote-decent-work-EN.pdf>.

²⁴ Ageing Europe — looking at the lives of older people in the EU — 2020 edition

²⁵ <https://www.eesc.europa.eu/en/news-media/press-releases/skills-mismatches-eu-businesses-are-losing-millions-and-will-be-losing-even-more>.

²⁶ Navarra, C. and Fernandes M.: [Legal migration policy and law - European added value assessment](#), European Parliamentary Research Service, 2021, with annexes I and II.

workers of all skill levels; highlights that the introduction of new legal channels for migrants to enter the Union for work could generate up to EUR 37,6 billion in GDP gains per year²⁷;

2. Requests that the Commission submit, by 31 January 2022, on the basis of Article 79(2) TFEU, in particular points (a) and (b) thereof, a proposal for an act that would serve as a package of proposals to facilitate and promote entry into and mobility within the Union for legally migrating third-country nationals applying for work or already holding a work permit and that, by aligning provisions across the existing legal migration directives, would serve to reduce bureaucracy, enhance harmonisation, promote fundamental rights, such as equal treatment, and prevent labour exploitation, following the recommendations set out in the Annex to this Report; notes that such a new act supporting legal labour migration from third countries and a greater degree of mobility remains one of the main answers to the current mismatches between labour supply and demand;
3. Considers that the creation of a Union talent pool for third-country nationals who wish to apply for work with a view to migrating legally to a Member State, as well as for Union-based employers to search for potential employees in third countries, would be an essential tool for achieving the purpose of the proposed act and calls on the Commission to include the creation of such a talent pool in its proposal; proposes that the Commission include, within the talent pool, a Union talent remote network that would allow third-country nationals to work remotely in a Member State other than the one in which they are residing and the Commission and the Member states to work together to better understand the benefits and challenges of hiring third-country nationals talent remotely, and promote fair remote hiring of international talent; points out that such a network would be optional for Member States to use;
4. Supports the Commission's statement in its communication of 23 September 2020 on a New Pact on Migration and Asylum regarding the enhancement of *bona fide* short-term mobility as a complement to legal pathways, especially for the purposes of research or study, in order to improve upstream cooperation with third countries and requests the Commission to explore this direction further;
5. Asks the Commission to take into account Article 15 (1) of the Parliament and Council partial provisional agreement on the Reception Conditions recast Directive, thus reducing the negative impact of forced inactivity until the finalisation of the asylum procedure;
6. Welcomes Directive (EU) 2021/1883 (the revised Blue Card Directive) but considers it insufficient due to the fact that the labour markets of the Union are also in need of low and medium-skilled workers, even though those needs differ; notes that the Union is already dependent on them in essential sectors such as agriculture and healthcare²⁸; calls, therefore, on the Commission to make it a priority to include in its proposal an ambitious admission scheme for low and medium-skilled third-country workers in consultation with social partners and civil society, while reflecting the needs of the Member States; calls on the Commission to include the creation of a framework for validation and recognition of the skills and qualifications of third-country nationals, including vocational training, based on objective and uniform criteria, to facilitate their early integration into the labour market; requests that the framework for validation and recognition of skills and

²⁷ Ibidem.

²⁸ https://knowledge4policy.ec.europa.eu/publication/immigrant-key-workers-their-contribution-europes-covid-19-response_en.

qualification ensure that third-country nationals are consistently treated fairly during the validation and recognition process, enable efficient schemes and procedures, and facilitate obtaining information in an efficient and easy way; encourages the Commission to insist that national authorities continue to share information and best practices with one another; calls on the Commission, moreover, to promote by all means possible, including by means of targeted campaigns, the revised Blue Card Directive, including in start-ups and in the IT sector, where skills are recognised equivalently to qualifications as set out in Article 26, read jointly with Annex I, of that Directive; recalls, however, that Article 79(5) TFEU states that that Article “shall not affect the right of Member States 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”:

