Legal Migration Fitness Check

Public and stakeholder consultations
EU Synthesis Report

Annex 3Ai

Written by ICF Consulting Services Limited

June 2018

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Directorate General for Migration and Home Affairs
Fitness check on legal migration

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LEGAL NOTICE

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1 Introduction

1.1 Purpose and scope of task III

This report presents the synthesis of the consultations process conducted as part of Task III.

The aim of Task III is to support the consultation process required in order to address the evaluative dimension of the Fitness Check. The consultative process in Task III was designed to help the study team to address questions concerning the relevance, coherence, effectiveness, efficiency and EU added value of the Directives.

As these evaluative questions require judgments to be made, and as these judgments in turn depended on the perspective of different stakeholders, the consultations in Task III covered a wide range of stakeholders through different consultation activities.

Three main forms of consultation were conducted in Task III:

- An Open Public Consultation (OPC), which includes tailored sets of questions for different stakeholder groups.
- Targeted consultations addressing specific groups of stakeholders, including in-depth interviews, focus groups and targeted meetings.
- Expert meetings and other relevant events.

1.2 Report structure

The results of these consultations are summarised according to evaluation criteria and are presented in the remaining sections of this report. The remainder of this report is structured as follows:

- Section 2 provides an overview of the methodological approach utilised in the consultations
- Section 3 provides an overview of the results per evaluation question and per consultation approach
- Section 4 provides a summary of the key points resulting from the consultation

Three annexes provide additional information regarding the consultations

- Annex 1: OPC Questionnaire
- Annex 2: Interview guidelines for stakeholders
- Annex 3: List of Interviews conducted (Task II and Task III)

2 Methodology

This report is based on several consultation methods conducted as part of task III. These are summarised below.

2.1 Approach to the Open Public Consultation

2.1.1 Overview of the OPC

In the context of the Legal Migration Fitness Check[1], the Commission launched an open public consultation (OPC) on the European Union's (EU) legislation on the legal migration of non-EU citizens. The consultation was open to all stakeholders with the aim to collect evidence, experiences, data and opinions to support the evaluation of the existing EU legal framework for the legal entry and stay of third-country nationals in the EU.

[1] https://ec.europa.eu/home-affairs/what-we-do/policies/legal-migration/fitness-check_en

The on-line consultation was accessible from 19 June to 18 September 2017 in 22 official languages on the EUROPA website 'Your voice in Europe'[2].

Following the consultation launch, related promotion and dissemination activities were carried out through different European Commission and external channels:

- Web page: DG HOME's webpage and news article; Dedicated Fitness Check webpage; DG Public Consultations webpage; EC Representations in the Member states and EU Delegations in selected third countries;
- Newsletters;
- Targeted announcement: announced during relevant events and meetings with Member States and stakeholders; by e-mail to Advisory committees and other in the areas of migration, employment, social affairs and education;
- Social media: Twitter and Facebook (via targeted ads and a dedicated page[3])
- Key interested parties, e.g. the European Migration Network; contacts provided by national researchers in EU Member States; international organisations; associations representing third country nationals and business (via targeted emails).

The questions[4] of the consultations covered a variety of issues structured as follows:

- an introductory part to collect background information about the respondents;
- a general part to explore the general views regarding the legal framework for the entry and residence of non-EU citizens in the EU; and
- five specific parts aimed at collecting data and views of specific groups of respondents, namely: (i) non-EU citizens considering to come to the EU; (ii) non-EU citizens residing or having resided in the EU; (iii) employers, business representatives, non-EU companies intending to provide services in the EU; (iv) public authorities; and (v) others (including NGOs, trade unions, interested citizens, and academia).

2.1.2 Stakeholder mapping

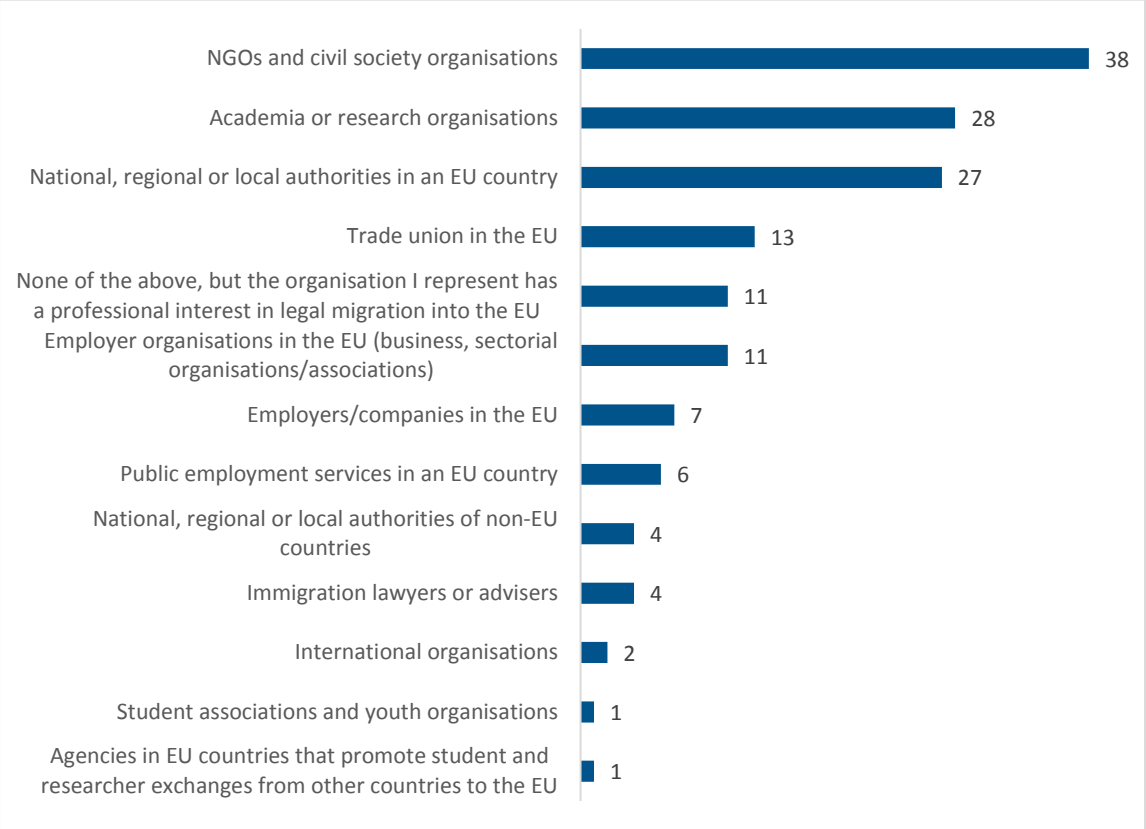
The OPC received a total of 874 responses to the online questionnaire (including 769 open-ended answers) and 51 written contributions (33 received via upload on the EU survey platform and 18 via email). 82% of respondents replied as individuals in their private capacity, and 18% replied in their professional capacity or on behalf of an organisation/ institution. A detailed overview of the types of organisations is provided in the figure below.

[2] https://ec.europa.eu/home-affairs/content/consultation-european-unions-eu-legislation-legal-migration-non-eu-citizens-fitness-check-eu_en

[3] https://www.facebook.com/Legal-migration-by-non-EU-citizens-Public-Consultation-1118387274927898/?fref=ts

[4] Respondents did not answer all questions and sections. The questions were tailored to the different respondent groups. Responses will be published except where confidentiality was requested.

Figure 1. What type of organisation are you representing?



N=153

The OPC received replies from respondents residing across 59 different countries. The large majority of respondents (92% out of 834) suggested that they were a resident of EU Member States, mostly the Netherlands, Germany or Belgium. A detailed overview of the respondents' country of residence is provided below.

Table 1. Country of residence

Country of residence	Number of responses	Percentage
Netherlands	192	23.0%
Germany	131	15.7%
Belgium	85	10.2%
Sweden	56	6.7%
Spain	40	4.8%
Austria	37	4.4%
France	33	4.0%
Greece	29	3.5%
Italy	26	3.1%
Poland	24	2.9%
Portugal	18	2.2%
Czech Republic	17	2.0%
United Kingdom	11	1.3%
Finland	10	1.2%
Lithuania	10	1.2%
44 other countries*	115	13.8%
	Less than 10 per country	Less than 1% per country

N=834

** Further responses were received from respondents residing in: Hungary, Ireland (7 respondents from each country), Bulgaria, Latvia (6), Croatia, Luxembourg (5), Bosnia and Herzegovina, Brazil, Malta, Senegal, Slovenia, Switzerland, Tunisia, United States (4), Cyprus, Norway (3), Albania, Algeria, Australia, Belarus, India, Jordan, Morocco, Philippines, Romania, Russia, Slovakia, Turkey, Ukraine (2), Armenia, Azerbaijan, Canada, Ecuador, Estonia, Ethiopia, Georgia, Iceland, Liechtenstein, Montenegro, Namibia, Serbia, Thailand, Gambia and Vietnam (1).*

Respondents were also asked to specify their nationality. Although 76 different nationalities were stated, a considerable share of 23% of respondents indicated that they were Dutch[5], followed by 12% who said they were German. The share of respondents belonging to the other 74 nationalities varies between 0% and 10%. Table 2 provides a detailed overview.

Table 2. Nationality of respondents

Nationality	Number of responses	Percentage
Dutch	189	22.9%
German	100	12.1%
Russian	55	6.7%
Belgian	51	6.2%
Indian	35	4.2%
Austrian	34	4.1%
Italian	32	3.9%
Greek	29	3.5%
Spanish	27	3.3%
Brazilian	19	2.3%
French	18	2.2%
American	14	1.7%
Portuguese	12	1.5%
Ukrainian	11	1.3%
Nigerian	10	1.2%
Polish	10	1.2%
Swedish	10	1.2%
British	9	1.1%
Czech	8	1.0%
57 other nationalities*	153	18.5%
	Less than 8 of each nationality	Less than 1% of each nationality

N=826

** Further 57 nationalities were reported: Albanian, Canadian, Filipino, Irish, Pakistani (7 respondents of each nationality), Finnish, Lithuanian, Turkish (6), Chinese, Iranian (5), Bangladeshi, Belarusian, Bulgarian, Mexican, Tunisian (4), Algerian, Bosnian, Colombian, Croatian, Cypriot, Jordanian, Latvian, Moroccan, Slovenian (3), Australian Gambian, Guatemalan, Hungarian, Israeli, Malaysian, Norwegian, Romanian, Senegalese, Venezuelan (2), Argentinean, Armenian, Azerbaijani, Chilean, Congolese, Danish, Ecuadorean, Ethiopian,*

[5] Following a large number of respondents indicating they were Dutch, a basic analysis aiming to identify rows of identical entries per question to test a possibility of an organised campaign (providing identical answers to the consultation questions) was conducted. The open-ended answers were inspected for plausible content. While the answers provided by the stakeholders follow a similar tone across questions, there was no large amount of identical answers. Similarly, while the open-ended content does appear to follow a similar tone of answers (rather negative towards migrants in the EU), the answers were regarded as plausible. Further, an internet search did not yield any results regarding a possible campaign or call for replies in the Netherlands; hence, no campaign could be identified at this stage of the analysis.

Georgian, Indonesian, Kenyan, Liechtensteiner, Luxembourger, Macedonian, Maltese, Mauritian, Monacan, New Zealander, Paraguayan Slovakian, Uzbekistani, Zambian, Zimbabwean (1).

2.1.3 Analysis of replies

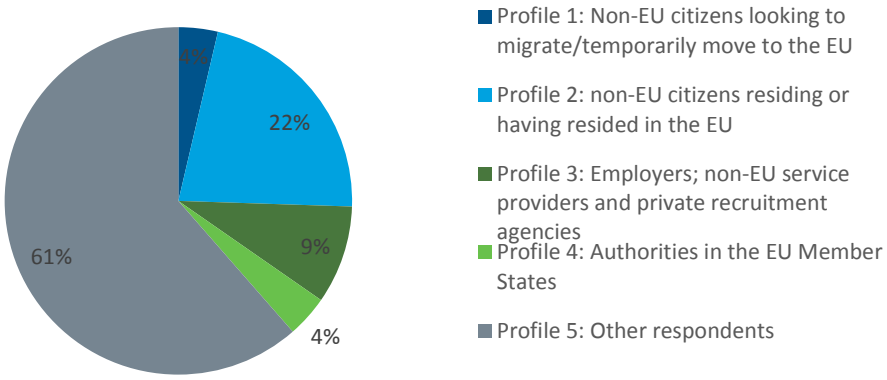
The OPC responses were analysed following the Commissions' better regulation toolbox[6]. The received data was transferred to a 'master' Excel spreadsheet containing responses to both 'closed' and 'open' text questions.

In a first step the data was 'cleaned' removing duplicates and incomplete answers. The data was prepared for analysis by dividing the answers across the five respondent groups following the division of questions in the consultation and by moving all open-ended answers in a separate sheet. Afterwards the data was analysed through descriptive statistics, and an overview of the responses was given in writing and visually.

The results of the OPC were analysed according to the following profiles of respondents**Error! Reference source not found.**:

- Profile 1: Non-EU citizens looking to migrate/temporarily move to the EU
- Profile 2: non-EU citizens residing or having resided in the EU
- Profile 3: Employers; non-EU service providers and private recruitment agencies
- Profile 4: Authorities in the EU Member States (including migration, employment, including public employment agencies, but also consulates/embassies and agencies promoting students' and researchers' mobility with third countries)
- Profile 5: Other respondents (NGOs, international organisations, trade unions, academics, immigration lawyers and advisers, interested citizens, others)

Figure 2. Profile of respondents



N=874

The majority of respondents (61%) can be classified as Profile 5 including representatives of NGOs, international organisations, trade unions, academics, immigration lawyers and advisers, interested citizens and other type of respondents. Within this category, over two thirds of respondents (70%) mentioned that they had a personal interest in legal migration into the EU.

Furthermore, as part of the OPC respondents had the opportunity to provide open-ended answers to questions 11, 14, 15, 19, 23, 24, 27, 29, 30, 34, 46, 50, 53, 59, 64,

[6] See here: https://ec.europa.eu/info/sites/info/files/file_import/better-regulation-toolbox-54_en_0.pdf

69, 70, 79, 81, 90, 91, 93, 99, 101, 102, 103 and 108. The open-ended answers and additional documents received were analysed using qualitative analysis techniques. The open-ended answers and additional written input received differs largely in terms of quality and quantity. Whilst some of the inputs provided in response to the open-ended questions were pertinent and relevant, a great number of the answers were not. In particular, it seems that several respondents merely used the OPC as a platform to complain about migrants from third countries coming to the EU, without providing information on the specific issues that these questions attempted to explore.

The additional documents that were uploaded as part of a response to the OPC were analysed with the assistance of NVIVO®. The documents were categorised according to the type of respondent and to the pertinence of the content in relation to the study criteria.

2.2 Approach to the targeted consultations

Additionally to the open public consultation which aimed to gain public opinion, data were also collected through targeted consultations in order to gather more focused information. Data were collected via the following main activities:

- Interviews with representatives of Ministries of Education, Interior and migration agencies; besides, interviews were also conducted with representatives from some Member States ecosystems for entrepreneurs.
- Analysis of Reports from meetings with EU Social Partners' Focus group, NGOs and Member States.
- Analysis of Reports from various events and workshops (i.e. 3rd meeting of the European Migration Forum and Information Report on the State of Implementation of Legal Migration Legislation drafted by the European Economic and Social Committee).
- Answers from relevant advisory committees assisting the European Commission in the examination of the application of the EU legal migration legislative framework, particularly the Advisory Committee on Free Movement and the Senior Labour Inspectors Committee (SLIC).

2.2.1 Interviews

30 stakeholders were contacted for interviews as part of task III. The study team prepared a mapping of potential organisations which was approved by the European Commission.

The contacted stakeholders are the following:

- Selected national authorities responsible for education/research and dealing with admission of international students (10 interviews): A sample of 10 authorities in Member States aimed to ensure geographical representativeness and enable us a deeper understanding of policies and processes in the Member States. The selection was based on the number of international students and researchers in the Member State (and the regions they are coming from), the attractiveness of the Member State for international students, as well as reported policies of Member States to attract international students (e.g. scholarships, facilitated recognition of foreign qualifications), and Member States that have reported on misuse of the student route etc.

Table 3. List of proposed Member States to be contacted[7]

Member State	Rationale for selection
Austria	Central European region Historically a high influx from Western Balkans countries, but it is envisaged to broaden regional diversity, especially in order to attract students from countries/regions that are of strategic importance for the economy, industry, science and research, such as South-East Asia or Latin America. Further, Austria has in recent years adapted its process of recognition of qualifications and a has developed "Strategy for Higher Education and Scientific Cooperation" aiming to counter brain drain[8]
Cyprus	Southern Europe Issues with misuse of students route[9] Measures to facilitate student mobility
Estonia	Baltic Region Policies to attract and retain students for driving socio-economic growth and development[10] Measures to facilitate student mobility International students contribute towards mitigating demographic problems
Finland	Northern Europe / Scandinavia Initiatives to retain students through e.g. work training programmes Measures to prevent misuse immigration of international students has helped to alleviate the void that has resulted from the decreasing number of local students in universities, due to the ageing population, making universities improve the quality of studies and encourage internationalisation[11]
France	Western Europe Focus on certain sectors (engineering, banking)[12] Around 1/3 (31%) of first permits issued in 2015 was issued to students from third countries[13]
Netherlands	Western Europe Strategies to access to education and promoting the Netherlands as

[7] Unless otherwise indicated, the main points cited in the rationale for selection are based on: EMN (2013), Immigration of International Students to the EU, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/immigration-students/0_immigration_of_international_students_to_the_eu_sr_24april2013_final_en.pdf

[8] EMN (2013), Immigration of International Students to the EU, p. 46

[9] Ibid, p. 38

[10] See EMN (2013), Immigration of International Students to the EU, pp. 18

[11] Ibid, p. 48

[12] ibid, pp.18

[13] Calculations based on Eurostat, First permits by reason, length of validity and citizenship ([migr_resfirst], and first permits issued for family reasons [migr_resfam], education reasons [migr_resedu], remunerated

Member State	Rationale for selection
	an attractive destination for international students, e.g. offers a high share of courses in English (pull-factor to attract students) Policy developments to become an attractive study destination for highly-skilled students, but also to prevent misuse[14]
Poland	Eastern Europe Since 2011 Poland has the aim to increase the share of international students from 1.4% in 2011 to 5% in 2020; there is a specific focus on students from countries in the 'Eastern Partnership'[15]
Romania	Eastern Europe Around 1/3 (34%) of first permits issued in 2015 was issued to students from third countries[16]
Spain	Southern Europe Development of policies with the aim to increase the number of students Fast track application for some regions
Sweden	Northern Europe Strategies to access to education and promoting Sweden as an attractive destination for international students Policies to mitigate brain drain Comprehensive provision of information to students Fast track application for some regions

Eight interviews were conducted and four Member State representatives could not be reached after several contact attempts via email and phone in the local languages (where possible).

- **Student and alumni associations (3 interviews):** Organisations were invited to participate in the OPC and three follow-up telephone interviews were envisaged. Organisations contacted are ESAA – Erasmus+ student and Alumni Association; The garagErasmus Foundation; EMA – Erasmus Mundus Students and Alumni Association; OCEANS network - Organisation for Cooperation Exchange and Networking among Students; AIESEC; CEEPUS - Central European Exchange Program for University Studies. These are the largest and most prominent student and alumni associations across the EU, and were listed in an EMN study on 'Immigration of International Students to the EU'[17]. However, no interviews were carried out as the organisations declined to participate or could not be reached.
- **Labour inspectorates (2 interviews):** Labour inspectorates dealing with a high number of irregularities of overstay of legal entrants of third-country nationals were contacted. These interviews provided a 'snapshot' picture in Member States that are particularly affected by the issue of illegal employment.

[14] See EMN (2013), Immigration of International Students to the EU, p. 17

[15] See ibid, pp.18

[16] Calculations based on Eurostat, First permits by reason, length of validity and citizenship ([migr_resfirst], and first permits issued for family reasons [migr_resfam], education reasons [migr_resedu], remunerated

[17] ibid

The selection of these was based mainly on results of a recent EMN study on "Illegal employment of third-country nationals in the European Union" (not yet published). The rationale for selection is shown in the figure below. One interview was conducted in Belgium.

Table 4. List of Member States contacted

Member State	Rationale for selection
Belgium	In 2016 the highest number of cases of identified irregularly staying and illegally employed third-country nationals was in Belgium (605)[18] cooperation between labour inspectorates and NGOs has recently been introduced to support illegally employed TCNs
Greece	Available statistics in the EMN report show a high level of undeclared work in Greece; the rate is high, especially in the sectors of food service and retail Tackling illegal employment is a political priority in Greece[19]

- **Organisations/agencies recruiting seasonal workers (4 interviews):** Four organisations recruiting seasonal workers were proposed to be interviewed in order to understand specificities in terms of recruiting this category of workers (typically low skilled workers). The selection of Member States is based on the number of permits issued to seasonal workers in 2015 (and from different regions of origin) in the respective Member States[20].

Table 5. List of Member States contacted

Member State	Rationale for selection
Italy	Third highest number of permits issued Regions of origin include Europe, Asia, America Length of permit: 3-11 months
Poland	In 2015 there were 321,014 first seasonal worker permits issued in Poland, accounting for 96% of these permits within the EU. The majority of permits issued was to workers from Ukraine Length of permit: 3-11 months
Spain	Since 2008 large number of permits issued to seasonal workers, in 2015 fourth highest number of permits issued The majority of permits issued was to workers from Africa Length of permit: 3-5 months
Sweden	Second highest number of permits issued

[18] This is based on reported incidents by EMN national contact points for the purpose of the EMN study on "Illegal employment of third-country nationals in the European Union". 8 Member States provided data on the number of cases of identified regularly staying and illegally employed TCNs: AT, BE, BG, CZ, EE, LT, MT, SK. Ten (Member) States provided data on irregularly staying and illegally employed TCNs: BE, BG, CY, CZ, EE, EL, FI, LT, SE, SK.

[19] See the report on Greece as part of the EMN study on illegal employment, available here: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/12a_greece_illegal_employment_english.pdf, pp. 4-5

[20] Selection based on data available on Eurostat, First permits issued for remunerated activities by reason, length of validity and citizenship [migr_resocc].

Member State	Rationale for selection
	Length of permit: 3-5 months

The organisations contacted in these Member States declined participation or could not be reached. Only one interview was conducted. However, it did not feed into the synthesis as the information provided was not useful for the consultation.

- **Representatives of ecosystems for entrepreneurs (accelerators, incubators, venture capitalists etc.) (4 interviews):** Migrant entrepreneurs are one of the categories currently not covered by EU acquis but its importance has been increasingly emphasised recently. To obtain more in-depth insight of the need and prerequisites in attracting entrepreneurs from third countries, it was proposed that four in-depth telephone interviews with representatives of ecosystems could be carried out, in particular in those countries where national schemes for attracting entrepreneurs exist. A list of the proposed organisations is provided in the table below[21].

Table 6. List of proposed organisations to be contacted

Member State	Organisation
Estonia	An ecosystem was selected from a list provided by Startup Estonia (a governmental initiative aimed to develop the Estonian startup ecosystem)
France	An ecosystem was selected from a list provided by the Paris Tech Guide
Italy	A certified incubator for the 'Italia Start-up visa' was selected
Portugal (back-up)	An ecosystem was selected from a list provided by Startup Portugal (the Portuguese Government's strategy for Entrepreneurship)
The Netherlands	An ecosystem was selected from the Dutch Centers for Entrepreneurs

- Only 2 interviews were conducted, as the remaining organisations either declined to participate or were not responsive.
- In sum, 11 interviews (out of 23 planned) were conducted; and the remaining stakeholder either declined participation or could not be reached after repeated contact attempts. The remaining interviews were not be pursued further, as the stakeholders contacted either i) refused to participate or ii) have not reacted to repeated attempts at contacting them including several emails and follow-up calls, which led to the conclusion that they were not interested in contributing to the consultation. Annex 3 provides a list of the interviews conducted as well as the issues encountered in reaching out to some of the stakeholders.
- Additionally, interviews with migration agencies (i) based in the countries of origin of the selected ten countries and (ii) based in the EU Member States were conducted as part of task II. The results of these consultations will feed into the task II deliverables. However, below the process of consulting these is

[21] Based on the organisations identified as part of Volume II: Admission of migrant entrepreneurs within the study Study for an impact assessment on a proposal for a revision of the 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 Directive"

described. For the purposes of Task II Outcome D: Legal Migration Process Survey, ten third countries were selected as a sample of countries of origin.[22]

The study team originally envisaged undertaking 3-4 interviews with migration agencies in each of the 10 selected third countries, and undertook a mapping of migration agencies which was approved by the European Commission. The study team tried to contact over 50 migration agencies in the 10 third countries. A detailed tracking sheet has been presented in Annex 6 of the Task II Methodology Report. The study team utilised its ICF network with colleagues based in the countries or speaking the languages and internal team of researchers. Despite the efforts in trying to reach migration agencies, the success rate in interviewing migration agencies were particularly low. The study team undertook only 5 interviews with migration agencies based in third countries - 2 with Nigeria, 1 with Russia and 2 with Brazil.

The main issues that were experienced when trying to reach out to the organisations were that a lot of them i) refused to participate or ii) did not cover the EU market (but focussed on migration to other main destination countries, such as the US). The team also experienced issues related to the cultural barriers where it was not possible to work with nationals to carry out the interviews and poor telephone connections in some countries.

Due to the issues experienced with reaching out to migration agencies in ***third countries***, the study team instead contacted and carried out interviews with migration agencies ***based in the European Union***. The team conducted 16 interviews. The interviews provide insights into the experience of the migration process in the countries of destination (rather than on selected nationalities of third countries).

In summary, the study team undertook 5 interviews with migration agencies based in third countries; and 11 interviews with migration agencies based in the EU (see Table 7 for further details).

2.2.2 Focus group/hearing

A focus group with EU social partners and two hearings were conducted, as summarised below.

EU Social Partners' Focus Group

ICF conducted jointly with the European Commission a focus group with EU social partners on the 29 June 2017.

Given their EU-wide view on the developments in their respective sectors, employer-related organisations and trade unions at EU level could provide particular insight into expected future demand of legal migration flows and expected future challenges and the desired possible EU responses (legal and policy actions) to cope with any shifting demands and contextual factors.

The focus group was held at the ICF office in Brussels with a duration of about 4 hours. The European Commission chaired the meeting and ICF moderated the discussion. During the focus group, the discussion was kept open to elicit the organisations representatives' views on different discussion topics. The focus group focused on two themes with additional sub questions.

- Theme 1: Current and future needs and challenges in the respective sectors, especially for satisfying demand through labour migration
- Theme 2: Role and impact of EU legal Directives

[22] See revised Methodology report (Outcome A) of Task II for the complete overview of the methodology and suggested change of approach to the legal migration process survey

The Focus Group mainly addressed relevance and effectiveness issues, and the main results are utilised in sections 3.1.5; 3.2.5; 3.3.5 and 3.5.5.

Civil Society Hearings (NGOs)

The European Commission hosted a hearing of civil society organisations on 23 June 2017 to give the possibility to the latter organisations to express their views and contribute with their experiences more in detail to the evaluation questions on relevance, coherence, effectiveness, efficiency and EU added value.

During the hearing the following questions were addressed:

- Relevance: participants discussed to what extent the objectives of the legal migration Directives are relevant to establishing an effective management of migration flows in the EU, enhancing legal and safe pathways to the EU and stemming disorderly irregular migration to the EU. The discussion also touched upon the relevance of objectives in guaranteeing fair treatment of third-country citizens as well as on the emerging new societal challenges, needs and envisaged future developments of the EU legislation to ensure relevance.
- Coherence: during the hearing possible inconsistencies, gaps and overlaps between Directives were addressed. This included admission conditions for medium and low-skilled workers, self-employed workers, entrepreneurs and job seekers. Participants also elaborated on how certain aspects of the legal migration Directives could be streamlined and simplified and what are the most relevant gaps in what regards admission conditions, procedures, safeguards, rights of non-EU citizens, or other issues that are currently not covered by the EU legislation.
- Effectiveness and efficiency: participants assessed to what extent the objectives of the Directives had been met and what external factors might have influenced the achievement of the objectives negatively. Questions in relation to the main costs and benefits related to the implementation of the Directives were discussed. In addition, participants were also asked to identify good practice examples in terms of efficient management of migration.
- EU added value: respondents elaborated on the positive effects and results brought in by the EU legislation compared to what could have been achieved at national level, especially in relation to long term residence, family reunification and the single permit.

A second hearing was hosted by the European Commission on 17 November 2017 discussing preliminary findings on coherence and gaps. The following questions were addressed (based on a discussion paper distributed to the participants):

- **Coherence of the EU legal Migration Directives**: The participants were asked to share their views regarding this analysis, considering in particular their practical experience on the ground and to indicate whether they agree with the problems identified, they see any additional issue that has not been identified and whether they have been confronted with specific problems arising from the implementation of these provisions.
- Preliminary conclusions on the **areas not covered by the EU Legal Migration Directives:** The participants were asked whether they agree with the areas identified as "gaps", and which "gaps" in the EU legislation they consider particularly problematic as well as whether there are issues that should be added to the analysis.

The main results of the hearings based on meeting minutes are utilised in sections: 3.2.5; 3.3.5 and 3.5.5.

Member States' Hearings (Contact Group)

The European Commission hosted a Hearing of Member States on 18 May 2017 discussing four themes with Member State representatives:

- Theme 1: The relevance of legal migration Directives and the way they are implemented for addressing the current needs and potential future needs of the EU in relation with legal migration
- Theme 2: The coherence of the legal migration Directives: possible inconsistencies, gaps and overlaps between the Directives themselves, as well as in relation to national law and the other EU policies and legislation.
- Theme 3: The effectiveness of the legal migration Directives as implemented in your Member States.
- Theme 4: The value added of the EU legislation as compared with the purely national approach

In addition to participating in the hearing, 5 Member States, Austria, France, the Netherlands and Poland, also provided written comments on the themes discussed.

A second hearing was hosted by the European Commission on the 7 November 2017 discussing the preliminary findings on coherence and gaps replying to several questions:

- **Preliminary findings related to internal coherence** of the provisions of the Legal Migration Directives: the participants were asked whether they agree with the problems identified and to indicate which of the issues referred are not problematic in migration management as well as whether there are issues that should be added to the analysis.
- Preliminary analysis on "gaps" in the Legal Migration Directives: As was the case in the civil society hearing, the participants were asked whether they agree with the areas identified as "gaps", and which "gaps" in the EU legislation they consider particularly problematic as well as whether there are issues that should be added to the analysis.
- The main results of the hearings based on documents provided by the European Commission are utilised in sections 0; 3.2.5; 3.3.5; and 3.5.5.

2.2.3 Events and workshops

Consultations were carried out also during an Expert Workshop, the European Migration Forum, a meeting held by the European Economic and Social Committee. The Advisory committee on Free Movement and the Senior Labour Inspectors Committee also contributed to the consultation with their inputs. Details of these events are summarised below.

Expert Workshops

An Expert Workshop organised by ICF and the European Commission was held in February 2017 in Brussels. The objective of the workshop was to draw on the deep knowledge of experts at the early stage in the study to map the main problems affecting the functioning of the EU legal migration acquis. The whole day event included discussions on:

- Relevance: gaps in terms of categories of third-country nationals (TCNs) not covered by the legal migration Directives and key issues affecting the functioning of the legal migration Directives
- Coherence: the internal coherence and inconsistency / overlaps affecting the functioning of the legal migration Directives and external coherence and inconsistency / overlaps with other EU policies affecting the functioning of the legal migration Directives

In order to help structure the discussions at the workshop, experts were asked to prepare a short assignment and share their thoughts on the main problems affecting the functioning of the legal migration Directives. Given the number of Directives, and breadth of issues that they cover, the research team have decided to 'assign' each Directive to one expert and asked them to reflect on the main problems affecting the Directive. In addition, a few 'horizontal' questions were asked from all the experts taking into consideration the way all the EU legal migration Directives work together.

A second Expert Workshop was organised by ICF on 14 November discussing the evaluation questions of all five evaluation criteria and sharpening the evaluation framework. Additionally to the discussion, participants were asked to provide written input on the evaluation questions in 'exercise sheets'. Following the workshop, a final version of the evaluation framework including the updated evaluation questions was agreed between the European Commission and ICF.

The main results of the meetings based on meeting minutes and written input from the experts are utilised in sections 3.1.6; 3.2.6; 3.3.6; 3.4.5 and 3.5.6 of this report.

EMF

The third edition of the European Migration Forum took place on 2-3 March 2017 and was jointly organised by the European Commission and the European Economic and Social Committee (EESC). The event consisted of eight workshops on specific aspects of an underlying theme: **Migrants' access to the EU, to rights and to services**.

A participatory approach was adopted throughout the meeting. This allowed for small, informal group discussions in which all participants were at the same level, and facilitated contributions from all relevant actors concerned. Consequently, participants had plenty of time to come up with issues they thought needed further reflection, in an open space format.

The main results of the Forum based on a report are utilised in sections 3.1.6; 3.2.6; 3.3.6; 3.4.5 and 3.5.6 of this report.

EESC

As part of the efforts to evaluate the EU directives on legal migration, the European Economic and Social Committee (EESC) recently collected the views of organised civil society in various EU Member States through a questionnaire, fact-finding missions and an expert hearing in Brussels, the results of which are reflected in an information report drafted by the Sector for Employment, Social Affairs and Citizenship of the EESC.[23]

The questionnaire was sent to eight EU Member States: Spain, Italy, Germany, Poland, Greece, Sweden, the Czech Republic and France and received a total of 57 responses. In addition, the expert hearing was held at the EESC in Brussels on 4 May 2017. Participants included the members of the EESC study group, civil society organisations and experts representing organisations of employers, employees and various interests.

EESC members conducted fact-finding missions: Poland (17.3.2017), Germany (27.3.2017), Spain (31.3.2017) and Italy (5.4.2017).

In the information report, the EESC provided a summary of the main conclusions in terms of effectiveness, consistency, relevance and added value and limitations. Outcomes of the research were discussed during a meeting in Brussels on 13th June 2016.

The main results of the events are utilised in sections 3.1.6; 3.2.6; 3.3.6; 3.4.5 and 3.5.6 of this report.

[23] European Economic and Social Committee (EESC), Draft Information Report on the State of implementation of legal migration legislation (SOC/553).

EGEM

The European Commission organised the third meeting of the Informal Group on Economic Migration (EGEM) on 22 November 2017 discussing the preliminary findings of the legal migration fitness check study with regard to relevance, coherence and gaps as well as effectiveness and efficiency:

1. Drivers for labour migration to Europe
2. Coherence and gaps of the EU legislation on legal migration
3. Preliminary analysis of the practical experience of how the Directives are being implemented in the Member States
4. Typology of costs and benefits related to legal migration.

The main results of the event are utilised in sections 3.1.6, 3.2.6, 3.3.6, and 3.5.6 of this report.

Additional events and workshops

Advisory committee on Free Movement

The PES meeting of 17 March 2017 was used by the European Commission to seek the views of its Members regarding three questions:

1. The access of third-country nationals to employment services that are provided by the PES when compared with access of the Member States' nationals to these services

2. Perceived obstacles for registration of third-country nationals as unemployed and for equal treatment in access to unemployment benefits

3. Mechanisms for matching the needs of employers seeking specific profiles and third-country nationals from outside the EU looking for jobs in the EU, and for addressing skill shortages

The topics above were discussed during the meeting and following the meeting the European Commission invited States to provide additional information in written format. Answers were provided by Austria, Portugal and the Czech Republic. The European Commission would welcome a first exchange of information at the meeting, and invites Member following the meeting.

The main results of the events received via email are utilised in sections 3.1.6; 3.2.6; 3.3.6; 3.4.5 and 3.5.6 of this report.

SLIC (senior labour inspectors committee)

Members of the Senior Labour Inspectors Committee was asked to address the following questions:

1. Do you think that the equal treatment provisions as regards working conditions enshrined in the legal migration Directives have helped the Member States to tackle labour exploitation of non-EU legally residing workers?
2. Are there specific monitoring regimes/inspections mandates in place to detect non-respect of the equal treatment provisions or exploitations of non-EU legally residing workers? Can you share the relevant experiences?
3. Can you share good practices in your legal/judicial system to help exploited non-EU legally residing workers to request redress of their situation? Do the EU Directives on legal migration contribute to this system?
4. Do you think that there are key elements missing or inconsistencies in the EU legislation on legal migration that limit its effectiveness in terms of ensuring equal treatment and avoiding exploitation? Please specify

Two responses were received in writing by representatives of Italy and Portugal.

The main results of the responses received via email are utilised in sections 3.1.6; 3.2.6; 3.3.6; 3.4.5 and 3.5.6 of this report.

LIBE Committee

The European Commission consulted the European Parliament, notably the LIBE committee and received submissions particularly addressing the EU Dimension of the legal migration Directives.

2.2.4 Methodology used for the analysis of the targeted consultations

Responses were analysed following the Commission's better Regulation guideline on stakeholder consultation.[24] All documents received as a result of the consultation were examined using qualitative analysis techniques. The comments, position papers and contributions from the stakeholders were grouped into the categories and/or evaluation questions contained in this report. Distribution of respondents across Member States and respondents by stakeholder categories was taken into account.

All views have been fairly reflected and comments are generally attributed to individual organisations and Member States to give an indication of the type of respondent in each group of comments. Contributions to the consultations was used anonymously. Part of the responses were analysed with the assistance of NVIVO®. The documents were categorised according to the type of respondent and to the pertinence of the content in relation to the study criteria.

2.3 Limitations to the method and use of the results

With regard to the OPC, the main limitations include the variable number of responses across the 5 different Profiles. The majority of respondents (61%, n=874) are part of a large group of 'other' stakeholders, including NGOs, international organisations, trade unions, academics, immigration lawyers and advisers, interested citizens and other type of respondents. Thus the answers provided could be biased toward these groups of stakeholders. The second largest group are non-EU citizens residing or having resided in the EU (22%), whose answers provide a good overview of issues faced in the different migration phases. However, non-EU nationals looking to migrate to the EU and authorities in the EU member States (both 4%) are among the lowest represented stakeholders. Thus, their answers cannot be regarded as representative for these stakeholders.

Further limitations include limited responses to certain questions in the OPC[25]. Hence these questions represent only a limited number of stakeholders and not the whole stakeholder group.

Finally, a large number of responses was received from the Netherlands (22%, n=826). While basic testing could not identify a targeted campaign, it should be noted that the responses might have a bias towards the view of specific stakeholders from the Netherlands. Specifically, in the responses received for employers, these should be taken into account with caution as the majority of respondents are Dutch employers. Hence these views are taken into account as being complementary to other consultation methods to avoid bias towards one group of stakeholders.

As regards the targeted consultations, the quality and availability of information differed. Gaining information from interviews was hindered by the lack of responses from certain type of stakeholders. It was particularly difficult to reach agencies recruiting seasonal workers and thus their views were not included in the analysis. In addition, not all evaluation criteria was equally represented among the answers

[24] https://ec.europa.eu/info/sites/info/files/better-regulation-guidelines-stakeholder-consultation.pdf

[25] E.g. "Question 94: How have lessons learnt from implementing EU legislation/Directives been applied elsewhere in your national migration rules?" that was directed at national authorities received only 20 responses.

provided by the interviewees. For instance, in the interviews which were carried out, EU added value was often the section that had the least detailed feedback. Further, in relation to efficiency the information provided did not go into particular detail in relation to costs and issues linked to the visa application process and thus the sub-section addressing efficiency provides only limited information. Often stakeholders consulted provided opinions that dealt more with the effectiveness of the application process rather than its efficiency and the while some pertinent issues were raised these rarely provided much explanation as to why the issue arose or as to whether the issue could have been/ had been dealt with differently.

During the civil society hearing, participants did not discuss the positive effects and results brought in by the EU legislation, compared to what could have been achieved at the national level.

In the Member States' Hearing, some of the feedback regarding intra-EU mobility seemed contradictory. In some cases, this was seen as a significant added value of EU legislation. However, the same countries then mentioned that this mobility is not being used often, or only by certain people/sectors. This made it hard to compare and understand the extent to which intra-EU mobility is a significant EU added value.

In sum, the stakeholders provided at times incomplete or contradictory information, making a comparison of stakeholders view difficult. Further, stakeholder views expressed in the majority of the events and workshops are not representative for the larger public, but rather provide snapshots of challenges and views that can be utilised to show particular issues or positions of certain stakeholders. In the evaluation process (Task IV) these will be complemented with additional information gathered through Task I and Task II to show a holistic assessment of the current legal migration Directives.

3 Results per evaluation criteria

This section presents a descriptive analysis of the results emerging from the different stakeholder consultations undertaken as part of this task.

The results are presented per i) evaluation criteria and ii) disaggregated by the different groups of stakeholders consulted.

3.1 Relevance

This section captures the stakeholders' view on the extent to which the objectives of the legal migration Directives and the way they are implemented are relevant in addressing the current and future needs of the European Union.

The section addresses the following evaluation question.

EQ1. 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?

Figure 3 below provides an overview of the main issues addressed in the evaluation sub-questions and the stakeholder consultations covering these issues. The level of information provided for each issues through the consultation is shown via a traffic light system.

Figure 3. Evaluation questions addressed via the different consultation types

Evaluation Questions	OPC	Interviews	Focus groups/hearings	Events and workshops
EQ1: 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?	🟢	🔺	🟢	🔺
EQ1.A: To what extent were the original objectives of the legal migration Directives relevant at the time they were set and to what extent are they still relevant today?	🟢	🔺	🟢	🔺
EQ1.B: To what extent does the scope of the legislation match current needs in terms of the categories of TCN migrants initially intended to be covered by the legislation? Are certain relevant categories of third-country migrants (in terms of migration flows, labour market needs, etc.) not covered by the legislation? If so, what is the impact of such exclusion?	🟢	🔺	🟢	🔺
EQ1.C: To what extent does the scope of the Directives, and the way it is implemented, meet the current needs in all the different steps of the migration process, and in all aspects of migration? Identify if specific legal provisions are missing (or could be better developed) for specific categories of third-country nationals (currently covered or not covered by the EU legal migration instruments).	🟢	🔺	🟢	🟢
EQ1.D: Are there certain obsolete measures (legislative/non-legislative) associated with the EU's legal migration Directives?	🟢	🔶	🔺	🔶
EQ1.E: To what extent is the way that Member States implement the Directives relevant to the initial objectives, and to current needs?	🟢	🔶	🟢	🔶
EQ1.F: To what extent are the provisions of the Directives, and the way these are implemented, relevant in view of future challenges?	N/A	N/A	🟢	🔺
Note: The coloured shapes represent the degree of information provided per consultation method, based on the sample size, the amount of information provided and the quality of information provided. These might differ per evaluation (sub-) question. Where no information was provided, the space is marked N/A. In view of the answering the evaluation questions as part of Task IV missing or insufficient information from the consultations will be complemented with information gathered in Task I and Task II (as described in the revised evaluation framework).				
large sample size, sufficient and high quality of information provided	🟢			
limited sample size, medium amount and quality of information provided	🔺			
small sample, limited amount and quality of information provided	🔶			

The section below provides the key findings addressed via the different consultation tools.

3.1.2 Key findings

Overall the outcome of the stakeholder consultation has confirmed that the **legal migration Directives remain relevan**t to address the needs of various stakeholders, although several issues impacting their relevance remain.

For third country nationals the most relevant Directives are those **addressing workers and students**. However, the **current conditions** for how to enter, live and work in EU countries are an **obstacle** for them when entering the EU. National authorities responsible for education confirmed the importance of attracting students in the EU and emphasised that the **2016/801 Directive** is relevant for the needs of Member States. This was confirmed by ETUCE who additionally emphasised the need for ensuring that foreign professional qualifications (skills, experience, etc.) are assessed and recognised.

Representatives of social partners and EGEM experts confirmed the **importance of non-EU workers on different skills levels** and the need of the legislation to focus more on these categories, as opposed to the current focus on highly skilled non-EU workers. Other stakeholders indicated as well that the sectoral approach might not be relevant, and that the EU Directives should address a wider category of non-EU workers. There should be a **better matching of skills with the jobs available**, and better identification of the existing demand for low and medium-skilled workers who do not have legal ways to come to the EU.

Interviews with stakeholders representing European ecosystems showed that for the EU it is important to **attract entrepreneurs in innovative sectors**, in order to be competitive in comparison to other regions such as the US. While current legislation does not address these categories, it would be favourable to have an overall EU-wide approach for attracting and retaining these third country nationals (see also Section 0 on coherence).

Member State representatives further indicated the **need for simplifying and streamlining the existing Directives**, rather than developing additional legislation at EU level. They also emphasised that while there is a need for harmonisation, the Member State authorities should have a certain degree of **flexibility regarding the degree of harmonisation**.

Furthermore, several stakeholders (including NGOs, academia and immigration lawyers) expressed their ***dissatisfaction with the EU migration legal framework***. While some called for a restrictive migration policy that prioritises the needs of EU nationals over those of TCNs, others emphasised the need to protect certain third country nationals and avoid labour exploitation.

Stakeholders also emphasised that several differences in migration rules remain across the EU, which point to a **fragmented approach** in implementing the Directives across the Member States. Finally, stakeholders emphasised that considering the implementation of the Directives is not enough. The analysis should take account of the broader political context in the EU in light of managing migration (including combatting illegal migration, but also ensuring equal treatment and combating labour exploitation).

The sub-sections below provide a more detailed overview of the main relevance issues addressed in the different stakeholder consultations, including views collected through the OPC, the stakeholder interviews with national authorities responsible for education/research and dealing with admission of international students, the interviews with ecosystems the focus groups with civil society organisations and Member States, and additional events and workshops organised throughout the duration of the study.

3.1.3 Open Public Consultation

The open public consultation addressed issues regarding the scope and objectives of the Directives and whether they match the needs of those covered by the Directives. The different categories of respondents indicated diverging views on the relevance of the legal migration Directives. The questions and outcome of the consultation are summarised below.

With regard to the ***relevance of the Directives for the needs*** of different stakeholders, the answers provided by non-EU nationals looking to migrate to the EU (Profile 1) respondents show that the most relevant Directives for these non-EU nationals are those ***addressing workers and students***, as they indicated that they would like to migrate to the EU mostly to work and/or and study. The most popular Member States to enter are Germany, followed by the Netherlands, France, Belgium, and the UK[26]. Profile 1 and Profile 2 respondents indicated that the **current conditions** for how to enter, live and work in EU countries are an **obstacle** for them when migrating to the EU. In sum, when asked for additional views/comments, respondents in this category complained about the lengthy and cumbersome application process and highlighted the difficulties to obtain a work permit due to the labour market test that some Member States apply.

Figure 4. Question 15: You mentioned that you are a non-EU citizen looking to migrate/ temporarily move to the EU. For which purpose?

N=32. Multiple answers possible.

The relevance for the needs of Profile 3 respondents (employers) are less obvious, as only one third of these replied that they employ third-country nationals[27]. The remaining respondents did not consider employing non-EU workers for several reasons, such as no need for third-country nationals, as the local labour market provided enough recruits or because it was difficult to assess foreign qualifications. Overall, the **respondents voiced a rather negative opinion with regard to labour migration**, while some indicated that the EU should adopt systems similar to the ones in Australia, Canada or the US, which are mainly points-based systems.

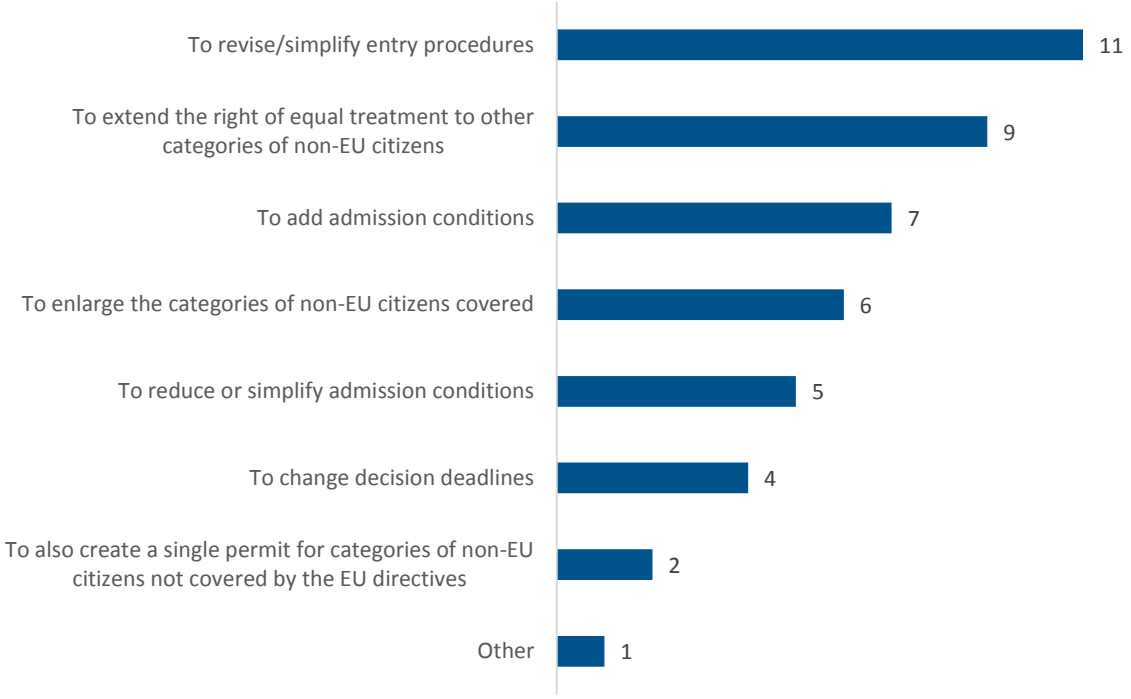
Profile 4 respondents were specifically asked to review the relevance of the Directives through **lessons learned** from implementing EU legislation/Directives. While only a limited number of responses was received, those that responded, indicated that

[26] The UK is outside of the scope of the legal migration fitness check.

[27] The respondents were asked to indicate the following: Question 77. If your company operates in the EU, have you ever employed a non-EU worker? Yes/No answer possible. N=80.

lessons learned have been applied to revise/simplify entry procedures and to **extend the right of equal treatment to other categories of non-EU citizens**.

Figure 5. Question 94: How have lessons learnt from implementing EU legislation/Directives been applied elsewhere in your national migration rules?



*n=20. Multiple answers possible. *11 respondents include the following MS: Malta, Latvia, Lithuania, Poland, Croatia, Lithuania, Sweden, Czech Republic, Latvia, Poland;** 9 respondents include the following MS: Latvia, Lithuania, Lithuania, Poland, Lithuania, Czech Republic, Austria, Latvia, Austria; 7 respondents include the following MS: Belgium, Czech Republic, Latvia, Lithuania, Poland, Sweden, Latvia;*** 6 respondents include the following MS: Slovenia, Lithuania, Poland, Lithuania, Czech Republic, Latvia; **** 5 respondents include the following MS: Latvia, Poland, Lithuania, Czech Republic, Latvia; ***** 4 respondents include the following MS: Lithuania, Sweden, 2xAustria; *****2 respondents include the following MS: Belgium, Latvia; ******1 respondent includes the following MS: Finland*

Recommendations through open-ended answers from authorities in the EU Member States (n=7) were mostly divided between those claiming that a more simplified and clear system of EU common rules is necessary and those claiming that more autonomy should be given back to the EU Member States, at least as long as major socio-economic differences remain. In sum, authorities from several Member States provided additional written input on specific issues of EU legislation, such as the need to consider gender equality issues as part of the review of the legal migration Directives and suggestions on the revision of Regulation on the coordination of social security systems (only indirectly linked to legal migration Directives). There was also the request not to consider any new EU legislation in this area before more experience and insight into the functioning of the current acquis has been gathered.

Profile 5 respondents regarded the relevance of the legal migration acquis rather limited. Around 40% do not agree at all that there is currently a functioning system for matching EU labour market needs with workers recruited from outside the EU. In sum, when given the opportunity to share their general views on the consultation through open-ended comments, the majority of Profile 5 respondents expressed their

dissatisfaction with the EU migration legal framework and called for a restrictive migration policy that prioritises the needs of EU nationals over those of TCNs. On the other side of the spectrum, a small group of respondents urged the EU to draw legislation linked to all categories of migrants and to guarantee that all legal migrants are able to enjoy the same rights as EU nationals, including freedom of movement. Some contributions indicated that a balance between EU-level and national policies is needed, and that a one-size-fits-all approach is not appropriate[28]. Additionally, some profile 5 respondents provided input in writing with regard to relevance issues. Issues raised by academia include issues of potential labour market tests for family member of EU Blue Card holders (under the current proposal) and better recognition of formal qualifications to avoid skills mismatches and over-qualifications, which can lead to a waste of human capital of non-EU nationals working in the EU. NGOs raised issues related to **labour exploitation** and the absence of an **overall EU framework for the admission of non-highly skilled labour migrants**. Several **associations and trade unions** raise horizontal issues, such as re-defining the categories for family reunification, strengthening equal treatment of long-term residents and preserving national migration schemes/permits, but also on **sectoral issues**, e.g. on the specific needs of aircraft crews in terms of mobility.

In line with the finding of the OPC the **European Trade Union Committee for Education (ETUCE)** also emphasized that the EU is attractive to researchers and Higher Education students as internationalisation of the European Higher Education Area (EHEA) is essential for the universities, their students and staff. However, ETUCE pointed out that non- EU citizens living in the EU currently face discrimination when accessing education and vocational training compared to EU nationals; providing additional channels for legal migration (to work, study, etc.) can help reducing irregular migration. They pointed out that currently the main problem is that it is not easy to ensure that foreign professional qualifications (skills, experience, etc.) are assessed/recognised as the *Directive of Recognition of Professional Qualifications (2005/36/EC and 2013/55/EU)* is applicable only to recognition of diplomas obtained in the EU.

3.1.4 Interviews

In order to identify the stakeholder views regarding the relevance of the acquis for their needs, several stakeholders across the EU were consulted through interviews. These include national authorities responsible for education, and ecosystems that are able to provide their views on different aspects regarding to relevance of the EU migration legislation for the specific categories they cover.

National authorities responsible for education

To understand the view of **National Authorities responsible for education and dealing with admission of international students**, several topics were addressed during interviews.

The authorities were asked to explain the **importance of international students** for the growth and competitiveness of universities / other institutions.

All consulted authorities (Austria, Estonia, France, Netherlands, Poland) agreed on the importance of attracting international students for the development of the education and research sector. Generally the number of students has grown in the Member States. Several representatives mentioned that the Governments conducted legislative changes to internationalise the education sector and to attract more international students. For some Member States a large number of foreign students contributes to **higher budgets** in the education and research sector, as they often pay a higher fee compared to nationals or students from other EU countries (Netherlands). Finally,

[28] The respondents had the opportunity to write statements for the following question: 107. Any other views/comments? N=113

stakeholders also mentioned issues with regard to **demographic decline** and generally a lower number of nationals who study as one of the main reasons to attract international students and thus to counter these developments (Estonia, Poland).

The authorities were further asked to specify their **strategies in attracting students**.

Some Member States have specific strategies in place to attract students, such as i) offering study programmes entirely or partially in English, ii) providing scholarships for international students, iii) enabling easier access to the labour market, iv) focus specific marketing activities abroad on attracting students and v) fast admission procedures and simple admission conditions. One Member State has included a specific quota of international students that should be achieved by 2020 (Estonia). Another Member State has included attracting international students as one of the priorities in the migration policy (Poland).

Other Member States do not have particular strategies in place, but rather mechanisms for support for international students to e.g. inform them about scholarship opportunities (Austria), specific websites that include information (Estonia). The stakeholders also emphasised the generally the support provided to students depends on the universities themselves, and thus might differ substantially between Member States but also between universities in one Member State. In one Member States the cooperation between the authorities granting the student visa and the universities was emphasised (Poland).

Finally, the **importance of the new EU provisions of the 2016/801 Directive** in the national contexts of the Member States were discussed. These include

- Provisions on access to information[29]

The stakeholders emphasised that the Member States already provide information, and in general they do not expect the need to include additional information in order to implement this provision.

- The expanded right of access to employment and self-employed activity for students[30] and equal treatment with regard to working conditions of students with nationals of Member States[31]

The stakeholders emphasised that they already comply with these rights and they expect no major changes. However, one Member State noted that the hours that international students are allowed to work will change from currently o10 hours per week to 40 hours per week (Austria). With regard to equal treatment, the stakeholders emphasised as well that students already enjoy this in their respective Member States.

[29] (Art 35 of the 2016/801 S&R Directive): Member States shall make easily accessible to applicants the information on all the documentary evidence needed for an application and information on entry and residence conditions, including the rights, obligations and procedural safeguards, of the third-country nationals falling under the scope of this Directive and, where applicable, of their family members. This shall include, where applicable, the level of the monthly sufficient resources, including the sufficient resources needed to cover the study costs or the training costs, without prejudice to an individual examination of each case, and the applicable fees.

[30] Article 24(1) of the 2016/801 S&RD Directive - Economic activities by students: Outside their study time and subject to the rules and conditions applicable to the relevant activity in the Member State concerned, students shall be entitled to be employed and may be entitled to exercise self-employed economic activity, subject to the limitations provided for in paragraph 3.

[31] Article 22(1) and (3) of the 2016/801 S&R Directive - Equal treatment: As established by Article 22(1) and Article 22(3), Article 12(1)(a) of Directive 2011/98/EU is applicable to researchers and trainees, volunteers, and au pairs, when they are considered to be in an employment relationship in the Member State concerned, and students.

(*** Article 12(1)(a) Single Permit Directive 2011/98/EU - Right to equal treatment

[…] (a) Working conditions, including pay and dismissal as well as health and safety at the workplace.)

- Intra-EU mobility[32] of students.

All stakeholders agreed that the new duration of intra-EU mobility is positive for students and will contribute to the enhanced attractiveness of the EU for students.

Ecosystems

To understand the view of **Ecosystems** on relevance of the legal migration Directives, the following themes were discussed as part of interviews:

- The importance of attracting entrepreneurs in specific sectors and the general views on the attractiveness of the EU for entrepreneurs

The stakeholders consulted (Italy and the Netherlands) agreed that for the EU it is important to attract entrepreneurs in innovative sectors, in order to be competitive in comparison to other regions such as the US. The main areas of focus are entrepreneurs in ICT sectors. Regarding the general attractiveness of the EU, the view was rather positive with regard to general lifestyle, welfare, rights, wages and benefits. However, the stakeholders indicated that in terms of business attractiveness, e.g. the US is more attractive for entrepreneurs.

- Channels to attract these and main issues faced

The main channels utilised include promotional activities by the ecosystems, and specific support for entrepreneurs, e. g. in navigating national entrepreneur schemes. The main issues mentioned are the 'image' of the particular Member State where the ecosystem is located and limited investment and support opportunities in Member States.

National Labour Inspectorates

In order to understand the relevance of the legal migration Directives for labour inspectorates the following topics were discussed: scale of labour exploitation of legally residing TCNs, instruments designed to prevent and combat labour exploitation and main obstacles encountered. The stakeholder consulted from Belgium explained that there was a decrease in exploitative labour market practices. However, this is partially due to the fact that those at risk are no longer TCNs but citizens of a newly joined EU Member State. Instruments to prevent and combat labour exploitation have been developed and are implemented with the involvement of local trade unions.

The interviewee highlighted that one of the main challenges they face is that often victims are not cooperative as they are afraid from being expelled. In addition Belgium faces difficulties with implementing the Single Permit Directive and the Seasonal Worker Directive as access to the labour market is a regional competence while access to the Member State territory is a national competence, making it difficult to ensure synergies.

[32] Intra EU mobility (Art 31 Mobility of students) of the 2016/801 S&R Directive: Students who hold a valid authorisation issued by the first Member State and who are covered by a Union or multilateral programme that comprises mobility measures or by an agreement between two or more higher education institutions shall be entitled to enter and stay in order to carry out part of their studies in a higher education institution in one or several second Member States for a period up to 360 days per Member State subject to the conditions laid down in paragraphs 2 to 10.

Article 6 (2) of the Students Directive 2004/114/EC: Member States shall facilitate the admission procedure for the third-country nationals covered by Articles 7 to 11 who participate in Community programmes enhancing mobility towards or within the Community.

Article 8 (1): Without prejudice to Articles 12(2), 16 and 18(2), a third country national who has already been admitted as a student and applies to follow in another Member State part of the studies already commenced, or to complement them with a related course of study in another Member State, shall be admitted by the latter Member State within a period that does not hamper the pursuit of the relevant studies, whilst leaving the competent authorities sufficient time to process the application (…)

3.1.5 Focus groups / hearing

EU Social Partners' Focus Group

The discussion with regard to relevance during the focus group with social partners focussed specifically the importance of non-EU workers to satisfy labour demand and the challenges that are related to labour migration in different sectors. The views of the social partners differed with regard to **relevance of non-EU workers**, as summarised in the bullet points below.

- **Eurocadres** explained that while it is important that TCN come to the EU to boost innovation, the motivation behind attracting TCN is important. If there is a shortage of jobs for EU nationals, then TCN should not necessarily be attracted. Rather or primary it would be important to upskill EU nationals before and make intra-EU mobility more attractive.
- **UEAPME** specifically noted that people on other skills level, e.g. craft skills on skill level 4 and 5 (EU BC focusses on skill level 6 and above) are necessary to attract; these people are often not available at EU labour markets (tourism, construction). Further, UEAPME agrees that there is more flexibility needed across the EU to foster labour mobility. They finally explained that the EU should have support schemes that attract innovative entrepreneurs.
- **Business Europe** commented on legislation criticising that it is focussing mainly on highly skilled, the rest is a national competence. UEAPME also criticised that the current system does not support SMEs for which the bureaucracy is a large hurdle to recruit third country nationals, even if they have the need for additional workforce.

First Member States' Hearing (Contact Group)

During the Member States' hearing the **relevance** of legal migration Directives and the way they are implemented for addressing the current needs and potential future needs of the EU in relation with legal migration were discussed. Below, the main stakeholder views are summarised.

The majority of Member States (AT, BE, CZ, DE, DE, EL, ES, FR, IT, CY, LV, LT, LU, PT, PL, SE, FI, SK, SI) indicated that the **objectives remain relevant** and in line with the national needs, but that in some case internal institutional procedures impact the transposition of the legislation (BE, CY). One Member State expressed doubts about the continuing relevance of the Directives (NL), and noted that a national approach is more favourable compared to more EU Directives. Other Member States also indicated that they are not in favour of adopting new EU Directives that cover other sectors (AT, CZ, DE, FI). The focus should rather be on improving, simplifying/streamlining (DE, EE, EL, FR, LV, LU, PT, NL, SK, SI), and harmonising the existing Directives (CZ, FR, FI).

Further, several representatives emphasised the need to give Member States freedom about the implementation of Directives in their own national system (DE, FR, PT, PL, NL) and allow more flexibility regarding the degree of harmonisation (EE, FR, NL, FI).

The overall conclusion shows that while Member States regard the Directives as relevant, they see the need for simplification of the Directives, as well as flexibility in the implementation at national level. Finally, some Member States are in favour of harmonisation.

Second Member States' Hearing (Contact Group)

During the second **hearing** Member States confirmed the findings above. Overall they perceive the Directives as relevant. However, some Member States provided a few horizontal comments:

- The attraction of talent is important in the EU, but Member States need to retain the ability to react quickly to changes in the labour market (DE, CZ, AT, MT) and to keep their specific schemes (FI);
- Member States have the tools to deal with some of the categories of third-country nationals analysed, e.g. job-seekers and others (DE, CZ, RO, SK, AT);
- The efforts at EU level need to be concentrated in coherence and implementation of existing legislation (SE, BE, RO, AT).

3.1.6 Events and workshops

European Migration Forum (EMF)

Stakeholders indicated that one of the most pressing problems is the sectoral EU legislation which differentiates between high and low skilled workers and might not be relevant to address their situation equally. Furthermore gaps and implementation challenges of the legal migration framework were discussed.

With regard to the implementation of the **Family Reunification Directive**, the participants criticised several issues that are linked to the different steps of the migration process. Although the discussion focussed on subsidiary protection holders and refugees, the issues cited are relevant for the analysis as part of the fitness check, as they address general issues with the implementation of the Family Reunification Directive.

Access to information on family reunification: Sufficient information is often not available and migrants have to rely on civil society organisation to get the relevant information. In addition, different standards are applied across EU Member States which hinders the harmonisation of processes. This problem is most relevant during the residency phase.

Submitting applications and providing evidence: Pre-application and application phase is often hindered by a heavy burden of traveling long distances to submit applications. Moreover, the financial burden is often high for beneficiaries including travel costs, visas and other procedural costs. Participants agreed that on implementation level these create future challenges that need to be addressed.

Besides the issues with regard to the Family Reunification Directive, the participants discussed gaps and implementation challenges exist in the legal migration legislative framework. With regard to relevance, the following issues emerged:

- Relevance of the fragmented framework for different groups of third-country nationals

It emerged from the discussion that the current **sectoral framework** leads to a fragmentation of rights between different third country nationals based on skills level. It cannot sufficiently address future challenges. This can result in discrimination, but it was recognised that due to the present political climate, it will be difficult to move towards a comprehensive framework for all third-country nationals. Stakeholders also mentioned the increased relevance and risk of exploitation which should be addressed better in the legislations. Low-skilled migrant workers are especially in danger of unscrupulous and exploitative employers and they rights need to be ensured.

Workshop participants identified the following areas for improvement to increase relevance of the actions:

- There should be a better matching of skills with the jobs available, and better identification of the existing demand for low and medium-skilled workers who do not have legal ways to come to the EU.
- More effort should be made to flag the existing opportunities in migrants' countries of origin.

European Economic and Social Committee (EESC)

Stakeholders had a mixed view on the relevance of the objectives, the way they are implemented and to what extent they address the current and future needs of migrants.

In its evaluation of the EU Directives on legal migration from the point of view of organised civil society, the EESC has made several observations in relation to the relevance of the Directives:

- An Immigration Code, or at least a comprehensive legislative framework is needed to achieve a common legal approach to migration and international protection across the Member States. This is also in line with the observations made during the European Migration Forum, where participants also highlighted the importance of a more harmonised approach.
- Merely considering the implementation of the Directives is not enough. The analysis should take account of the broader political context: what are the objectives of European migration policy and why do we need it; how can the flows be managed, including by means of a development policy; expanding channels for legal entry into the EU; combating smuggling, human trafficking and the exploitation of migrants, as well as unfair employment practices and unequal treatment.
- It is necessary to adapt administrative practice, paying closer attention to the needs of beneficiaries, the extension of rights and the simplification of procedures, while duly guaranteeing security, due process and enforcing relevant regulations. Fact findings missions in several Member States33 showed increased administrative burden associated with the Directives. For instance German civil society organisations criticised the multiplicity of residence permits for legal migrants. Each of these had different conditions and neither migrants nor employers, especially SMEs, were sufficiently familiar with the system. Moreover, collaboration between the different authorities involved in the process was insufficient.
- A platform for exchange of information and best practice in the field of migration would be useful, operating alongside the Commission's institutional European Migration Network (EMN). It should help establish links between social partners and other civil society organisations, in both the EU and third countries. Its goal should be to popularise knowledge of the content of EU legislation on migration and the legal provisions of each Member State and to make policy recommendations.

Reports on the fact finding missions give a more elaborate picture on how individual Member States perceive the relevance of the Directives and what challenges they face during implementation. At the expert hearing participants stated that not all Member States had replaced their national systems with the EU Blue Card and this had led to implementation challenges and adversely affected equal opportunities for legal migrants

- In Germany, the strongest impact of the EU rules is perceived in labour migration, in particular the introduction of the Blue Card. In Spain, trade unions expressed discontent about the lack of consultation on implementation of the Blue Card, arguing that social dialogue should be a precondition for all migration policy initiatives in order to increase relevance on national level.
- Participants indicated that even though the EU acquis is supposed to solidify the different options for legal migration the complexity of the rules is problematic. Stakeholders emphasized that the EU migration rules mainly focus on the

[33] Poland (17.3.2017), Germany (27.3.2017), Spain (31.3.2017) and Italy (5.4.2017).

security aspects, a general framework is very hard to create. It has always been more stressed that borders need to be protected, not so much the labour market aspects. Due to this in some countries e.g. in Poland small and medium enterprises find the legal requirements to employ foreigners legally too complicated and too rigid. Therefore they sometimes employ foreigners irregularly, not only to save on social security costs etc. but also to avoid complicated and costly procedures.

The reports on the fact finding missions also addressed relevance issues specifically with regard to the Family Reunification Directive:

- In relation to the Family Reunification Directive, during the fact-finding missions in Germany, Poland and Italy one of the most frequently identified problem was the case of minors in family reunification procedures. The current system does not define what happens if the applicant turns 18 before the conclusion of the procedure. NGOs recommend that, in the interests of protecting minors, these people should be considered minors until the end of the procedure.
- In Italy and Spain, participants said that a wider scope and definition of family members would help to reduce irregular migrant flows, since most irregular migrants had relatives in the EU. A son or brother, for example, should be considered closest family even after they reach the age of eighteen.
- Relevance of the Directives was increased through the link between attracting highly skilled third-country nationals and facilitating family reunification: Blue Card applicants were far more likely to accept a job offer if the members of their family could join them in the EU without delay;
- Furthermore, the reports also frequently made the link between attracting highly skilled third-country nationals and facilitating family reunification: EU Blue Card applicants were far more likely to accept a job offer if the members of their family could join them in the EU without delay; otherwise they often abandoned the plan or waited in the third country. Blue Card has facilitated the immigration of highly skilled migrants in Germany which has the highest Blue Card numbers in the EU. It was argued that Blue Card applicants are far more likely to accept a job offer if the members of their family can join them without delay, otherwise they often renounce to the project or they wait in the third country.
- On the other hand representatives from Spain had a different experience as Spain has a higher number of temporary workers. NGO representatives pointed out that there is a differences between highly skilled and low skilled in terms of family reunification. Temporary workers have to wait 1 year before bringing their family.

Finally, the reports discussed the relevance of the legal migration framework with regard to equal treatment:

- Current legislation is not providing sufficient guarantees for equal treatment. As one of the stakeholders highlighted. This was also mentioned in relation to intra-EU mobility through long-term residence permit.
- For example in Germany, many EU Blue Card holders, said they still felt discriminated in terms of working conditions (for instance EU Blue Card holders from India said they thought to be paid less than their German colleagues). This is why transparency about working conditions and wage levels remains important.

Failing to meet the migrants' needs in different steps of the migration process was mentioned by both workshops. Problems arose in relation to the Family Reunification Directive as it does not reflect on the challenges of migrating to the EU sufficiently.

Even though the research shows that there is a correlation between workers willingness to accept a job offer is higher if the members of their family can join.

Evidence collected point to the direction that currently there is a fragmentation of rights between different third country nationals based on skills level and the needs of **stakeholders are not addressed sufficiently in some cases e.g. family reunification. In addition, more emphasize should be in reinforcing** equal treatment i.e. in relation to mobility.

Expert Group on Economic Migration (EGEM)

During the third meeting of EGEM members and experts raised the following main points in relation to drivers for labour migration:

- Ageing of population: there is ageing of population but also a lengthening of the active period due to health improvement.
- The issue of medium and low skilled workers: according to CEDEFOP will also be needed in the EU (predictions 2025-2030) and also earlier, and not only the highly skilled TCN, considering that CEDEFOP predicts that by 2030, 50 % of all jobs will be medium skilled.
- Issue of sub-employment and over-qualification of third-county nationals (TCN), i.e. employment in jobs below their skills level and related loss of skills;
- Impact of national policies, both in what regards the positive impact on attracting talent but also the possible impact as "pull factor" (e.g. regularisation processes);

Second Expert Workshop

Participants highlighted that there is currently a contradiction between attracting highly skilled workers skilled workers and also satisfying labour shortages of low and medium skilled workers. Participants emphasized the need for harmonised admission conditions for low and medium skilled workers as well as business travellers.

3.2 Coherence – internal and external at EU level

This section aims to capture and synthesise the respondents' view on the possible inconsistencies, gaps and overlaps between the Directives, as well as in relation to national law and the other EU policies. The evaluation questions addressed in this section are:

EQ2: 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?

EQ3: To what extent are there inconsistencies, gaps, overlaps and synergies between the existing EU legislative framework and national level migration legislative frameworks? Is there any scope for simplification?

EQ4: 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?

Figure 6 below provides an overview of the main issues addressed in the evaluation sub-questions and the stakeholder consultations covering these issues. The level of information provided for each issues through the consultation is shown via a traffic light system.

Evaluation Questions	OPC	Interviews	Focus groups/hearings	Events and workshops
EQ2: 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?	●	●	●	●
EQ2.A: (Internal coherence). Based on a comparative legal analysis of the EU Directives in force, identify gaps, overlaps and inconsistencies (if any).Are the legal acts coordinated and complementary? Identify synergies and cumulative impacts.	●	●	●	●
EQ2.B: Based on comparative legal analysis, identify if there is scope for simplification	●	▲	●	●
EQ3: To what extent are there inconsistencies, gaps, overlaps and synergies between the existing EU legislative framework and national level migration legislative frameworks? Is there any scope for simplification?	N/A	◆	▲	▲
EQ3.A: (National policy coherence) Which national policy choices have played a key role in the management of migration flows?	N/A	◆	▲	▲
EQ3.B: To what extent are there synergies, gaps, inconsistencies, incoherencies, overlaps with national policies that are either going further than what is required by the EU legal migration directives ("gold plating") or exist in parallel (parallel schemes)? Are there excessive burdens as a result of national implementation choices?	N/A	◆	▲	▲
EQ4: 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?	●	▲	▲	▲
EQ4.A: (EU Policy coherence): Building on the analysis of EQ2, which other EU interventions (policies and legislation) have a role in the management of migration flows? Are there synergies, gaps and incoherencies, overlaps?	●	▲	▲	▲
Note: The coloured shapes represent the degree of information provided per consultation method, based on the sample size, the amount of information provided and the quality of information provided. These might differ per evaluation (sub-) question. Where no information was provided, the space is marked N/A.In view of the answering the evaluation questions as part of Task IV missing or insufficient information from the consultations will be complemented with information gathered in Task I and Task II (as described in the revised evaluation framework).				
large sample size, sufficient and high quality of information provided	●			
limited sample size, medium amount and quality of information provided	▲			
small sample, limited amount and quality of information provided	◆			

Figure 6. Evaluation questions addressed via the different consultation types

The section below provides the key findings addressed via the different consultation tools.

3.2.2 Key findings

Overall, the outcome of the stakeholder consultation has suggested the need for ***simplification of the legal migration Directives***. As described in more details in the previous sections, Member States indicated that the transposition and implementation of the legal instruments was overall complicated and problematic.

The responses given by the stakeholders have indicated that the objectives of the Directives are not always coherent and consistent and there are significant ***inconsistencies, gaps and overlaps which need to be addressed***.

As for ***internal coherence***, inconsistencies were found in the legal migration provisions on equal treatment, wage thresholds and labour standards, deadlines and processing time, duration of short term mobility, access to information, access to work for family members and admission conditions and rules. Rules vary significantly across the Directives, creating different standards for different categories of migrants.

Stakeholders have also identified overlaps which originate from the same category and/or target group being regulated by different pieces of legislation, including the national schemes, which exacerbate the uncertainty deriving from an already complicated legal framework.

Regarding the most relevant gaps as regards ***categories of third-country nationals that are currently not fully covered by the EU legislation***, non-EU citizens looking to migrate and those already residing in the EU agree that additional categories should be included and in particular TCNs planning to launch a start-up and self-employed workers. They also agree that additional family members should be entitled to family reunification. The civil society organisations suggested that medium and low-skilled workers should be considered, while some Member States suggested to include domestic workers, entrepreneurs and start-ups, highly qualified international service providers and non-removable irregular migrants. Finally, experts suggested to include international service providers, certain categories of third-country transport workers (notably in aviation and road transport), medium and low-skilled workers (e.g. domestic workers), self-employed workers, investors, third-country family members of non-mobile EU citizens and short term business visits.

As for ***external coherence***, contributions from the stakeholders was very limited and mainly referred to an overlapping between asylum and legal migration acquis, and family reunification rules in the Dublin Regulation.

The subsections below provide an overview of the main coherence issues addressed in the different stakeholder consultations, including views collected through the OPC, the stakeholder interviews with national authorities responsible for education/research and dealing with admission of international students, the focus groups with civil society organisations and Member States, and additional events and workshops organised throughout the duration of the study.

3.2.3 Open Public Consultation

The on-line consultation sought to gather the views of all stakeholders on gaps, overlaps and inconsistencies in the EU legal migration Directives. Specifically, non-EU nationals who either reside in the EU or have resided in the EU have been asked to provide views on national policies influencing their entry and residence in the EU. Further, authorities in EU Member States were asked to provide their views on other EU interventions and their role in the management of migration. The questions and outcome of the consultation are summarised below.

All profiles of respondents were asked to indicate the extent to which they agree that ***additional categories***[34] ***of non-EU citizens should be covered by common EU rules****.*

Non-EU citizens looking to migrate and those already residing in the EU (Profile 1 and 2) have rather positive views on including additional categories. On average, these profiles tend to agree more with the involvement of additional categories compared to the other profiles and they agree that people planning to launch a start-up, followed by self-employed workers should be included. Furthermore, slightly over 50% of respondents under Profiles 1 and 2 believe that mobile workers in the transport sector and touring artists should be included.

Specifically the **music and performing arts industry** raises the issue that those non-EU nationals working in this industry fall outside the scope of the Directives and that their needs are not addressed by them, while a national association representing social-medical sector underlined the shortage of workers in these activities and requested measures to facilitate the recognition of qualifications and to allow work during the application phase. An employer raised the issue of an inconsistent implementation of the **ICT Directive** across Member States while one employers' organisation suggested enlarging the scope of the ICT Directive to **include medium-**

[34] Domestic workers (care of the elderly, children, cleaning etc.); self-employed workers; people planning to launch a business/start-up; touring artists; mobile workers in the transport sector (aviation and road transport) who are authorised to work in the EU but do not have legal residence in an EU country; Irregular migrants who cannot be returned.

skilled non-EU nationals in its scope and including the possibility for the movement of skilled personnel between Member States.

*Regarding **family reunification**, respondents were asked to indicate the extent to which they agree to certain statements regarding the fact that the members of the family of non-EU citizens should also be entitled to family reunification under EU common rules.*

The majority of Profile 1 and Profile 2 respondents agree that additional family members should be entitled to family reunification, including dependent parents (over 80%), dependent children who are no longer minors (over 80%), and registered and long-term partners (over 70%). The remaining profiles agree to a considerably lower extent with regard to the inclusion of additional categories for family reunification.

*Profile 2 respondents were asked about **national policy choices** that have a key role in the management of migration.*

The results show that pre-integration measures play a limited role, with most important being language courses.

*Respondents were also asked to indicate the extent to which they agree that the EU Directives on legal migration also seek to provide the EU and EU countries with **consistent rules**.*

Profile 4 respondents indicated that EU policies, including education and research (including funding programmes such as Erasmus+, (former) Erasmus Mundus and Marie Skłodowska Curie Actions), followed by borders and visas, equal treatment, common European Asylum System and recognition of foreign qualifications played a role in the management of migration flows.

Furthermore Profile 5 respondents raised several issues through additional documents:

- An **international organisation** raises, among others, issues of exclusion of certain categories of third-country nationals from family reunification and the issues related to unaccompanied minors.
- **EU level organisations** focus on two main issues: an EU Agency argues that the **scope of the EU Blue Card should be extended to workers with higher VET qualifications**, which would entail an update of the references to qualification levels mentioned in the Directives and encourages the use of the European Qualifications Framework (EQF). A member of the European Parliament addressed the need to extend the **scope of family reunification** by including dependent family members and relatives, whether economically or otherwise, and unmarried registered partners.
- **NGOs** raise issues related to the difficulties linked to the limitation of the **family reunification** rules to certain family members,
- **Immigration lawyers** focus mainly on scope issues of the ICT Directive, whereby one respondent argued to extend the scope of the ICT Directive to additional trainees (not only those with a university degree).
- One regional agency raises issues of coherence of the legal migration Directives with the Return Directive, as well as the effectiveness of the procedures in EU level legislation, underlining the "unnecessary complexity".

3.2.4 Interviews

External coherence issues with other policies were specifically addressed in interviews with national authorities responsible for education and research and dealing with admission of international students.

In order to understand the view of these authorities, they were asked to indicate any issues regarding the ***recognition of qualifications***[35] ***for international students during the application phase***.

Out of six authorities interviewed, three national authorities (SE, NL, PL) indicated that one of the conditions of granting the temporary residence permit for the purpose of study is indeed that the applicant submits a document, issued by the relevant higher education institution, certifying that he/she has been admitted by that institution for the purpose of undertaking the studies or their continuation. In these cases, national authorities do not directly examine the diplomas and rely on the universities decisions on the recognition of qualifications. The authorities provided only limited information with regard to issues, such as cases of forged documents (AT, EE). Authorities have not expressed specific views on existing policies and/or procedures for authorities to facilitate the recognition of qualifications.

3.2.5 Focus group / hearing

First Civil Society Hearing (NGOs)

Regarding the coherence of the legal migration Directives, the participants in the civil society hearing discussed possible inconsistencies, gaps and overlaps between the Directives, as well as in relation to national law and the other EU policies. Specifically, they were asked to comment on the following aspects.

The most relevant gaps of categories:

- According to one civil society organisation (PICUM), the most relevant ***gaps as regards categories of third-country nationals that are currently not fully covered by the EU legislation***, mostly concern ***medium and low-skilled workers***. In particular, gaps relate to family reunification rights, residence rights and other attached social rights. The NGO also underlined the lack of regulation as regards to the recognition of care work as domestic work, however an ad-hoc EU instrument should not be based on a sectoral approach, but rather be informed by equal treatment and standards.
- Aspects of the Directives that could be streamlined and simplified as well as the most relevant gaps regarding conditions, procedures, safeguards, rights of non-EU citizens

One civil society organisation (CIRE) expressed the view that the ***categorisation of migrants*** has led to very difficult enforcement of rights and called for reviewing the sectoral approach. While pointing out that the internal coherence remains a major legal issue, the NGO suggested that the Blue Card Directive should be considered as a model for other categories in terms of rights protection.

With regards to the ***Single Permit Directive***, several organisations (PICUM, SIMI) expressed the view that the single permit implementation and existing legislation gaps have not brought the expected results in terms of speed and simplification of procedures. Moreover, the labour market test seems to be a major barrier for labour migration as it does not present the current status of job market in those specific fields.

Two NGOs (FEANSTA and SOLIDAR) identified in the ***Seasonal Workers*** Directive the most relevant gaps. According to their study, the agricultural sector in IT and ES is one of the most problematic, with over 100.000 undocumented migrants or asylum seekers concerned. For this category of irregular migrants it is almost impossible to obtain a legal status, while their living conditions are extremely poor.

[35] Recognition of qualifications (Article 22(1), (3) and (4) of the 2016/801 S&R Directive - Equal treatment): (…) students shall be entitled to equal treatment with nationals of the Member State concerned as provided for in Article 12(1) and (4) of Directive 2011/98/EU subject to the restrictions provided for in paragraph 2 of that Article.

An additional gap was identified (ENAR) with regard to the ***EU Blue Card Directive*** as the access to information is not the same for all high skilled migrants.

One NGO (PICUM) identified a gap with regards to the ***intra-EU mobility and LTR Directive***. There are several examples of migrants under the LTR scheme in a country but working undocumented in another Member State, and there is a general lack of information about the intra-EU mobility rights.

One NGO (PICUM) also identified a gap in the ***Students Directive*** as for the number of hours that students are able to work, and other elements which vary significantly across the Member States.

As for the ***Family Reunification***, Red Cross expressed the view that the Member States are not implementing correctly the Directive: the 9-month terms is not always respected and different treatment between migrants and beneficiaries of subsidiary protections still exist. Moreover, CIRE expressed the view that the condition of 5 years of dependent residence permit for spouse is too strict.

Regarding ***labour standards***, CIRE indicated that, except for the blue card owners (and partially the seasonal workers), for all the other categories is very difficult to change sector of employment as they have much more dependency on the employer.

Regarding ***equal treatment***, NGOs (ENAR) underlined the different treatment as regards to access to justice for TCNs and (PICUM) the existence of diverse social security national systems which do not guarantee the same treatment across the EU Member States.

Other points of discussion were the need to avoid the ban of re-entry in the expulsion decision (SIMI) and the introduction of more languages in labour inspections (PICUM).

Other inconsistencies and gaps across the Directives which were flagged include limited information about accessibility tools for housing, or facilities in the institutions for students (Social Platform), potential overlap of legal migrants and refugee status rights with regard to social housing (Housing EU), implication for children deriving from the dependant residence permit condition (PICUM) and procedures for returning migrants which are not able to return due to specific conditions (i.e. health issues) (PICUM).

