

FRAGOMEN

**Attracting the highly skilled
- European frameworks and
initiatives**

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With You
Today



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1951

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worldwide

7

Awards for
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immigration

AGENDA

- Introduction
- Fragomen's experience – what are challenges for employers?
- Recent EU labour migration frameworks changes – do they help?
- EU's position in international context – are we attractive?
- Conclusion

>> Focus on the legal labour migration frameworks

Context of EU Labour Migration Framework

Introduction



- ▶ Objectives of the legal migration policy developed from common minimum standards (Tampere 1999) to attracting TCNs for labour needs (Lisbon 2009) to recent focus: New Pact 2020 + Skills and Talent Package 2022



- ▶ Options for harmonisation of EU migration pathways impacted by the choice of the legal instrument = Directive

- ▶ Single Permit Directive 2011/98/EU
- ▶ EU Blue Card Directive 2021/1883
- ▶ EU Intra-Corporate Transferees Directive 2014/66/EU
- ▶ Students and Researchers Directive 2016/801/EU
- ▶ Seasonal workers Directive 2014/36/EU
- ▶ Family reunification Directive 2003/86/EC
- ▶ Long term residency Directive 2003/109/EC



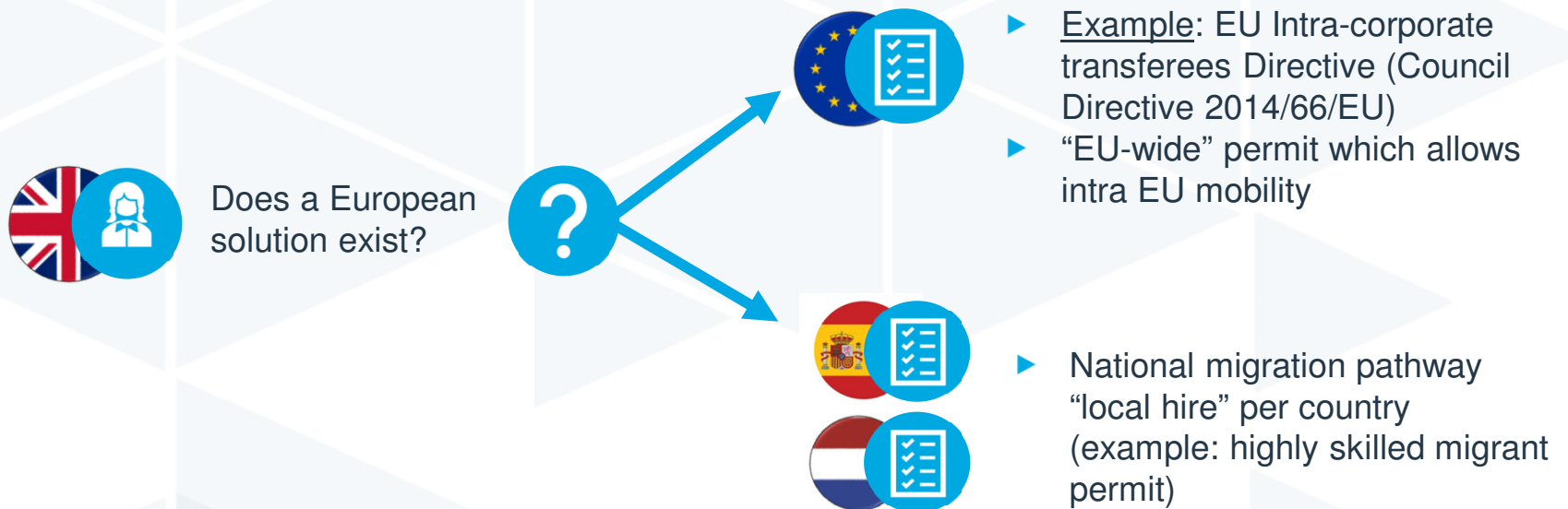
- ▶ Proposal → Transposition → Practice
EU Institutions Member States Court of Justice

AGENDA

- Fragomen's experience – what are challenges for employers?
 - **Example: EU Intra-Corporate Transferees**
- Recent EU labour migration frameworks changes – do they help?
- EU's position in international context – are we attractive?

Which migration path to use for my employee?

First employer challenge: Understanding European vs. National Solutions



European migration solutions such as the EU ICT exist...

What are the rules to be compliant?

Second employer challenge: Comply with varying national legislation



- ▶ Bureaucratic complexity
- ▶ Permit inherent limitations
- ▶ Inconsistent transposition

... but national transposition of Directives brings variation

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- Recent EU labour migration frameworks changes – do they help?
 - Example: EU Blue Card
- EU's position in international context – are we attractive?

Does the recast make the EU Blue Card more attractive?

Many important changes including on:

Directive (EU) 2021/1883 repealed Directive 2009/50/EC on conditions of **entry** and **residence** of third-country nationals for the **purpose** of **highly qualified employment**



Individual eligibility



Access to labour market



Intra-EU mobility



Family reunification



Long term residency

Yes, it is more attractive especially to employees but...

Will it improve the EU's ability to attract and retain highly qualified workers from non-EU countries?

Depends on national transposition and context

- ▶ Varied national implementation (many may clauses)
- ▶ The Blue Card brings advantages for the **employee** – but the Blue Card is employer sponsored!

Competition with national highly skilled worker schemes remains

Limited ability to attract young talent

No far-reaching intra-EU mobility rights

Why would an employer choose it?

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 - **Example: Proposal of an EU Talent Pool**

Could the EU Talent Pool bring the needed labour?

The proposal is demand-driven & just one step in a long process

Considerations from employers' perspective:

- ▶ Is my country participating?
- ▶ Is my occupation on the combined shortage list?
- ▶ Has the National Contact Point registered our company in the system?
- ▶ How do I find my employee?
- ▶ How do I make sure the candidate is qualified enough?
- ▶ **How do I bring them to my country?**



CONCLUSION



European legal framework on (high-skilled) labour migration has more and more impact on national immigration legislation and can support the attraction of workers



EU Member States still have diverse rules and practices on the employment of third country national skilled workers



Failure of proposals like the Long-term residence Directive diminish attraction



Challenging national legislation when not in line with EU legislation takes time – and does hardly serve the immediate interest and labour needs of employers (so hardly done)



Changes to the EU and subsequent national migration frameworks require time – but labour shortages (including among the lower skilled) are already present



New EC Pact on Migration and Asylum and Skills + Talents Package brings new initiatives but as of now no new channels for legal migration



QUESTIONS? COMMENTS?



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Thank You