7. Considers that the Union is in need of attracting more self-employed persons and entrepreneurs and needs to enhance innovation, for example through youth mobility and nomad schemes; in order for the Union to remain relevant and competitive in the global market, increasing the agility, robustness, stability, and growth of its economy, while creating new economic activity and employment opportunities, calls on the Commission to include in its proposal a Union-wide admission scheme for the entry and residence of self-employed persons and entrepreneurs based on objective and uniform criteria, in particular for those working to establish small and medium-sized enterprises and start-ups, and of highly mobile self-employed third-country nationals, such as artists and cultural professionals; insists that the schemes proposed must include measures that enhance fundamental rights and promote equal treatment for third-country workers; considers that the Commission should introduce a five-year multiple-entry visa allowing that category of third-country nationals to enter the Union for up to 90 days per year;
8. Requests that the Commission include in its proposal a framework for talent partnerships with third countries that Member States could opt into on a voluntary basis, tailored to the situation and the benefit of both the sending and receiving countries in question, which should include vocational training programmes based on skills, in particular aptitude tests, workplace observation and simulations; calls on the Commission to ensure that that framework allows for Parliament to be able to fully exercise its scrutiny and evaluation role and that the proposal includes adequate mechanisms to prevent labour exploitation and ensure equal treatment; highlights that inspiration for the talent partnerships can be found in existing skills-based agreements in Member States and that the talent partnerships should be developed in consultation with relevant organisations both in the Member States and in third countries;
9. Maintains that it is essential to follow a different and balanced approach to the relationship between the Union and third countries in the field of migration; calls on the Union to strive for formal agreements with partner countries on migration mobility;
10. Welcomes the Commission’s planned review of Directive 2011/98/EU; notes that one of the objectives of that Directive is to simplify and harmonise the rules on permits currently applicable in the Member States and to promote equal treatment and that those objectives have not been fully achieved with some of the provisions of that Directive having been implemented in different ways across the Union; considers further that that the Commission should take the necessary steps to ensure first and foremost that that Directive be properly implemented by Member States, secondly that it be amended to allow applications for a single permit to be lodged both from within a Member State and from a third country, and thirdly, in order to further simplify and harmonise the rules, that the procedure for obtaining an entry visa be clearly regulated so as to avoid the situation

where applicants would have to submit the documents needed to obtain a single permit twice and to reduce the dependency of workers and the risk of exploitation; points out that the lodging of an application from within a Member State should only be available if the third-country national holds a residence permit at the time the application is lodged; calls on the Commission to include such amendments to that Directive in its proposal;

11. Requests that the Commission include in its proposal the establishment of a transnational advisory service network, to be managed by the Commission, for legally migrating third-country workers, with each Member State designating a lead authority to process applications and to coordinate the advice and information provided to third-country nationals applying for work in the Union or already holding a work permit; insists that the lead authorities should be responsible for sharing information among Member States on third-country workers, should act as contact points for workers and employers with regard to the talent pool and should provide relevant information to third-country nationals interested in migrating legally to the Union for work; points out that such information could be transmitted either virtually or via relevant bodies present in third countries, such as Member State embassies or Union delegations; asks that the lead authorities be responsible also for close coordination with one another with regard to applications lodged for a single permit to reside and work in accordance with Directive 2011/98/EU in order to avoid double submissions and to encourage employers to consider the possibility of applying for that permit and to support them in that effort; points out that there is a need to facilitate the gathering of data, statistics and evidence and that there is a need for information-sharing between Member States to improve the efficiency and effectiveness of the legal migration *acquis*;
12. Calls on the Commission to include in its proposal an amendment to Directive 2014/36/EU to allow holders of work permits under that Directive a period of three months to seek new employment after having left their previous employer without having their work permit revoked, allowing them to reside legally within the Member State in question until the end of the period they are allowed to stay, but no longer than nine months, as set out in that Directive, provided that they are applying for work at another employer throughout that period; furthermore, in order to avoid labour exploitation, calls on the Commission to encourage Member States to fully apply that provision, thereby delinking residence permits from the employer and the job; calls on the Commission to include in its proposal an amendment to that Directive to allow Member States to renew work permits for the purposes of seasonal work up to a total period of five years;
13. Requests the Commission to include in its proposal an amendment to Directive 2009/52/EC to adapt its scope to include exploited legally residing third-country nationals working in the Union who are victims of conditions that affect their health and safety and violate their human dignity and to improve the enforcement of equal treatment provisions, such as accessible and effective complaints mechanisms and access to justice for all workers in case of exploitation and other criminal offences;
14. Is 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, and requests the Commission to include those amendments in its upcoming revision of that Directive; acknowledges that continuous residence in one Member State is one of the aspects that

promotes the proper integration of a person in a community before that person decides to reside in another Member State; calls on the Commission to include those amendments in its proposal;

15. Is of the view that sufficient funding for the proposals set out in this report is required and considers that the financial implications of the requested proposal should be covered by the relevant Union budgetary allocation;
16. Instructs its President to forward this resolution and the accompanying recommendations to the Commission, the Council and the national parliaments.

