

Public consultation on the future of EU legal migration

Fields marked with * are mandatory.

Introduction

About you

* Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- Gaelic
- German
- Greek
- Hungarian
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish

Swedish

* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

* First name

* Surname

* Email (this won't be published)

* Scope

- International
- Local
- National
- Regional

* Organisation name

255 character(s) maximum

* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

* Country of origin

Please add your country of origin, or that of your organisation.

- | | | | |
|---|--|--|--|
| <input type="radio"/> Afghanistan | <input type="radio"/> Djibouti | <input type="radio"/> Libya | <input type="radio"/> Saint Martin |
| <input type="radio"/> Åland Islands | <input type="radio"/> Dominica | <input type="radio"/> Liechtenstein | <input type="radio"/> Saint Pierre and Miquelon |
| <input type="radio"/> Albania | <input type="radio"/> Dominican Republic | <input type="radio"/> Lithuania | <input type="radio"/> Saint Vincent and the Grenadines |
| <input type="radio"/> Algeria | <input type="radio"/> Ecuador | <input type="radio"/> Luxembourg | <input type="radio"/> Samoa |
| <input type="radio"/> American Samoa | <input type="radio"/> Egypt | <input type="radio"/> Macau | <input type="radio"/> San Marino |
| <input type="radio"/> Andorra | <input type="radio"/> El Salvador | <input type="radio"/> Madagascar | <input type="radio"/> São Tomé and Príncipe |
| <input type="radio"/> Angola | <input type="radio"/> Equatorial Guinea | <input type="radio"/> Malawi | <input type="radio"/> Saudi Arabia |
| <input type="radio"/> Anguilla | <input type="radio"/> Eritrea | <input type="radio"/> Malaysia | <input type="radio"/> Senegal |
| <input type="radio"/> Antarctica | <input type="radio"/> Estonia | <input type="radio"/> Maldives | <input type="radio"/> Serbia |
| <input type="radio"/> Antigua and Barbuda | <input type="radio"/> Eswatini | <input type="radio"/> Mali | <input type="radio"/> Seychelles |
| <input type="radio"/> Argentina | <input type="radio"/> Ethiopia | <input type="radio"/> Malta | <input type="radio"/> Sierra Leone |
| <input type="radio"/> Armenia | <input type="radio"/> Falkland Islands | <input type="radio"/> Marshall Islands | <input type="radio"/> Singapore |
| <input type="radio"/> Aruba | <input type="radio"/> Faroe Islands | <input type="radio"/> Martinique | <input type="radio"/> Sint Maarten |
| <input type="radio"/> Australia | <input type="radio"/> Fiji | <input type="radio"/> Mauritania | <input type="radio"/> Slovakia |
| <input type="radio"/> Austria | <input type="radio"/> Finland | <input type="radio"/> Mauritius | <input type="radio"/> Slovenia |

- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Burkina Faso
- France
- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar /Burma
- Namibia
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- South Korea
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- China
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- Clipperton
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- Congo
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- Saint Lucia

* Publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

Anonymous

Only your type of respondent, country of origin and contribution will be published. All other personal details (name, organisation name and size, transparency register number) will not be published.

Public

Your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution.

I agree with the [personal data protection provisions](#)

About this consultation

Legal migration is a shared competence between the European Union and its Member States. This means that some issues concerning the migration of nationals from third countries to the EU are decided at EU level, while others are decided at national level. In particular, only Member States have the competence to decide on the number of workers from third countries to be admitted in their own labour market.

In the last two decades, the EU has developed a legal framework largely harmonising the conditions of entry and residence for certain categories of migrants, including for labour purposes, such as highly qualified workers (“Blue Card” holders), seasonal workers, and intra-corporate transferees. The EU legal framework also regulates the admission conditions and rights of third-country students and researchers, the right to family reunification, and the conditions and procedures for third-country nationals to obtain a permanent residence right (‘long-term residence’).

For some categories of third-country nationals (highly skilled workers, long-term residents, students, researchers) who legally reside in one EU country, EU law provides also for some facilitations to move to other EU countries. EU legislation has also established a single procedure – and a single permit combining

the authorisation to work and reside – for third-country workers admitted under the national schemes of Member States. Other categories of labour migrants, as well as the self-employed, are not covered by EU law at the moment (and may be covered under national rules).

