

Brussels, 23 October 2007

## **Attractive conditions for the admission and residence of highly qualified immigrants**

### **Attracting and retaining the highly qualified immigrants needed for the EU economies**

Today the Commission adopted a proposal for a Directive on the conditions for entry and residence of third-country nationals for highly qualified employment. Its aim is to provide Member States and EU companies with additional "tools" to recruit, retain and better allocate (and re-allocate) the workers they need. By doing so, the Commission intends to increase the competitiveness of the EU economy by enhancing the contribution made by legal immigration. This proposal is therefore in line with the objectives set out in the Lisbon Strategy.

EU enterprises have growing difficulties in filling current job vacancies, especially for highly qualified workers. The data is clear: the EU is witnessing an employment growth of 3% per year in high education sectors (1% in other sectors); a change in the occupational structure in favour of highly-skilled non-manual workers and, for these workers, high employment rates coupled with low unemployment rates (83.2% against 4.8%<sup>1</sup>). The scarcity of internal resources – also due to limited mobility of EU citizens and to mismatches between educational and professional choices and labour market needs – has already led ten Member States to set up specific schemes to attract highly qualified immigrants, while many others are considering it.

The EU, however, with 1.72% third-country highly qualified workers of the total of the employed population, lags behind all the other main immigration countries, such as Australia (9.9%), Canada (7.3%), US (3.2%) and Switzerland (5.3%). These figures highlight the difficulty for the EU in attracting – and in certain cases, valorizing – these immigrant workers. If the economic situation in the EU continues to improve, the EU will find itself more and more in need of highly qualified workers. It is therefore time for the EU to act if it wants to reverse this situation at benefit from its advantages.

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<sup>1</sup> Data Eurostat, LFS 2006 – Situation in the EU-15 in 2004 in respect of nationals and EU citizens.

## **Part of the EU's comprehensive migration policy**

Today's proposal is presented in accordance with the December 2005 Commission Communication, Policy Plan on Legal Migration (COM(2005)669), that envisaged, for the period from 2007 to 2009, the adoption of five legislative proposals. They included, a general Framework Directive and four specific directives on labour immigration. This package of legislative measures aims, on the one hand, at laying down simplified admission procedures and conditions for specific categories of migrants (highly qualified workers, seasonal workers, remunerated trainees and intra-corporate transferees); and securing the legal status of third-country workers already residing in Member States on the other. This selective approach was endorsed by the European Council in December 2006, inviting the Commission to present these proposals as part of the comprehensive EU Migration Policy. The two proposals adopted today – the proposal for a Directive on highly qualified workers and for a 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 – are the first two of the five legislative proposals announced in 2005 Policy Plan on Legal Migration. The remaining proposals relating to seasonal workers, remunerated trainees and intra-corporate transferees are planned to be presented in autumn next year.

### **Key elements of the proposal**

As requested by the 2004 Hague Programme, this proposal aims at effectively and promptly responding to fluctuating demands for highly qualified immigrant labour - and to offset present and upcoming skill shortages. It does so by creating a level playing field at EU level to facilitate and harmonise the admission of this category of workers and by promoting their efficient allocation and re-allocation on the EU labour market. It does not create a right of admission; and is demand-driven, i.e. based on a work contract. Member States will therefore maintain control on which type – and on how many – highly qualified workers will enter their labour markets. It also respects the Community preference principle: in particular, Member States that apply the transitional arrangements limiting the free movement of workers from the new Member States shall respect the terms of the Acts of Accession, and therefore shall continue to give preference to workers of the EU-8 and EU-2 over third-country nationals.

Since labour market needs differ from Member State to Member State, the proposed common system combines harmonisation with flexibility in the following ways:

A fast-track procedure for the admission of highly qualified third-country workers based on common criteria: a work contract, professional qualifications and a minimum salary level which has to be at least three times the level of existing minimum wages at national level;

- A specific scheme for "young professionals" has been built in;
- Workers admitted under these schemes will receive a special residence and work permit, called the "EU Blue Card", entitling them to a series of socio-economic rights and to favourable conditions for family reunifications;
- Access to the labour market in the Member State is subject to a restriction for an initial period of two years;
- Holders of a "EU Blue Card" can move to a second Member State for highly qualified work under certain conditions (notably, a work contract) after two years of legal residence in the first Member State;

- In order not to penalise geographically mobile workers, they are allowed to add up periods of residence in different Member States to obtain long-term EC residence.

In order to avoid negative 'brain drain' effects in developing countries, especially in Africa, the proposal promotes ethical recruitment standards to limit – if not ban – active recruitments by Member States in developing countries already suffering from serious brain drain.

### **The EU adding value**

The proposed Directive aims at supporting Member States' and EU companies' efforts to fill gaps in their labour markets that cannot be filled by highly qualified EU nationals. In a market where there is increasing international competition for these workers, Europe can only succeed in attracting "the best and the brightest" if it speaks with one voice. To do so, the proposal will set up a harmonised procedure, lay down common residence conditions and facilitate mobility throughout the EU. Potential immigrants will therefore not have to face 27 different systems, but will know, easily, the conditions to be satisfied in order to be admitted in any Member State. So called "less attractive" Member States could also benefit from the attention given to the EU Blue Card and skills it will bring to Member States due to a higher visibility of the EU as a whole. The "advertising" value of the EU Blue Card will also contribute to its success. In order to further enhance and support the match between demand and supply of highly qualified labour, the Commission will analyse how to set up a database of Blue Card holders and a skill-matching database, in close synergy with the EURES system.

### **Impact assessment**

The proposal is accompanied by an impact assessment which will be published at the following address:

[http://ec.europa.eu/dgs/justice\\_home/evaluation/dg\\_coordination\\_evaluation\\_annexe\\_en.htm](http://ec.europa.eu/dgs/justice_home/evaluation/dg_coordination_evaluation_annexe_en.htm)

To find out more about Vice President Frattini's work please visit his website:

[http://www.ec.europa.eu/commission\\_barroso/frattini/index\\_en.htm](http://www.ec.europa.eu/commission_barroso/frattini/index_en.htm)