**ANNEX TO THE RESOLUTION:
RECOMMENDATIONS AS TO THE CONTENT OF THE PROPOSAL REQUESTED**

Recommendation 1 (on the establishment of an EU talent pool for legally migrating third-country nationals)

- The European Parliament considers 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. Job matching through the EU talent pool should happen on a voluntary basis. The European Parliament considers that such an EU talent pool should establish synergies with the existing framework, and that the legislative act should therefore amend Regulation (EU) 2016/589 in order to expand the current scope of the EURES Portal, established by that Regulation;
- The EU talent pool, as established by the legislative act, should allow third-country nationals to express their interest in and apply for work, while also enabling employers to search for potential employees. Third-country nationals should be able to apply for work where there is a shortage in the Member States' labour markets, after having gone through a transparent and non-discriminatory application and pre-screening process, facilitated by the Union. The EU talent pool would serve as an optional tool that Member States could use to meet the demands of and shortages in the Member States' labour markets that cannot be met by the domestic workforce. The EU talent pool should be complemented by increased coordination between participating national authorities, with the involvement of public employment services and local authorities, and it should take into account national specificities and the different demands of national labour markets. The promotion of the EU talent pool and its usage could be enhanced by targeted information dissemination, promoting the EU talent pool and matching platform in third countries and participating Member States. In that spirit, the Union-wide transnational advisory service network, referred to in Recommendation 6, should facilitate the running of the EU talent pool and serve as a contact point for the EU talent pool in the Member States. Utilising that network, based on the harmonisation of applications, would help to reduce bureaucracy at Member State level. Within the EU talent pool, an EU talent remote network should be set up in order to allow third-country nationals to work remotely in a Member State other than the one in which they are residing, and such remote workers should enjoy equal treatment.

Recommendation 2 (on an admittance scheme for low and medium-skilled third-country workers)

- Given the demographic challenges and the global competition for talent, it is a pressing need for many Member States to improve their attractiveness and to create admission schemes for all skilled third-country workers, not only for highly-skilled workers. With the replacement of Council Directive 2009/50/EC by Directive (EU) 2021/1883 (the revised Blue Card Directive) the Union has taken significant steps to achieve that goal for highly-skilled third-country workers. However, it is imperative that it also achieve that goal for third-country workers considered to be low or medium-skilled in order to fill vacancies and improve matching of the different needs of the Member States' labour markets, as determined by the Member States themselves, and to be consistent in practicing Union values. This will further enhance the Union's economic competitiveness.

- To properly address that issue, the European Parliament calls on the Commission to include, within the legislative act to be adopted, provisions setting up an admission scheme with conditions of entry and residence for low and medium-skilled third-country workers. That scheme should ensure equal treatment in line with the existing Union *acquis* on labour migration and include the creation of a framework within which third-country workers are able to have their skills and qualifications properly recognised and validated for use on the Member States' labour markets. In order to prevent any abuse of third-country workers and to ensure that they are treated equally when working or applying for work in the Union, the European Parliament, while insisting on the proper implementation of Directive 2009/52/EC and its monitoring mechanisms, calls for the Directive to be amended to include legally residing third-country workers within its scope, as set out in Recommendation 8. Furthermore, the European Parliament calls on the proper implementation by the Member States of the relevant existing legal framework on the issue of legal labour migration.

Recommendation 3 (on an admittance scheme for entrepreneurs and self-employed persons)

- Traditionally, work permits are issued in the place where the third-country national already has an offer of employment. However, the European Parliament is of the view that the basis for issuing work permits could be improved and developed further. Along the same lines, the Commission has stated that its objective is to encourage more people to become entrepreneurs, thereby improving the Union's innovation, creativity and economic performance²⁹. Self-employed third-country nationals or third-country nationals working as entrepreneurs might feel that the environment in their country of origin is not conducive for their start-up or for their efforts as entrepreneurs. Through a Union-wide admittance scheme, such third-country nationals could be given an opportunity to migrate legally to the Union and establish themselves and their businesses. Union-level action should strive towards a favourable environment for entrepreneurship, including for third-country nationals and for high common standards with respect to the fundamental rights of entrepreneurs and self-employed persons.
- To that end, the European Parliament considers 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 who establish small and medium-sized enterprises and start-ups, and that that admission scheme should ensure robust safeguards, equal treatment and the protection of fundamental rights. The definitions of 'self-employed person' and 'entrepreneur' vary across the Union, and they should continue to be defined by each Member State in accordance with their national legal traditions and case law.

Recommendation 4 (on the preparation of a framework for talent partnerships between Member States and third countries)

- The European Parliament calls on the Commission to prepare a tailor-made framework for talent partnerships in which Member States can voluntarily participate and to include that in the legislative act to be adopted. The talent partnerships should be open to third-country workers of all skill levels, as well as to students and graduates, and would serve as an efficient tool for Member States to match the skills of workers in third countries with the

²⁹ https://ec.europa.eu/growth/smes/sme-strategy/start-up-procedures_en.

demands of the Member States' labour markets which cannot be met by the domestic workforce. The aim of the talent partnerships is to add another legal channel as a mobility option for third-country nationals who wish to migrate to the Union for work and to tackle the issues of labour market shortages and mismatches across the Union, creating a 'quadruple win' for the Union, third countries, employers and migrant workers. The practical implementation of the talent partnerships would rely on close cooperation with national authorities, labour market institutions, civil society actors and social partners. The Commission should ensure that the European Parliament is able to, on a regular basis, scrutinise and evaluate the functioning of the talent partnerships, as well as to propose recommendations to improve the overall functioning of the framework for talent partnerships.

- A reinforced and more comprehensive approach would offer cooperation with partner countries and help boost mutually beneficial international mobility. It is important that Member States and third countries have equal opportunities to develop the talent partnerships and are able to create a transparent and accessible process for applicants. The talent partnerships should be inclusive and build strong cooperation between the institutions concerned, for example national ministries of labour and education, employers, social partners, and education and training providers. It is important that the Member States strongly engage with the talent partnerships, that the private sector, in particular Union businesses, social partners and relevant civil society actors, be involved and that partner countries have a meaningful sense of ownership.

Recommendation 5 (on the simplification and improvement of Directive 2011/98/EU)

- The European Parliament is of the view that the procedures with respect to Directive 2011/98/EU should be further harmonised for that Directive, in particular its equal treatment provisions, to be fully efficient and properly implemented. Therefore, the European Parliament considers that the legislative act to be adopted should amend that Directive in order to allow for applications for a single permit to be lodged both from within a Member State and from a third country, while engaging both the Member States and third countries in the exchange of information and coordination of the applications lodged, in full compliance with Union data protection standards. However, in order to be able to lodge an application for a single permit from within the territory of a Member State, the third-country national must have a valid residence permit at the time the application is lodged. The European Parliament moreover calls for the clear regulation and streamlining of the procedure for applying for an entry visa in order to avoid the situation whereby applicants would have to submit the documents needed to obtain a single permit twice. The European Parliament furthermore asks the Commission to analyse and reduce the administrative requirements and inefficiencies in permit procedures which prevents migration by legal pathways from responding to real labour market needs. Lastly, the European Parliament considers that the legislative act to be adopted should contain changes that would alleviate the difficulties third-country nationals holding work permits face when changing employment, as they currently are too dependent on the employer and therefore prone to labour exploitation.

Recommendation 6 (on the establishment of a Union-wide transnational advisory service network for legally migrating workers)

- The European Parliament is of the view that systematic cooperation between and engagement with the authorities of Member States and of third countries is required to

enhance legal pathways for labour migration. To achieve that goal, the European Parliament considers that the legislative act to be adopted should establish a transnational advisory service network, managed by the Commission, for third-country workers, with each Member State designating a lead authority to coordinate the advice and information provided to legally migrating third-country nationals applying for work in the Union. The transnational advisory service network should build on existing established networks and services and, if necessary, expand the scope of such established networks and services. The authorities of each Member State should also be responsible for closely coordinating with one another with regard to applications lodged for a single permit to reside and work in the Union in accordance with Directive 2011/98/EU in order to avoid double submissions. The transnational advisory service network should also take into account national specificities and the different demands of national labour markets.

