

EVALUATION AND FITNESS CHECK (FC) ROADMAP			
TITLE OF THE EVALUATION/FC	REFIT - Legal Migration Fitness Check		
LEAD DG – RESPONSIBLE UNIT	DG HOME.B.1	DATE OF THIS ROADMAP	01/09/2016
TYPE OF EVALUATION	Fitness Check	PLANNED START DATE	09 / 2016
	Intermediate	PLANNED COMPLETION DATE	01 / 2018
	Mixed	PLANNING CALENDAR	http://ec.europa.eu/atwork/key-documents/index_en.htm#planned2011
This indicative roadmap is provided for information purposes only and is subject to change.			

A. Purpose
(A.1) Purpose
<p>The purpose of the Fitness Check is to evaluate and assess the existing EU legislation on legal migration with a view to identify gaps and inconsistencies and to consider possible ways of simplifying and streamlining the current EU framework in order to contribute to a better management of legal migration flows¹.</p> <p>The results of the Fitness Check will be used as a basis to assess what actions (both legislative and non-legislative) might be required to improve the coherence of the legal migration legislation, as well as its effective and efficient application. The results of the evaluation will also be used to consider whether there is any mismatch between the scope of the legal migration acquis and the needs for specific EU rules for other categories not covered by the current rules, such as international service providers (within the context of trade agreements). In addition, the review of the migration <i>acquis</i> will provide a possibility to better attune legal migration policy to economic and social needs of the EU. Any follow-up based on the findings of the Fitness Check will seek to improve existing rules as far as possible, also in the light of the need to prevent and combat labour exploitation².</p>
(A.2) Justification
<p>Checking the regulatory fitness of the existing EU law is part of the objective to ensure robust, coherent and effective EU legislation on legal migration. With the EU population progressively aging and the working age population shrinking³, a well-managed migration policy is crucial to address demographic challenges, as well as labour and skills shortages, and therefore contribute to the growth of the European economy and the sustainability of its welfare system. Shortages and mismatches have the potential to</p>

¹ See the "European Agenda on Migration", COM (2015)240 final, 13.5.2015, as well as the Communication "Towards a reform of the Common Asylum System and Enhancing Legal Avenues to Europe", COM(2016)197 final, of 6.4.2016.

² See COM(2016)197 final.

³ European Commission "[The 2015 Ageing Report EUROPEAN ECONOMY 3|2015 Economic and budgetary projections for the 28 EU Member States \(2013-2060\)](#)"

limit growth, productivity and innovation and thus slow down Europe's continued economic recovery and limit competitiveness.⁴ In parallel to this exercise on legal migration the Commission is also working on better using and upskilling the already available workforce in Europe to fill such shortages and mismatches, alongside intensified work on integration of third country nationals⁵.

The Fitness Check on legal migration was first announced in the 2013 REFIT Communication⁶ and in the 2014 REFIT Scoreboard⁷. It was specified that it should cover the EU Blue Card (2009/50/EC⁸), Long-Term Residents (2003/109/EC)⁹ and Single Permit (2011/98/EU)¹⁰ Directives.

The 2014 Scoreboard also stated that the scope might be reviewed upon launch of Fitness Check in 2016. This planning was confirmed in the 2015 Commission Staff Working Document "Regulatory Fitness and Performance Programme (REFIT): State of Play and Outlook"¹¹, accompanying the Communication on Better Regulation for Better Results – An EU Agenda adopted on 15 May 2015.

Both the 2015 European Agenda on Migration and the 2016 Communication on the future developments of asylum and migration policies¹² confirmed the need to carry out a Fitness Check of the legal migration legislation, to evaluate any possible gaps and inconsistencies with a view to develop a more comprehensive policy and contribute to an effective management of migration flows.

Considering this overall objective, the scope of evaluation is extended to *all* existing legal migration Directives, i.e. also the Directives on Family Reunification (2003/86/EC¹³), Seasonal Workers (2014/36/EU)¹⁴, Intra-Corporate Transferees ("ICTs") (2014/66/EU)¹⁵ and Students and Researchers (Directives 2004/114/EC¹⁶ and 2005/71/EC¹⁷, and Directive (EU)2016/801¹⁸, recasting these two Directives). The nature and depth of the assessment will, however, differ depending on the period during which each legal instrument has been effectively implemented, as further explained below.