In March 2019, the European Commission completed an overall evaluation of this legal framework (so-called [Fitness check on legal migration](#)), which led to mixed conclusions. On the one hand, the EU law evaluated was considered “largely fit for purpose”. On the other hand, it was acknowledged that “the current legal migration framework had a limited impact vis-à-vis the overall migration challenges that Europe is facing”, and that “if the EU wants to achieve in full the Treaty objective of developing a common legal migration policy as a key element of a comprehensive policy on management of migratory flows, these issues will need to be addressed in future through a wide range of measures”. In particular, the Fitness check concluded that there are a number of inherent shortcomings in the EU legal migration system (e.g. fragmentation, limited coverage of EU rules, inconsistencies between different directives, complexity of procedures, incorrect implementation) that could be addressed through measures ranging from better enforcement to new legislation.

Next steps on EU legal migration policy will need to take into account the immediate **impact of the COVID-19 crisis**. The travel restrictions imposed by all EU countries following the COVID-19 outbreak have implied a temporary closure of most labour migration channels, and the administrative capacity of national migration and consular authorities have also been affected. The long-term impact of these measures is not yet clear and will depend on numerous factors. However, the EU is already experiencing higher unemployment rates as a consequence of the COVID-19 crisis, meaning that demand for labour overall might be lower in the near future. At the same time, structural as well as new and more specific shortages will persist/re-occur, for example in the case of ICT professionals, seasonal workers in agriculture, or health professionals/care workers. These are economic sectors that normally rely heavily on third-country workers. In some EU countries, the temporary closure of legal migration channels has also led to measures to grant residence permits to third-country workers who are already in their territories but in an irregular situation.

In its **Pact on Migration and Asylum**, the Commission announced three sets of measures on legal migration, based on the most immediate recommendations emerging from the 2019 Fitness check, while taking into account the lessons learned in this area from the COVID-19 crisis. These measures aim to respond to the overall objective of attracting the labour migrants that the EU needs, and include: 1) a revision of the Directive on long-term residents to create a true EU-wide long-term residence status, in particular by strengthening the right of long-term residents to move and work in other Member States; 2) the development of an EU Talent pool that would help matching the third-country skilled workers wishing to move to the EU with the needs of the EU employers; 3) a review of the Single Permit Directive to simplify and harmonise procedures for admission and residence conditions for low and medium skilled workers.

This public consultation aims to identify **further areas where the existing EU framework could be improved in the longer term**, based on the most forward-looking recommendations from the 2019 Fitness check. It invites views on developing new ideas to boost the EU's attractiveness, facilitate skills matching, and better protect labour migrants from exploitation. The results of this consultation will help the Commission to decide what initiatives are needed to address the long-term challenges in this area.

If you wish to submit a more detailed contribution, you can upload a document (e.g. a **position paper**) at the end of the questionnaire.

* **1.** In which **occupations** do you think that the EU will mostly need to recruit third-country nationals in the coming years, also taking into account the economic impact of the COVID-19 crisis?

- Science and engineering professionals (e.g. engineers, architects)
- Health professionals (e.g. doctors, nurses)
- Information and communications technology professionals (e.g. software developers, analysts)
- Customer services clerks (e.g. client information workers)
- Personal service workers (e.g. cooks, waiters, hairdressers, housekeeping supervisors)
- Personal care workers (e.g. childcare workers, personal care workers in health services)
- Building and related trades workers (e.g. painters, building frame workers)
- Cleaners and helpers (e.g. domestic, hotel and office cleaners)
- Agricultural, forestry and fishery labourers

Other occupation (please use [ISCO nomenclature](#))

70 character(s) maximum

2. In your view, what new initiatives on legal migration should the EU take in the next years?

a) provide **practical measures** to support Member States authorities, employers, and prospective migrants (*choose one or more if you agree*):

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
* coordinating the national migration policies by establishing priorities and guidelines at EU level while leaving Member States the flexibility to implement them	<input type="radio"/>				
* funding labour migration projects between Member States and third countries	<input type="radio"/>				
* improving information on legal pathways	<input type="radio"/>				
* improving the systems to recognise professional qualifications and validate professional skills acquired in third countries	<input type="radio"/>				

* supporting the exchange of good practices to reduce administrative burdens in the application procedures for residence permits	<input type="radio"/>				
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Other measures (please specify)

150 character(s) maximum

b) introduce **new legislation** to harmonise at EU level the admission and rights of **those categories of workers that are not yet regulated at EU level** (*choose one or more if you agree*):

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
* domestic workers/care givers (<i>working in a household and performing tasks such as cleaning, cooking, washing, taking care of children, or elderly or sick members of a family</i>)	<input type="radio"/>				
* highly mobile workers (<i>such as workers in the transport and arts sectors who perform their work for short periods in different EU Member States</i>)	<input type="radio"/>				
* service providers from outside the EU (<i>persons that need to be in the EU for a limited period in the framework of a contract for the provision of services, but do not have a work contract in the EU</i>)	<input type="radio"/>				