- In addition, each Member State should be responsible for requesting from employers information on third-country workers, in full respect of Union data protection law, in order to enable third-country workers to be connected with the relevant authorities and support services and in order to facilitate the protection of third-country workers and the strengthening of their equal rights and treatment. Moreover, the legislative act to be adopted should ensure that employers provide accurate and timely information about the rights, the relevant authorities and the services available to third-country workers. The transnational advisory service network should facilitate the running of the talent pool, as outlined in Recommendation 1, and relevant civil society organisations, including diaspora communities, should be consulted in the development of the transnational advisory service network.

Recommendation 7 (on amending Directive 2014/36/EU to enable seasonal workers to change employer)

- Promoting professional mobility for legally residing third-country nationals working in a Member State also means protecting them from exploitation. Numerous third-country workers, in particular low-skilled third-country workers, hesitate to leave an exploitative employer because it would mean that they would lose their work permit and right to stay in the Union. This is currently evident in the desperate situation of many workers in different sectors across the Union, such as in the catering, hotel and entertainment sectors, as well as care workers³⁰. Holders of a work permit issued under Directive 2014/36/EU are, in particular, prone to exploitation because they often tend to work within sectors mainly employing low-skilled workers.
- Therefore, the European Parliament considers that the legislative act to be adopted should amend Directive 2014/36/EU to allow holders of work permits under that Directive a period of three months to seek new employment after having left their previous employer without having their permit revoked. The holders should be allowed to reside within the Union until the end of the period they are allowed to stay, but no longer than nine months, as set out in that Directive. The European Parliament recommends that the Commission, at the same time, consider other appropriate amendments to that Directive in order to bring it up to date and in line with other more recent Union legal acts dealing with legal migration,

³⁰ https://ec.europa.eu/home-affairs/minimum-standards-sanctions-and-measures-against-employers-illegally-staying-third-country_en.

including allowing the application to be submitted from within the territory of the Member State, and to further address persistent labour exploitation of seasonal workers.

Recommendation 8 (on amending the Directive 2009/52/EC to include legally residing third-country nationals and to address labour exploitation)

- Directive 2009/52/EC contains several tools that can be used to support irregularly staying third-country nationals working within the Union. The fact that it only covers irregularly staying third-country workers is, however, a substantial flaw. While regularly staying third-country workers enjoy a higher level of protection, mainly by virtue of their legal right to stay within the Union but also through other means, they too can be exploited and remain more vulnerable than Union citizens. Consequently, the European Parliament sees a need to amend Directive 2009/52/EC to enforce a horizontal provision strengthening the effective access to labour rights and to effective remedies through complaints mechanisms and legal procedures and to make that Directive applicable to all third-country nationals working in the Union.

Recommendation 9 (on the need for a revision of Directive 2003/109/EC)

- Holders of EU long-term residence permits face a number of barriers to the exercise of their right to move to and reside in other Member States for work, study or other reasons. This is because the conditions for mobility which EU long-term residents must fulfil in many cases are similar to the conditions other third-country nationals must fulfil for a first-time application for a long-term permit. In 2017, in the 25 Member States bound by Directive 2003/109/EC, there were approximately 3,1 million third-country nationals holding an EU long-term residence permit as compared to approximately 7,1 million third-country nationals holding a national long-term residence permit. It can therefore be concluded that third-country nationals underuse the EU long-term residence permit, meaning that many of them do not enjoy the benefits flowing from having Union status, despite the fact that they would be eligible. The implementation report on that Directive points to the fact that most Member States have not actively promoted the use of the EU long-term residence permits and, as a result, there is no ‘level-playing field’ between the Union legislative scheme and the national equivalent³¹.
- The European Parliament therefore considers that the legislative act to be adopted should amend Directive 2003/109/EC 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. The European Parliament recommends that the Commission, at the same time, consider other appropriate amendments to that Directive to bring it up to date and in line with other more recent Union legal acts dealing with third-country nationals legally staying in the Union. The European Parliament requests the Commission to, as a minimum, include in its proposal a reduction of the number of years required for acquiring an EU long-term residence permit from five to three years, particularly to enhance mobility, and a simplification and harmonisation of procedures. By making such amendments, Directive 2003/109/EC would facilitate intra-Union mobility as well as international mobility to and from the Union and third countries. Lastly, the European Parliament encourages the Commission to conduct a study on the issue of third-country nationals’ turnover rates

³¹ <https://ec.europa.eu/migrant-integration/librarydoc/report-on-the-implementation-of-directive-2003/109/ec-on-the-status-of-long-term-foreign-residents>.

within the Union in order to better understand the reasons for departure from a Member State within the first three years of arrival.