The Fitness Check will also contribute to fulfilling the legal obligations of the above-mentioned Directives to review their functioning (see notably Article 19 of Directive 2003/86/EC, Article 24 of Directive 2003/109/EC, Article 21 of Directive 2009/50/EC, Article 15(1) of Directive 2011/98/EU, Article 27 of Directive 2014/36/EU and Article 25 of Directive 2014/66/EU).

⁴ See the Impact Assessment carried out in the context of the Blue Card review (SWD(2016)193/94 of 7.6.2016): http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/directive_conditions_entry_residence_third-country_nationals_highly_skilled_employment_impact_assessment_part_1_en.pdf.

⁵ See the Action Plan on the integration of third country nationals (COM(2016) 377 final, 7.6.2016) and the New Skills Agenda for Europe COM(2016)381.

⁶ Regulatory Fitness and Performance (REFIT): Results and Next Steps COM(2013) 685 final, 2.10.2013, p. 13 of the Annex.

⁷ COM(2015)368 final, of 18.6.2015, with accompanying SWD(2014)192. Staff Working Document accompanying the Communication on "Regulatory Fitness and Performance Programme (REFIT): State of Play and Outlook"

⁸ Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment ("EU Blue Card") OJ L 155, 18.6.2009, p.17.

⁹ Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, OJ L16, 23.1.2014, p.44. Revised to extend the scope to include beneficiaries of international protection by Directive 2011/51/EU, OJ L 132, 1. 9.5.2011, p.1.

¹⁰ Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 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).

¹¹ SWD(2015) 110 final of 19.5.2015

¹² See footnote 1

¹³ Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, OJ L 251, 3.10.2003, p. 12.

¹⁴ Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers. OJ L94, 28.3.2014, p.375.

¹⁵ Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer. OJ L 156, 27.5.2014, p.1.

¹⁶ Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service OJ L375, 23.12.2004, p.12

¹⁷ Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research. OJ L289, 3.11.2005, p.15

¹⁸ Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purpose of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast). OJ L 132, 21.5.2016, p.21.

B. Content and subject of the evaluation

(B.1) Subject area

The EU regulatory policy on legal migration is laid down in several 'sectorial' Directives relating to third-country nationals' admission to and residence in an EU Member State. The Directives cover different categories of third-country nationals (**personal scope**) and regulate different stages of the migration process :

- Family reunification Directive (2003/86/EC): regulating admission and residence of family members of third-country nationals (sponsors) legally residing in Member States.
- Long-Term Residents Directive (2003/109/EC): allowing third-country nationals who have legally and continuously resided in a Member State for 5 years to obtain an "EU long-term resident" status and associated rights.
- EU Blue Card Directive (2009/50/EC): regulating admission and residence of highly skilled third-country workers, and their families.
- The Single Permit Directive (2011/98/EU): establishing EU rules for a single application/permit and equal treatment provisions for third-country workers. It is a "framework" or "horizontal" Directive that covers third-country workers also admitted to a Member State according to national migration law.
- Seasonal Workers Directive (2014/36/EU): regulating admission and stay of third-country nationals admitted temporarily to carry out seasonal work.
- Intra-Corporate Transferees Directive (2014/66/EU): covers third-country workers, and their families, employed outside of the EU by a group of undertakings and posted to a subsidiary in an EU Member State for maximum 3 years.
- Students and Researchers Directive (2016/801): covering the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast of Directives 2004/114/EC on students and 2005/71/EC on researchers).

Most of these Directives cover the different steps in the migration process notably (**material scope**):

- Information about migration possibilities (transparency);
- Procedures and conditions for admission;
- Rights to equal treatment with nationals (including working conditions, pay, health and safety, social security, tax benefits, access to goods and services, education and vocational training, recognition of qualification);
- Rights based on the permit (such as the right to work and access to the labour market, the right to enter into and reside in the territory of a Member State);
- Situation of family members (general rules are included in Directive 2003/86/EC and for some categories of TCNs there are more favourable rules in the specific Directives)
- Intra-EU mobility (for some categories);
- End of stay and departure, including circular migration.

There are, however, differences in the personal scope (categories of third-country nationals covered) and in the material scope (aspects regulated) between the different Directives as set out in Annex II. For instance, the Single Permit and the Long-Term Residents Directives do not include conditions for initial admission from a third country.

(B.2) Original objectives of the intervention

Background and context:

The Amsterdam Treaty, which entered into force in 1999, moved migration policy from an essentially "intergovernmental" approach into the "first pillar" of the Union policy. Back in 2000, the first Communication on a "Community Immigration Policy" was adopted¹⁹, highlighting the key objectives in the field of legal migration, i.e. to "establish a clear definition of the conditions of admission and of residence of third country nationals" and to ensure "fair treatment of third country nationals".

A proposal was tabled in 2001 for a "horizontal" Council Directive on the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed activities²⁰. It was stated that the new legal framework approach needed to be based upon the following principles: transparency and rationality, differentiating rights according to length of stay, flexible scheme for a limited number of statuses, application and assessment procedures and availability of information. This proposal was, however, rejected by the Council – at the time sole legislator – and withdrawn by the Commission in 2006.

As a consequence, a "sectorial" approach was pursued and a number of Directives for specific categories of third-country nationals were proposed and subsequently adopted.

The Lisbon Treaty, which entered into force in December 2009, extended the qualified majority voting and conferred co-legislative powers to the European Parliament in this area. It also confirmed that, while the EU has the competence to harmonise admission conditions, procedures and rights of third-country nationals, Member States retain the possibility to control the volumes of migrants being admitted from third countries for the purpose of work. Moreover, for some categories of third-country nationals, notably long-term residents and highly skilled workers (under the Blue Card Directive²¹), Member States are currently allowed to maintain parallel national schemes, which interact with the implementation of the Directives.

Objectives of the legislation in force:

The legal migration legislation currently in force has the overarching objective of effectively managing legal migration flows as well as of ensuring the fair treatment of third-country nationals. Several Directives also contribute to the wider aims of fostering competitiveness and growth in the EU, by ensuring that third-country nationals can contribute to addressing shortages within the EU labour market.

The specific objectives of the various Directives differ, depending on the category of third-country nationals addressed and the different aspects of the migration process covered, and are the following:

- **Family Reunification Directive (2003/86/EC):** in order to protect the right of third-country nationals legally residing in the Union to establish or preserve family life, this Directive defines the common rules for exercising this right, as well as the minimum rights of family members admitted under these rules.
- **Long-Term Residents Directive (2003/109/EC):** it determines the terms for granting and withdrawing long-term resident status (after 5 years) and the rights pertaining thereto, as well as the terms for the exercise of rights of residence by long-term residents in other Member States. The Directive imposes an obligation of equal treatment of long-term residents with nationals regarding several social and economic rights. Its aims are to endow long-term residents with a status similar to that of Member States' nationals, to ensure their integration into the society they live in and enable long-term residents to be part of the Union's labour market.
- **EU Blue Card Directive (2009/50/EC):** it introduces a specific admission and residence scheme for

¹⁹ COM(2000)757 final of 22.11.2000

²⁰ COM (2001)386 final of 5.9.2001, OJ C 332 E, 27.11.2001, p. 248

²¹ The Commission proposal for a revision of the EU Blue Card Directive of 7.6.2016 proposes to abolish parallel schemes.

highly skilled third-country nationals and their family members and ensures they have equal treatment with nationals in terms of several social and economic rights. The aims are creating a system that attracts and retains highly qualified third-country workers who can contribute to the EU labour market, supporting efforts for the EU to be a competitive and dynamic knowledge-based economy. It also aims at facilitating occupational and geographical (intra-EU) mobility for EU Blue Card holders and to ensure attractiveness of the EU as a destination by providing also favourable conditions for family reunification and spouses' access to work. Furthermore, it aims at ensuring ethical recruitment from developing countries.

- **Single Permit Directive (2011/98/EU):** it lays down a single application procedure for issuing a single permit for third-country nationals to work in the territory of a Member State and a common set of rights for third-country workers legally residing in a Member State, also for those admitted under national laws. The aims are to facilitate the application procedure, and to avoid exploitation of third-country workers which would distort the conditions on the labour market.
- **Seasonal Workers Directive (2014/36/EU):** the objectives are the introduction of specific conditions on entry and stay for the purpose of seasonal work by third-country nationals and the definition of their rights as seasonal workers. This includes ensuring their effective protection, by guaranteeing their rights and decent working and living conditions.
- **Intra-Corporate Transferees Directive (2014/66/EU):** the objective is to establish specific conditions of entry and residence for the purpose of intra-corporate transfers of third-country nationals. Other objectives include the establishment of rules for family members and for intra-EU mobility. It seeks to contribute to advancing the knowledge-based economy and providing benefits for competitiveness and business in Europe.
- **Directive 2016/801 on research, study, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast):** it determines the conditions of entry and residence of third-country nationals for the purposes of research, studies, training and the European Voluntary Service, and optionally for other voluntary services, au-pairing and school pupils. The aims are to contribute to the acquisition of knowledge and skills, e.g. to promote the Union as an attractive location for research and innovation and to ensure a well-qualified workforce in the future. This recast Directive merges:
 - **Directive 2004/114/EC on students:** the specific objectives were to determine the conditions of admission of third-country nationals for the purposes of study, pupil exchange, unremunerated training or voluntary service²².
 - **Directive 2005/71/EC on researchers:** the specific objectives were the introduction of a special admission procedure and the adoption of conditions of entry and residence applicable to third-country nationals for the purpose of conducting a research project under a hosting agreement with a research organisation.

(B.3) How the objectives were to be achieved

A draft intervention logic is included in Annex I to this roadmap. It shows how the specific objectives related to admission procedures and rights are expected to contribute to the overall objectives of effective management of migration flows and the expected effects of the different activities. The significant external factors which influence the migration flows to the EU are also indicated.

A second annex includes a table with an overview of the internal relationships between the different Directives covered by the Fitness Check. This relationship will be further analysed in the context of the coherence assessment of the Fitness Check (showing how the material scope and personal scope interact). The table also highlights the potential interaction of other EU policy areas with the legal migration

²² Only the rules for study purposes were obligatory.

C. Scope of the evaluation/FC

(C.1) Topics covered

All Directives described under section B2 above will be included in the Fitness check. The relevance and coherence of all directives will be assessed, but the scope and depth of the analysis on other aspects will differ.

For the Directives on Long-Term Residents²³, Family Reunification and the Single Permit, which have been applied for at least three years at the start of this evaluation, an assessment on the basis of the five criteria (Relevance, Coherence, Effectiveness, Efficiency and EU added value) is foreseen.

However, the following Directives that have recently been either adopted, recast or already subject to a review, shall only be partly considered in this Fitnesscheck, since a full assessment of their Effectiveness, Efficiency and EU added value is not appropriate, for the following reasons :

- The EU Blue Card Directive (2009/50/EC) for highly-skilled employment: this Directive was adopted in 2009, and in 2014 was identified as a high priority for review. A proposal for a new Directive was proposed on 7 June 2016²⁴. Due to this recent evaluation, this Directive will not be fully evaluated again, but the evaluation and impact assessment carried out in that context will feed into this Fitness Check.
- The Directives adopted in 2014 (ICTs (2014/66/EU) and Seasonal workers (2014/36/EU)) have not yet been implemented since the transposition deadlines for these Directives are only in the second semester of 2016 and the first statistics on their uptake are not expected before mid-2018. An evaluation of their effectiveness and efficiency and achieved EU added value is not possible at this early stage.
- The Directives on Students (2004/114/EC) and on Researchers (2005/71/EC): whilst the initial Directives on Students and on Researchers were adopted in 2004 and 2005, respectively, a political agreement on their recast (as a separate REFIT activity to streamline them) has been recently reached. It is therefore not possible to fully evaluate the new recast Directive (2016/801) which will only become applicable in May 2018.

Interaction with other EU policies:

A number of other policies and pieces of legislation are also of relevance for the legal migration Directives due to their inter-linkages, in particular in the areas of visas, borders, free movement of persons, asylum, irregular migration, integration, labour law, recognition of qualifications, trade, education, health and external relations. These should therefore be considered when assessing the overall coherence of the policy area. Other initiatives set up by the EU such as the European Migration Network as well as websites like the EU Immigration Portal or the European Integration Website will also be considered in relation mainly to information provision and capacity building.

(C.2) Issues to be examined

All aspects of the migration process as regulated in the Directives must be examined, alongside other aspects that may have an impact on it, such as national policies and other relevant EU policies. As stated

²³ Directive 2011/51/EU amended the Long term residents Directive in 2011, changes that entered into effect in 2013. Although the revised Directive in its entirety can be assessed from the perspective of Relevance and Coherence, it is too early to evaluate further the amendment extending the right to long-term residents to beneficiaries of international protection. It should also be noted that the personal scope of the Fitness Check does not primarily include this category of migrants.