Other categories (please specify)

70 character(s) maximum

* c) introduce **new legislation** to harmonise at EU level the rules for the admission of **all third-country workers** by developing a comprehensive **EU legal migration code**, replacing all existing directives on labour migration

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

* d) develop a combination of both some practical and legislative measures

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

* 3. Do you think that the EU should introduce rules allowing the admission of third-country workers without a concrete job offer, permitting them to **search for a job** subject to certain conditions (such as demonstrating a certain level of qualifications /skills, and having sufficient resources to support themselves)?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

4. The European Commission, [together with the OECD](#), has assessed whether the EU could be made more attractive for third-country workers with the skills Europe needs by building an **EU talent pool**, taking inspiration from ‘Expression of Interest’ migration management systems used by Australia, Canada and New Zealand. This would provide a platform through which skilled third-country workers would express their interest in migrating to the EU, and could be selected by EU employers and migration authorities based on their needs.

The Commission announced in the Pact the development of an EU talent pool. In your view, what should be its main objectives?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
* To have an EU-branded gateway for international recruitment, so to make the EU as a whole more attractive for highly skilled third-country workers	<input type="radio"/>				
* To address the existing barriers to international recruitment, in particular for SMEs with unfilled vacancies which cannot afford private intermediation services	<input type="radio"/>				

* To actively involve employers in labour migration schemes, ensuring their labour market needs are reflected.	<input type="radio"/>				
* To help retain highly skilled third-country nationals already legally residing in the EU, e.g. third-country students who just graduated in the EU	<input type="radio"/>				

* 5. Do you think that the 'EU talent pool' could use elements of a **'points-based system'**, where applicants are ranked on the basis of points assigned to different elements (such as already having a job offer, level of education or experience, language skills, age)?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

6. Considering that EU legislation already grants third-country workers who are legally residing in the EU the same working conditions as EU nationals but that in practice this is not always correctly enforced, how could the EU strengthen the **protection of third-country workers' rights** and fight their exploitation?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
* a) developing horizontal EU rules promoting effective labour inspections and a sanction system addressing employers of third-country workers in case of abuses	<input type="radio"/>				
* b) encouraging the development of targeted support measures by public employment services, and the inclusion of third-country workers in active labour market policies	<input type="radio"/>				

Other measures (please specify)

150 character(s) maximum

*

7. Considering that the **employment of irregular migrants** can not only lead to exploitation and social dumping but can also be a disincentive to legal labour migration, do you think that the EU should strengthen its current rules to sanction those employing and exploiting irregular migrants?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

* 8. EU law provides that those third-country nationals who do not have the right to stay in the EU must return, and the Commission is building a stronger EU system to improve the effectiveness of its return policy. At the same time, the travel restrictions introduced world-wide to respond to the COVID-19 pandemic have had a significant impact on the possibility to keep labour migration channels open. Therefore, a number of Member States have adopted regularisation measures for those third-country workers who are already present in their territories in a situation of illegal stay, and framed the conditions for the delivery of temporary permits to prevent the emergence of pull factors. Against this background, and taking into account the possible spillover effects that a regularisation measure in one Member State may have on the others, do you think that the EU should support and coordinate Member States' national approaches in developing balanced **regularisation measures**?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

9. What other measures could be taken at EU level concerning the assessment and criteria for the **regularisation** of third-country workers who are in a situation of illegal stay in the EU?

300 character(s) maximum

* 10. Should the EU introduce new legislation to harmonise at EU level the admission and rights of third-country **entrepreneurs** and to promote the founding

of **start-up companies** by third-country entrepreneurs (*persons that enter the EU to work as self-employed or to start a new business*)?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

* **11.** Should the EU improve the **intra-EU mobility rights of all third-country workers**, by making it easier for those workers who legally reside in one EU Member State to move and work in another EU Member State?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

* **12.** The Commission announced in the Pact a targeted revision of the **EU long-term residents Directive**. Do you believe that the EU should strengthen and promote this Directive and make the current long-term resident status a truly **EU-wide residence status** that includes strengthened intra-EU mobility rights?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

13. Please provide any other suggestions for improving the EU legal migration policy, by elaborating on your answers to the questions above, or by providing further ideas.

500 character(s) maximum

If you wish to submit a more detailed contribution, **you can upload here a document** (e.g. a position paper).

The maximum file size is 1 MB

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed