

ROADMAP	
TITLE OF THE INITIATIVE	EU Immigration Code
TYPE OF INITIATIVE	<input checked="" type="checkbox"/> CWP <input type="checkbox"/> Non-CWP <input type="checkbox"/> Implementing act/Delegated act
LEAD DG – RESPONSIBLE UNIT	DG HOME/B1, Fiona Kinsman (tel. 95928)
EXPECTED DATE OF ADOPTION	Month/Year: 2013
VERSION OF ROADMAP	No: 2 Last modification: Month/Year: 10/2010

This indicative roadmap is provided for information purposes only and is subject to change.
It does not prejudice the final decision of the Commission on whether this initiative will be pursued
or on its final content and structure.

A. Context, problem definition
<p>(i) What is the political context of the initiative?</p> <p>(ii) How does it relate to past and possible future initiatives, and to other EU policies?</p> <p>(iii) What ex-post analysis of the existing policy has been carried out and what results are relevant for this initiative?</p>
<p>The 2009 Stockholm Programme on justice, freedom and security invites the Commission to assess the impact and effectiveness of measures adopted in the area of immigration with a view to determining whether there is a need for consolidating existing legislation including regarding categories of workers currently not covered by Union legislation.</p> <p>This initiative would consolidate five existing Directives in the field of legal migration which relate to</p> <ul style="list-style-type: none"> • Directive 2009/50/EC on the conditions of entry and residence of third country nationals for the purpose of highly qualified employment ("Blue card")¹; • Directive 2005/71/EC on a specific procedure for admitting third country nationals for the purposes of scientific research²; • Directive 2004/114/EC on the admission of third country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service³; • Directive 2003/019/EC concerning the status of third country nationals who are long term residents⁴; • Directive 2003/86/EC on the right to family reunification⁵; <p>Ex-post evaluation results are not yet available for all of the existing Directives. There is already an application report on the family reunification Directive (COM(2008)610) and equivalent reports will be due in 2011 on the Directives on Long Term Residents, Researchers and Students. These reports will allow the identification of problems with the implementation of the Directives.</p> <p>Three other draft Directives which are currently in negotiation in the Council will also be included:</p> <ul style="list-style-type: none"> • Directive on the conditions of entry and residence of third-country nationals for the purposes of seasonal employment ("Seasonal Workers"⁶); • Directive 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 State ("Single Permit"⁷); • Directive on on conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer ("Intra-corporate transferees"⁸).
<p>What are the main problems which this initiative will address?</p>

¹ OJ L 155 of 18.6.2009, p. 17

² OJ L 289 of 3.11.2005, p. 15

³ OJ L 375 of 23.12.2004, p. 12

⁴ OJ L 16 of 23.1.2004, p. 44

⁵ OJ L 251 of 3.10.2003, p. 12

⁶ COM(2010) 379 final

⁷ COM (2007) 638 final

⁸ COM(2010) 378 final

<p>Presently there are 5 directives covering different categories of third country nationals. Although it is not yet possible to identify any specific problems, it is possible that there exist some incoherence between these instruments, as well as gaps.</p> <p>Whether the consolidation will also include modifications to the existing text is not yet decided. This is dependent on the results of the various reports on the application of the legal migration directives, the policy decisions that will follow from the reports and possible legislative proposals in 2011/2012 to amend the existing directives.</p>
Who will be affected by it?
National administrations, third country nationals who have already migrated to the EU, and those who are considering doing so, employers, research institutions.
<p>(i) Is EU action justified on grounds of subsidiarity?</p> <p>(ii) Why can Member States not achieve the objectives of the proposed action sufficiently by themselves? (Necessity Test)</p> <p>(iii) Can the EU achieve the objectives better? (Test of EU Value Added)</p>
<p>Article 79 of the Treaty on the Functioning of the European Union provides an explicit legal base for legal instruments leading to a common immigration policy.</p> <p>The objective of an EU wide common immigration policy cannot be achieved by individual Member States acting alone. This has already been accepted in the context of the existing legal migration Directives.</p> <p>A consolidated legal instrument would facilitate intra-EU mobility in that the rights of the various categories of migrants to become long term residents, with the right to move to another Member State, would be more clearly and coherently set out. A common legal framework laying down common conditions of admission for third country nationals, as well as setting out rights and obligations would prevent the risk of unfair competition.</p> <p>Third-country national nationals and employers would benefit from a common and transparent consolidated European framework.</p>