²⁴ See COM(2016)378 final.

in the European Agenda on Migration September 2015 follow-up Communication "a long-term approach must include opening **legal channels for migration**. This is part of establishing a robust system of migration management, and essential if we are to make migration less of a problem to be tackled, and more a well-managed resource for a continent facing a severe demographic decline"²⁵,

Concrete issues to be examined under the evaluation criteria described above are:

1. Horizontal issues

Evaluation of the existing EU acquis on legal migration and assessment as well of the scope for streamlining and improving the EU legal migration management system as a whole

2. Personal scope:

The evaluation will aim at identifying potential gaps in terms of relevant categories of third-country nationals that could benefit from but are not covered by EU legislation. Already identified potential gaps to be further investigated are: certain categories of transport workers, international service providers not linked to commercial presence (contractual service suppliers and independent professionals), admission conditions for medium and low-skilled workers other than seasonal workers (e.g. domestic workers), self-employed workers, non-returnable irregular migrants who are granted a toleration status, investors, and third-country family members of non-mobile EU citizens or citizens of associated countries (EEA and CH).

3. Geographical scope:

The Fitness Check covers 25 EU Member States out of the EU-28, excluding Denmark²⁶, Ireland and the UK²⁷ that do not apply these Directives. Croatia did furthermore not implement the Directives prior to its accession in 2013.

4. Material scope of current acquis

The Fitness Check will assess whether the following stages of the migration management system are adequately regulated to ensure a relevant, effective, efficient and coherent system which has EU-added value.

A. Admission conditions and procedures:

The Fitness Check will assess, among other issues, the possible inefficiencies in admission conditions and procedures (e.g. by simplifying and streamlining the rules) and improving residence conditions (e.g. working and residence rights, family reunification, acquisition of EU long-term status etc.) , which could be changed in a follow-up action.

Furthermore, the evaluation will consider – as regards labour migration Directives – whether the system in place responds effectively to demands for labour in Member States in order to offset skill shortages and demographic challenges such as increasing old-age dependency ratios.

²⁵ COM(2015)490 of 23.9.2015, p. 14.

²⁶ In accordance with Articles 1 and 2 of the Protocol (No 22) on the position of Denmark, annexed to the TEU and to the TFEU, Denmark did not take part in the adoption of these Directives and is not bound by it or subject to its application,

²⁷ In accordance with Articles 1 and 2 of the Protocol (No 21) on the position of the United Kingdom and Ireland, annexed to the TEU and to the TFEU, and without prejudice to Article 4 of that Protocol (allowing for their possible future opt in), those Member States are not taking part in the adoption of these Directives and are not bound by them or subject to its application, with one exception regarding Ireland. The latter has opted out from all Directives except the Researchers Directive (2005/71/EC) and intends not to apply the new Recast Directive. The coverage of Ireland in this study shall therefore be proportionately limited.

B. Rights (equal treatment and rights based on the permit) and access to the labour market

The Fitness Check will assess the coherence among the equal treatment provisions set out in the different Directives to identify possible gaps in the levels of protection granted to the various categories of third-country workers.

The efficiency of current equal treatment measures in the prevention of labour exploitation will also be analysed.

C. Intra-EU mobility

The Fitness Check will assess intra-EU mobility measures set out in the Directives to identify potential barriers which could be removed in any follow-up action and whether current measures allow for an efficient distribution of third-country workers through the EU.

D. Information (transparency)

The Fitness Check will evaluate the transparency of information on the possibilities for migration according to EU Directives. The current monitoring obligations will be considered.

E. End of stay, absence from the EU and departure

The Fitness Check will consider how conditions relating to the end of stay affect the migration management, such as issues related to circular migration, temporary absences from the EU territory or the Member State in question and issues related to overstaying and transition into irregular stay and change of migration status.

The following specific evaluation questions will be asked, with the Relevance and Coherence questions addressing all EU legal migration Directives, and the Effectiveness, Efficiency and EU added value addressing some Directives as indicated above :

RELEVANCE :

EQ 1: To what extent are the objectives of the legal migration Directives and the way they are implemented relevant for addressing the current needs and potential future needs of the EU in relation with legal migration?

COHERENCE

EQ 2: To what extent are the objectives of the legal migration Directives coherent and consistent, and to what extent are there inconsistencies, gaps and overlaps? Is there any scope for simplification?

EQ 3 : To what extent are there inconsistencies, overlaps, gaps and synergies between the existing EU legislative framework and national legal migration legislative frameworks? Is there any scope for simplification?

EQ 4: To what extent are the legal migration Directives coherent with other EU policies and to what extent are there inconsistencies, gaps overlaps and synergies with such policies, including with international trade commitments by the EU and its Member States?

EFFECTIVENESS

EQ 5: To what extent have the objectives of the legal migration Directives been achieved?

EQ 6: What have been the effects of the legal migration Directives, and to what extent can such effects be attributed to the EU intervention?

EQ 7: To what extent do the observed effects of the implementation of the Directives correspond to their objectives?

EQ 8: To what extent did different external factors influence the achievements of the objectives?

EFFICIENCY

EQ 9: Which types of costs and benefits are involved in the implementation of the legal migration Directives?

EQ 10: To what extent did the implementation of the Directives led to differences in costs and benefits between Member States? What were the most efficient practices?

EU ADDED VALUE

EQ 11: What has been the positive effects and results brought in by the EU legislation compared to what could have been achieved at Member State or international level?

EQ 12: To what extent do the issues addressed by the legal migration Directives continue to require action at the EU level?

(C.3) Other tasks

This Fitness Check could lead to recommendations for further policy measures in the field of legal migration, including legislative action.

D. Evidence base

(D.1) Evidence from monitoring

The following Eurostat statistics of relevance are gathered :

- Residence permits issued each year (by reason, including for different types of remunerated activities, for study, family reasons and other) for LTR, EU Blue Cards, Single Permits) as 1st permits, renewals and changed, well as the stock of migrants residing in the EU for different reasons and with different permits.
- Demographic and migration statistics
- Labour market access indicators

A horizontal study will assess both the legal coherence and consistency and – for those Directives already implemented for at least three years - practical application across all Member States and assess all steps of the migration chain (Q2/2016 – Q4/2017)

Other foreseen studies of direct relevance are also foreseen to be delivered in the timeframe, notably as regards entrepreneurship.

(D.2) Previous evaluations and other reports

Impact assessments and underlying studies (if published):

Blue Card – including the [public consultation on the EU Blue Card and the EU labour migration policies](#)

(2016)

Students and Researchers recast (2013)

Seasonal workers (2010)

ICTs (2010)

Single Permit (Delivered 2007)

Studies :

OECD study Recruiting Immigrant Workers: Europe 2016 on the (economic) impact of EU labour migration Directives ²⁸ (2014-2016) (Co-financed by COM)

OECD Study Matching Economic Migration with Labour Market Needs (2014)

Fundamental Rights Agency (FRA) studies, eg. [Severe labour exploitation: workers moving within or into the European Union](#) (June 2015)

European Migration Network (EMN) studies :

Study on Mixed migration flows and change of status (EMN study) (ongoing, to be delivered in 2016)

[Determining labour shortages and the need for labour migration from third countries in the EU](#) (EMN study) (2015)

[Admitting migrants for business purposes](#) (EMN study) (2015)

[Migrant access to social security and healthcare: policies and practice](#) (EMN Study) (2014)

[Attracting Highly qualified and Qualified third-country nationals](#) (EMN Study) (2013)

[Intra-EU mobility of third-country nationals](#) (EMN Study) (2013)

[Immigration of International Students to the EU](#) (EMN study) (2012)

[Misuse of the Right to Family Reunification: Marriages of convenience and false declarations of parenthood](#) (EMN Study) (2012)

[Visa Policy as a Migration channel](#) (EMN Study) (2012)

[Labour Demand](#) (EMN Study) (2011)

[Temporary and Circular Migration: empirical evidence, current policy practice and future options in EU](#)

[Member States](#) (EMN Study) (2011)

Others studies of potential interest concern topics such as : Organisation of polices, Family Reunification, Entry of highly skilled workers, Labour migration: Health Sector, Impact of immigration on EU societies.

Other EMN documents:

Key ad-hoc queries (to be selected)

Other Commission initiatives /reports/studies :

Family Reunification Guidelines (COM(2014)210)

2015 Return Handbook and the "Report on the [study on the situation of third-country nationals pending return/removal in the EU Member States and the Schengen Associated Countries \(annex\)](#)"²⁹

Commission Communication on the Annual Reports on immigration and Asylum (2010-2015) and accompanying Staff working Documents , and national contributions (EMN)

Research on Migration: facing realities and maximizing opportunities. A policy review, ISBN 978-92-79-52977-1 (January 2016)

²⁸ <http://www.oecd.org/migration/recruiting-immigrant-workers-europe-2016-9789264257290-en.htm>.

²⁹ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/return_handbook_en.pdf

http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/irregular-migration-return/return-readmission/docs/11032013_sudy_report_on_immigration_return-removal_en.pdf

<p>Understanding and tackling the migration challenge. The role of research, ISBN 978-92-79-58022-2 (2016)</p> <p>Research&Innovation Projects in support to European Policy. Migration and Mobility, ISBN 978-92-79-53985-5 (2016)</p> <p>Population ageing in Europe. Facts, implications and policies, ISBN 978-92-79-35063-4 (2014)</p>
<p>(D.3) Evidence from assessing the implementation and application of legislation (complaints, infringement procedures)</p> <p>Implementation reports:</p> <p>First implementation report Family reunification (2009)</p> <p>First implementation report Long Term residents (2011)</p> <p>First implementation report Students (2011)</p> <p>First implementation report Researchers (2011)</p> <p>First implementation report EU Blue Card (2014)</p> <p>Conformity studies :</p> <p>Conformity studies – legal migration Directives (ongoing): EU Blue Card, Long Term Residents (final report of April 2016), Family Reunification, Single Permit</p> <p>Evidence from complaints and infringement procedures</p> <p>Key Case Law</p>
<p>(D.4) Consultation</p> <p>The key stakeholders are national administrations, migrants and organisation representing migrants interests, public and private employers, social partners, education institutions, employment matching/recruitment organisations, other relevant local and regional authorities, organisations and authorities of countries of origin.</p> <p>In addition to the four week consultation of this Roadmap, a 12 week public consultation will be organised with the purpose of gathering evidence. This will be concluded in the first 8 months of the study.</p> <p>Furthermore, targeted consultation will also be carried out, addressing existing expert groups such as:</p> <ul style="list-style-type: none"> - the Expert Group on Economic Migration, composed of a balanced group of administration, employers, trade unions and migrants groups and academics, will be consulted and the European Migration Network (with Member States' representatives) - other relevant experts groups set up by the European Commission on specific issues, for instance related to trade, education or transport. - relevant civil society platforms. <p>Other recent consultations will also be taken into account, notably:</p> <ul style="list-style-type: none"> • The results of the public consultation on the EU Blue Card and the EU labour migration policies, carried out between July and September 2015, where relevant for the Fitness check. Results are available at: http://ec.europa.eu/dgs/home-affairs/what-is-new/public-consultation/2015/consulting_0029_en.htm • Other consultation processes (Expert Group on Economic Migration) and the Platform for a Dialogue on Skilled Labour. • A public consultation on the family reunification Directive was carried out in 2011 (Green Paper COM(2011)735 final) and it aimed at determining if the Directive should be modified. It was decided to focus on enhanced implementation instead and, as a result, the Commission produced guidelines on the interpretation of the Directive in 2014 (COM (2014)210 final). The results of the consultation can be used in the Fitness Check to determine possible gaps and inconsistencies in the Directive from

