



Informal Justice and Home Affairs Ministers' meeting

18-19 July 2013, Vilnius (Lithuania)

4th ANNUAL REPORT ON IMMIGRATION AND ASYLUM

I. Introduction

The Commission's Fourth Annual Report on Immigration and Asylum (2012)¹ sets out the main developments at the EU level and in the Member States on Immigration and Asylum. As regards **migration**, the recent developments - in particular the progress on the legislative proposals on legal migration (Intra-corporate transferees and seasonal workers), but also non-legislative initiatives such as on migrants' entrepreneurship - are set in the context of a continued difficult economic situation characterised by high unemployment and financial constraints. At the same time, demographic developments continue to be of concern, and some sectors such as health or IT are already facing skills shortages.

The Global Approach to Migration and Mobility (GAMM) continued to serve as the overarching frame for the EU's external migration and asylum policy. Other key initiatives at EU level addressed trafficking of human beings, the situation of unaccompanied minors, as well as effective border management. The EU and Member States' response to migratory pressures are reported into the framework of "the EU action on Migratory Pressures - A strategic response".

The Lithuanian Presidency's priorities are to ensure that the policies of the Union contribute in a real way to a **growing, open and credible** Europe. The presentation of the Annual Report provides a good opportunity therefore to examine how legal migration policies in particular can contribute to that objective.

II. A growing Europe

Taking a wide range of initiatives and means to encourage and contribute to economic growth should be at the core of our political priorities. By appropriately addressing the assets that third-country nationals can contribute to this process would benefit all.

Some sectors are already facing labour shortages. There are around 2 million job vacancies across the EU despite high levels of unemployment. The EU Skills Panorama shows the top bottleneck occupations to be in the fields of Health, Information Communication Technologies, Engineering, Sales and Finance. Such gaps are expected to increase even further as the economy recovers and unemployment rates are reduced. To correctly identify potential future skills gaps will help both better target educational and vocational training for EU citizens and third country nationals alike. For migrants already here, measures like

¹ COM(2013) 422 final and the accompanying Commission Staff Working document SWD(2013) 210 final

training and skills' matching is crucial. To attract new and keep existing talents in a global world, a well-functioning set of rules for legal migration to the EU is fundamental.

Attracting and keeping the appropriate high-skilled talents will help the EU to develop and flourish in a global context; EU needs to do more to become a more attractive destination for the migrants we are seeking. Effective implementation of the **Blue Card Directive**, successful conclusion of the negotiations on the **Intra-corporate transferees Directive**, and quick adoption of the newly proposed **Directive on Researchers and Students** will contribute to this.

Entrepreneurship is key to create sustainable growth and employment. The Commission's Communication "**Entrepreneurship 2020 Action Plan** - Reigniting the entrepreneurial spirit in Europe"² sets out to further support migrant entrepreneurs already present in the EU to improve their chances of successful entrepreneur skills building on best practices.

Discrimination and social exclusion of third country national residing legally in the EU continue, tainted increasingly xenophobic tendencies, continue to pose obstacles to integration. Social dumping through irregular employment practices of and exploitation of irregular migrants and legally residing third-country nationals need to be strongly addressed, including by sanctioning of employers.

Likewise intensive efforts need to be made by Member States, with EU support, on the **integration** of migrants, by increasing their participation to the labour market and to the host society in general. **Non-recognition of qualifications** is an important obstacle in that respect, in spite of existing EU and national legislation on the matter covering also third-country nationals. Over-qualification is about twice as prevalent among foreign-born as among native born workers.

III. An Open Europe

Open Europe means managing Europe's external borders to ease the legal flow of migrants and visitors who come to Europe for work or leisure, positively contributing to the EU economy. Open Europe also means an open dialogue on a global level on migration dialogues, linked to trade and development.

The EU is a single economic space and a single area of free movement, where more than 480 million European citizens can travel, study, work and reside. The right to move for work is extended to third-country nationals by the EU migration legislation, notably for EU Long Term residents, Blue-Card holders and Students and researchers. However some obstacles remain to **intra-EU mobility for third country workers**. When the economy recovers it will become even more important that this intra-EU mobility functions better than today, so now is the time to look into the ways of improving the systems.

The **Global Approach on Migration and mobility** (the GAMM) provides the framework for EU's dialogue on migration at the international level. Much progress has been made in the last years to enhance this dialogue. Mobility Partnerships, Common Agendas for Migration

² COM(2012) 795 final

and Mobility and regional and sub-regional dialogue and cooperation with Africa, Eastern Europe and Asia are key components of this global dialogue.

IV. A credible Europe

A credible Europe means that common rules for legal migration are implemented in a transparent and harmonized way to provide businesses and other potential employers with clear and stable rules, whilst providing flexibility when needed. A credible Europe also entails third-country nationals being well informed of legal migration opportunities, as well as of their rights and duties. A credible Europe encourages and facilitates citizens and third country national's participation in society.

Effective implementation of the EU legislation on legal migration provides for a **transparent, clear and stable legal environment** both for migrants, authorities and businesses, in addition to effective legal implementation of the obligations. Different means of cooperation (exchanges of good practices, cooperation between authorities etc) can support more effective implementation of common provisions.

Transparency and information on options for integration and immigration, as well as information on rights and obligations of migrants, is an important tool for ensuring credible migration policies. Websites like the EU Immigration portal constitute a useful "one-stop shop" for information across the EU on how to make integration and migration work.

Evidence based policy making is a key also to migration policy. Some information is however not systematically collected, notably in relation to intra-EU mobility; this could be improved in order to be able to assess existing obstacles and propose solutions. **Dialogue with social partners** is well established in Europe. The social partners could be further engaged in the dialogue on migration policy to better identify the needs and labour shortage gaps, where migration can play a role. Trade unions as well as employers and business representatives could be engaged in dialogue on improving integration and combating discrimination.

Questions for discussion

Ministers are invited to contribute to the discussion on the basis of the following questions:

- 1. How can the EU's migration policies best contribute to growth and economic recovery as well as to ensure the openness and credibility of the EU and how can the contribution of migrants to the EU economy be maximized?**
 - 2. Can increased opportunities for intra-EU mobility for third country nationals help ensure a workforce better able to respond to needs and help fill shortages where they exist?**
 - 3. What should be the Council's priorities in the period ahead in the light of the findings of the Annual Report?**
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