B. Objectives of the initiative

What are the main policy objectives?
The main objective is to consolidate the existing legal framework on legal migration at EU level in order to improve coherence between the existing instruments and to identify any gaps, including in terms of the categories of people covered.
Do the objectives imply developing EU policy in new areas?
No

C. Options

<p>(i) What are the policy options being considered?</p> <p>(ii) What legislative or 'soft law' instruments could be considered?</p> <p>(iii) How do the options respect the proportionality principle?</p>
<p>The simple codification of existing EU Directives on legal migration; or recast of existing EU Directives on legal migration including any updating, taking into account any necessary modifications. Soft law instruments would not be appropriate in the context of a consolidation of existing legal instruments. It is too early to say whether the exercise would go beyond a routine up-date of existing legislation.</p> <p>The proposed consolidation respects the competence of the Member States to determine the numbers of economic migrants seeking access to the EU as specified in the Lisbon Treaty. Thus, it will be left to each Member State to determine the number of migrants that it admits.</p> <p>The instrument chosen is a Directive, which gives Member States flexibility when implementing it into national law.</p>

D. Initial assessment of impacts

What are the benefits and costs of each of the policy options?
No significant impacts are expected from a simple codification of existing instruments. However, if the codification also includes updating and the introduction of new requirements, this may have significant impacts and require an impact assessment to be carried out. However, it is too early to assess at this stage.
Could any or all of the options have significant impacts on (i) simplification, (ii) administrative burden and (iii) on relations with other countries, (iv) implementation arrangements? And (v) could any be difficult to transpose for certain Member States?

<p>This exercise will lead to simplification, as instead of the current 5 individual Directives there would be one single legal instrument. This would allow clearer and more coherent presentation of common aspects such as procedural rights, equal treatment etc. Increased transparency will result, and it will be easier for individuals to identify their rights and obligations.</p> <p>It is not expected to lead to increased administrative burden, as the legal obligations exist already.</p> <p>Third countries would benefit from the increased transparency and simplification.</p>
<p>(i) Will an IA be carried out for this initiative and/or possible follow-up initiatives? (ii) When will the IA work start? (iii) When will you set up the IA Steering Group and how often will it meet? (iv) What DGs will be invited?</p>
<p>An impact assessment is provisionally planned. Work would start in 2012.</p>
<p>(i) Is any of options likely to have impacts on the EU budget above €5m? (ii) If so, will this IA serve also as an ex-ante evaluation, as required by the Financial regulation? If not, provide information about the timing of the ex-ante evaluation.</p>
<p>(i) No (ii) n/a</p>

E. Evidence base, planning of further work and consultation
<p>(i) What information and data are already available? Will existing impact assessment and evaluation work be used? (ii) What further information needs to be gathered, how will this be done (e.g. internally or by an external contractor), and by when? (iii) What is the timing for the procurement process & the contract for any external contracts that you are planning (e.g. for analytical studies, information gathering, etc.)? (iv) Is any particular communication or information activity foreseen? If so, what, and by when?</p>
<p>There is already an application report on the family reunification Directive, and equivalent reports will be due in 2011 on the Directives on Long Term Residents, Researchers and Students. These reports will allow the identification of problems with the transposition of the Directives into national law and their implementation.</p> <p>The Odysseus network study of 2007 covers family reunification and long term residents. The European Migration Network has also produced a number of reports on immigration policies. Further studies or information gathering is not considered necessary at this stage.</p> <p>An Impact Assessment Steering Group could be set up in the first trimester 2012. Representatives of the Commission's Secretariat General, the Legal Service and the Directorates-General for Employment, Social Affairs and Equal Opportunities, Development and External Relations could be part of the Steering Group. The number of meetings to be organised cannot be defined at this stage. No external contract is currently planned.</p> <p>Precise plans for communication have not yet been developed.</p>
<p>Which stakeholders & experts have been or will be consulted, how, and at what stage?</p>
<p>The Green Paper on an EU approach to managing economic migration was the subject of a public consultation, which included a public hearing on 14 June 2005.</p> <p>130 replies were received from Member States, general public, academia, NGOs, employer organisations etc. Consultations were held as part of the preparation of the reports on the legal migration Directives. When the consolidation exercise is further advanced, further consultation may be considered.</p>