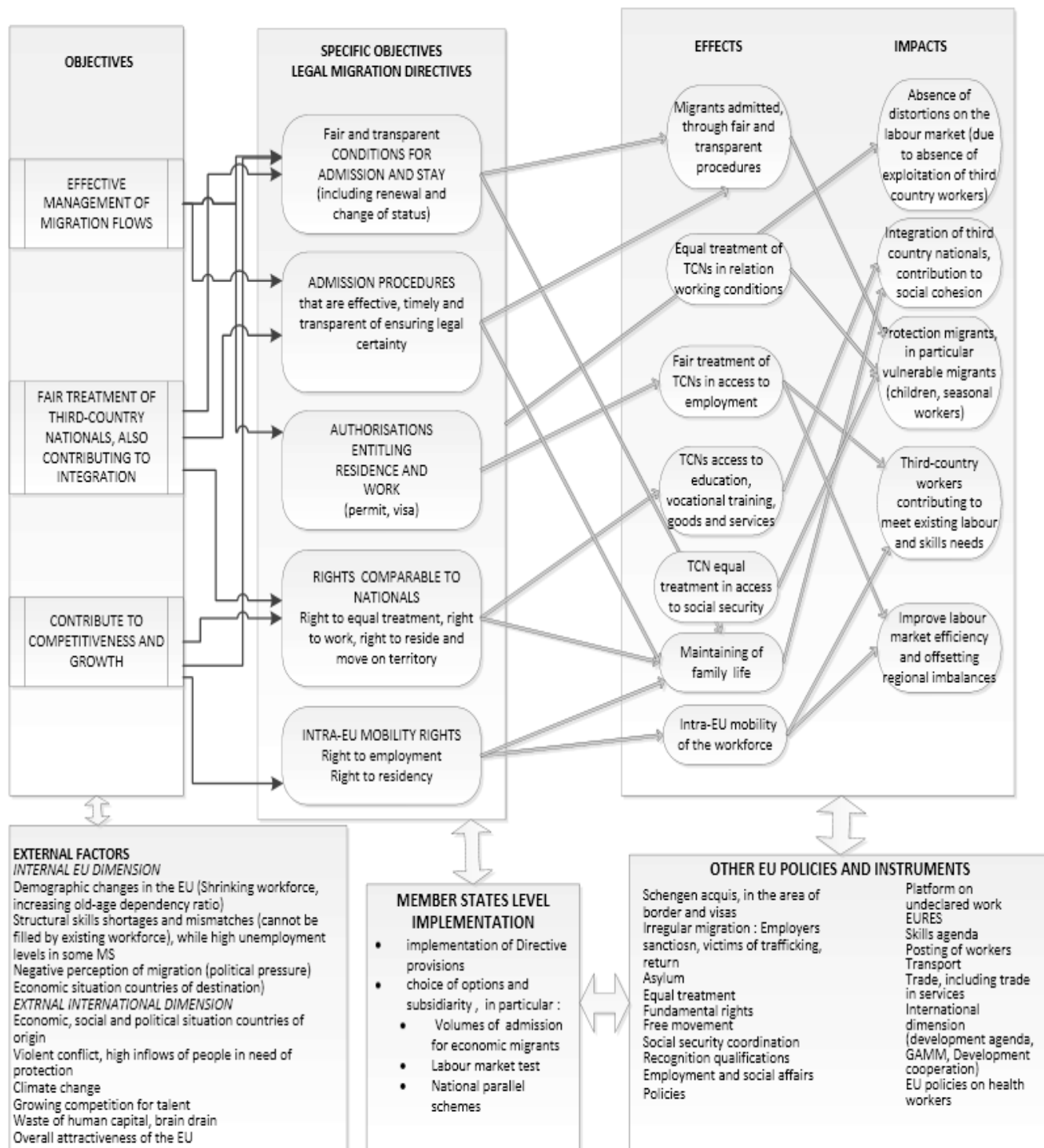
a practical angle.

(D.5) Further evidence to be gathered

- Part of the supporting study to the Fitness Check shall examine the practical implementation of the legal migration Directives by all Member States (inside and outside of their territory)
- Residence permit data for the year 2015 will be made available through Eurostat mid-2016.
- If necessary, ad-hoc queries will be issued to Member States addressing specific questions.

E. Other relevant information/ remarks

n/a



ANNEX II : DRAFT COHERENCE TABLE

Part A of the tables gives an overview of which Directives regulate which aspects, and therefore gives an indication of the issues to consider for the internal coherence between the Directives.

Part B of the table indicate which other EU policies may have an impact on regulating specific aspects of the migration chain, and thereby giving a preliminary indication of which issues to consider in the coherence analysis.

A. Directive /issue	Admission conditions	Admission procedures	Form of permit	Equal treatment	Access to work	Right to family reunification	Intra EU mobility	Other protection
Family reunification	√	√	√	(√)	√	√		
LTR			√	√	√	√	√	√
Students	√	√	√		√			
Researchers (S&R)	√	√	√	√	√	√	√	
EU Blue Card	√	√	√	√	√	√	√	
Single Permit		√	√	√				
Seasonals	√	√	√	√	√			√
ICTs	√	√	√	√	√	√	√	
B. Other policies	Admission conditions	Admission procedures	Permit	Equal treatment	Access to work	Right to family reunification	Intra EU mobility	Other (protection)
Recognition qualification	√	√			√		√	
Social security co-ordination				√			√	
Equal treatment Posted workers				√	(√)ICTs			
Format permits		√	√					
Schengen/visa /borders		√					√	
Employers sanctions				√			√	√
Transport workers	√							
EURES	(√)				√			
Trade	√			√	√		√	
GAMM	√				√	√		
Free movement				√	(√)	√	√	
Health worker policies (DG SANTE)								√ (against brain drain)
Artists								