



Council of the  
European Union

Brussels, 16 October 2020  
(OR. en)

12024/20

LIMITE

JAI 840  
MIGR 119  
SOC 625  
EMPL 452  
EDUC 368

## NOTE

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From:	Presidency
To:	Working Party on Integration, Migration and Expulsion (Admission)
Subject:	The COVID-19 Pandemic: Lessons learned in regard to legal migration - Presidency discussion paper

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## Background

The ongoing COVID-19 pandemic has affected legal migration into the European Union substantially. The travel restrictions that Member States have put in place based on the Commission Communication (2020)115 of 16 March 2020 on temporary restriction on non-essential travel to the EU has led to a dramatic decline of entries into the European Union. At the same time, third country nationals holding visa or residence permits with a limited validity period became overstayers due to a lack of travel options to their home countries. With the ease of the pandemic situation, the Council in its Recommendation (EU) 2020/912 of 30 June 2020 on the "temporary restriction on non-essential travel into the EU and the possible lifting of such restriction", based on a proposal by the Commission, put into place new travel possibilities, particularly for family members, for the purpose of study and for highly qualified workers from third-countries as well as for residents in countries whose epidemiological situation allows for unlimited travel. Yet the issuance of national visa for legal migration remains difficult in countries around the world which still face restrictions to public life due to the pandemic.

Member States have been faced with many questions to help sustain the migration needed for essential purposes and to help third country nationals stranded in the EU. The Commission provided guidance by a number of communications and the possibility for more coordination of Member States efforts through the "COVID-19/Corona Information Group – Home Affairs" meetings, which have now been shifted to the Integrated Political Crisis Response (IPCR).

In SCIFA on 15 July 2020, the German Presidency started a structured "lessons learned process" on the challenges for different aspects of migration and migration management caused by the pandemic. As a result, SCIFA asked all relevant Council Working Parties to provide input on lessons and experiences that can be helpful for coping with future crises and for possibly preparing more resilient procedures. Thus, the Presidency aims to provide an opportunity for input in that "lessons learned process" with regard to legal migration.

### **Challenges and Questions for discussion:**

From the Presidency's experiences, the main challenges could be categorized into a number of main issues. The Presidency invites Member States to give their input on the following questions:

1) The travel restrictions made it obvious that Member States - to different extents - rely on immigration of third country nationals for essential functions, such as work in health care or seasonal workers in agriculture.

- **What are the necessary requirements to keep immigration for third country nationals into an essential area of work possible, taking into account legal as well as practical aspects?**

2) Member States had to deal with a large number of third country nationals whose visa or residence permit expired but who were not able to leave the Member State due to world wide travel restrictions.

- **What are your best practices in providing practical solutions for these persons?**

3) Due to the travel restrictions, many national visa expired unused while their holders still intend to come to the Member States. At the same time, many Embassies and Consulates of Member States in third countries are not able to cope with their usual workload during the pandemic and appreciate fast and easy procedures for the re-issuance of such visa. While we do not want to duplicate discussions in the Visa Working Party.

- **Do you see possibilities for easing processes, and what aspects of the normal procedure should be adhered to?**

4) Even on the basis of the Council Recommendation (EU) 2020/912 of 30 June 2020, there are considerable differences in the implementation by Member States regarding the purposes that allow for entries of third country nationals and regarding the entry requirements (e.g. visits of unmarried couples, entry of exchange pupils). This makes it difficult for border police to deal with transit travel, as Member States' border police is not able to have an overview of the specific entry regimes of all other Schengen States when taking their decisions.

- **What are the best practical solutions to that issue?**

5) As the challenges of the pandemic have proven to be manifold:

- **Would you like to give any other input to the "lessons learned process" with regard to legal migration?**