Second Civil Society Hearing

Similar to the findings from other stakeholders above the participants of the Second Civil Society Meeting highlighted inconsistencies in relation to the scope of the Directives, admission conditions, procedural issues, right to family reunification and equal treatment and access to employment and self-employment (PICUM).

Problems also stem from the fact that parallel national schemes are allowed under LTR and BCD. With regard to FRD, S&RD, SWD and ICT, Member States are not allowed to have parallel national schemes, but may still have national rules covering situations which are outside the scope of the Directives. The rules on admission conditions vary across the Directives. (Red Cross). In some cases the differences are a logical reflection of the specific situation of the categories of third-country nationals covered by each Directive. In other cases, the differences across Directives are more difficult to explain.

In relation to external coherence, the issue of technical consistency between the asylum acquis and the legal migration Directives was emphasized. The Qualification Directive as well as other asylum instruments, contain provisions on the rights of TCNs, including on access to the labour market and right to equal treatment. Many of these provisions are similar to parallel provisions in the legal migration The system should be flexible and allow for refugees to also use the legal migration channels (e.g. to demonstrate qualifications or diplomas), and authorities should consider this seriously given the resettlement shortfall. (UNHCR)

First Member States' Hearing (Contact Group)

During the Member States' Hearing the main coherence issues regarding possible inconsistencies, gaps and overlaps between the Directives themselves, as well as in relation to national law and the other EU policies and legislation were discussed. The key results are summarised below.

Several Member States (FI, SE, NL, LT, LV, FR, EL, CZ, PT) reported the numerous challenges in the transposition of the Directives due to their complexity, and underlined the need for ***simplification***. One Member State (SK) specifically referred to the ICT and Seasonal workers Directives as the most complex and difficult to transpose. Another Member State (PL) pointed out that certain simplification of the admission procedures is possible under national law when the Directives allow the possibility of adopting more favourable domestic legislation. It also suggested that the simplification of procedures for admission of foreigners in the legal migration Directives should be optional so that the Member States may decide which simplifications are justified, taking into account, inter alia, the migration situation in a specific country.

Another Member State (PT) indicated that while the implementation of the Directives is generally problematic, the national schemes are often easier and seem to work even better for TCNs.

Several Member States also observed the existence of overlaps and inconsistencies across the Directives.

Examples of ***inconsistencies*** include the following:

- Provisions on equal treatment and exceptions are substantially different across the Directives (NL)
- Wage thresholds vary significantly across the EU countries (NL, SI, FR)
- Deadlines and processing time vary significantly across the Directives while the possibilities of extension exist in some Directives only (NL)
- Regarding the fees, in the last five Directives the provisions are formulated in four different ways and there should be more consistency (NL)
- Duration of short term mobility varies significantly across the Directives (i.e. for ICT's 90 days, for researchers 180 days, for some categories of students 360 days) (NL, DE)
- Inconsistencies regarding access to work for family members (CY)
- Inconsistencies regarding the admission conditions and rules (DE)

Examples of ***overlaps*** include the following:

- Overall, the same category/target group may fall under different rules (i.e. the ICT-directive, the EU Blue Card Directive, the Posting Directive), making it difficult to understand which Directive is applicable (NL, FR)
- Overlapping between asylum and legal migration acquis (AT)
- Relation between short term mobility and Schengen-legislation: while the latter gives a third country national with a residence permit the right to stay in another Member State for maximum 90 days, in the ICT-Directive and the Directive on researchers and students foresee a different time period.

Most member States (SI, SE, NL, LT, AT, PL) did not identify any important ***gaps for which new EU-legislation would be desirable*****.** PL however sees a need for a comprehensive discussion on the link between migration directives defining the conditions of entry and residence according to art. 79 TFEU and the conditions of entry to labour market which is influencing labour policies.

One Member State (IT) identified a gap on detailed provisions for the establishment of contact points for ICT, Seasonal workers and for the Blue Card Directive.

As for the most relevant ***gaps in terms of categories*** *of third-country nationals (TCNs) not covered by the legal migration Directives*, **CY** pointed at domestic workers, ES at entrepreneurs and start-ups and EL at highly qualified international service providers and other MS at non-removable irregular migrants. PL underlined the need to introduce more precise provisions with regard to third country nationals who are covered by EU regulations on coordination of social security systems, with a focus on the definitions of "residence" and "stay".

Second Member States' Hearing (Contact Group)

Findings from the second Member States' Hearing are in line with the conclusions of the previous meeting, especially in relation to the need for simplification. In relation to internal coherence, some Member States recalled that the complexity of the Directives is a result of the negotiation process (NL) and that some differences are justified given the Directives' scope or objectives (MT, AT, RO, CZ, EE, LV). A few Member States argued that the differentiation is especially relevant in what regards equal treatment, and needs to be maintained (MT, DE), while one Member States defended the importance of ensuring equal rights (ES).

Most Member States considered that the EU focus should stay on the implementation of the most recent Directives and no revisions/recast should be proposed by the Commission, given the risk that new negotiations could lead to even more complexity (NL, PL, UK).

Several Member States provided a few horizontal comments:

- National competence should be respected, especially with regard to the consideration of national labour market needs (AT, EL) and related limitations in volumes of admission (AT); however, attention should be given to the possibility to have zero quotas (RO);
- The need to retain parallel national schemes and therefore limit the harmonisation aspects of the legislation (HU, CZ, NL, DE);
- Double status (migrants/beneficiaries of subsidiary protection) need to be avoided: legal migration Directives should not cover the beneficiaries of subsidiary protection, notably Blue Card (HU, SI, ES, LV, SK).

3.2.6 Events and workshops

Expert Workshop and written contributions

During the expert workshop, participants discussed specifically issues with regard to coherence and inconsistency / overlaps affecting the functioning of the legal migration Directives.

In general, experts noted that the legal migration Directives are very complex pieces of legislation creating different standards for different categories of migrants, and suggested clearer and simpler rules are needed. Moreover, a ***fragmented approach*** makes it very difficult to understand under which rules certain categories or types of third-country nationals fall, which creates legal uncertainty. They suggested that more ambitious ***harmonisation*** is needed, and more specifically full mutual recognition of permits issued in other Member States to exploit the EU's potential to the maximum.

Regarding the ***categories of TCNs not covered by the Directives***, the following categories have been considered:

- *International service providers not linked to commercial presence* (contractual service suppliers and independent professionals) (excluding ICTs that are covered by Directive 2014/66/EU). Experts expressed the view that the EU Blue Card is sponsor-based so it is not the best instrument to tackle this gap.

- *Certain categories of third-country transport workers*, notably in aviation and road transport. Experts suggested that the EU Blue Card should be able to address this gap to a certain extent, since salary threshold is the main criterion.
- *Medium and low-skilled workers other than seasonal workers* (e.g. domestic workers). Experts suggested that the EU Blue Card should address this gap.
- *Self-employed workers*. Similarly to international service providers, experts noted that the EU Blue Card is sponsor based and thus not the best instrument to address this gap. A job seeker permit could instead address this category.
- *Non-removable irregular migrants who are granted a tolerated status*
- *Investors*. It was suggested that this category is important but has the embedded problem of the origin of the applicant's wealth. The EU Blue Card is sponsor based so is not the best instrument to tackle this.
- *Third-country family members of non-mobile EU citizens or citizens of associated countries (EEA and CH)*
- *Short term business visits*. Some experts suggested that the ICT Directive could be a relevant instrument for this category.
- *Beneficiaries of international protection*

Regarding the ***internal coherence and inconsistency / overlaps / gaps*** affecting the functioning of the legal migration Directives, a number of issues were discussed:

Admission conditions: Rules in the Directives vary, for instance some Directives explicitly require proof of sufficient resources and sickness insurance and others not.

Admission procedures: Rules in the Directives vary, with the more recent Directives adopting a more uniform deadline of 90 days for processing the TCN application. Experts underlined the importance of harmonisation of procedures.

Equal treatment: Areas of equal treatment are similar across the Directives, and Member States can invoke "may" clauses in the different Directives. The ICT Directive refers to equal treatment for TCNs with respect to posted workers (others with respect to nationals).

Access to work: This is regulated in all the Directives, and restrictions for access to work is possible. Some experts noted that a general employment permit with a harmonised labor market test procedure might be useful.

Right to family reunification: Rules in the FRD vary compared to other Directives containing rules on family reunification, for example regarding processing times, pre-departure training, access to labour market for family members. In particular, experts noted (in their written contributions) the following aspects:

Both the Blue Card and the Intra-Corporate Transfer Directives derogate from the FRD in important aspects,[36] including regarding the time limit given for processing and granting permits for family members, which is shorter in the FRD,[37] and regarding the access to the labour market for family members during the first year of residence, which is immediate in the two Directives. The Recast Directive on Students and Researchers, includes similar derogations to the FRD.[38] The proposal for a recast Blue Card Directive provides for more favourable conditions for family reunification, as family members will be entitled to receive their permits immediately when the EU Blue Card is issued and thereby be able to join the worker without any delay.[39] The

[36] Article 15 Blue Card Directive and Article 19 Intra-Corporate Transfer Directive.

[37] Article 5(4) FRD.

[38] Article 26 of Directive 2016/801.

[39] COM(2016)378, 7 June 2016, Article 16 (4).

Seasonal Workers Directive (SWD) however, explicitly excludes the right to family reunification.[40] The Single Permit Directive does not alter the right to family reunification, but it grants the sponsor as well as the admitted family members who have entered the labour market, a common set of rights based on equal treatment with the nationals of the Member State.[41] Finally, family reunification is mentioned in the Long-Term Residents Directive, which allows family members who lived with a holder of a LTR-permit to accompany him/her while settling in a second EU Member State, if they apply within three months after entrance in the second Member State.[42] Although this right is restricted to members of the core family, Recital 20 of the LTR Directive encourages Member States to take into account the situation of 'disabled adult children and of first-degree relatives in the direct ascending line who are dependent on them'.

Intra-EU mobility: Rules in the Directives vary in terms of provisions for short and long –term mobility, and conditions under which Member States should restrict intra-EU mobility are different. Experts underlined the need for more harmonisation and some suggested that intra-EU mobility for work purposes (access to employment in other countries) should be granted to EU long term residents. Moreover, it was suggested that barriers to intra-EU mobility of TCNs should be removed regardless of the policy priorities of the second Member State in the field of immigration. Thus, reducing discretion to Member States to place restrictions on the inward mobility of LTRs would be a way to achieve this. However, if one takes the view that it is reasonable for Member States to impose rules that are designed to reduce the risks of poor integration, or ensure that immigration (especially economic migration) is consistent with their overall labour market needs and policy priorities, allowing discretion in these areas is reasonable. It was concluded that there is no 'correct' approach to making these decisions.

Regarding the ***external coherence***, experts focused on the following relevant aspects (although out of the scope of the study).

Regarding *family reunification*, they observed that the Reception Conditions Directive 2013/33 is silent on the issue of family reunification. It only provides that Member States "shall take appropriate measures to maintain as far as possible family unity as present within their territory, if applicants are provided with housing by the Member State concerned"[43]. Family members of asylum seekers fall under the scope of the Directive in so far as the family already existed in the country of origin.[44] In the proposal of the Commission for a new recast Reception Conditions Directive, the definition of family members is extended by including family relations which were formed after leaving the country of origin but before arrival on the territory of the Member State.[45] Experts also noted that certain provisions in the Dublin Regulation may contribute to the maintenance of family unity and even result in bringing about family reunification for asylum seekers who are living in different EU Member States.[46]

European Migration Forum (EMF)

During the 3rd European Migration Forum, participants expressed their ***concern with regards to the sectoral EU legislation*** in place for different categories of workers, and the significant differences between directives, for example concerning highly

[40] Directive 2014/36, Directive on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers, Recital 46.

[41] See 2011/98, recital 20, article 1 (b), and in particular article 12, where the main rights are established.

[42] Article 16 (3) LTR. Paragraph 4 of Article 16 allows the second Member State to require evidence of a sustainable income and residence rights in the first Member State.

[43] Art. 12

[44] See Article 2 (c) 2013/33. Those family members are the spouse, unmarried partner and minor children, or parents or another adult responsible for an unmarried minor.

[45] Article 2(3), COM (2016)465, 13 July 2016.

46 Articles 4, 6 - 11, 16, 17 and 20, and Recital 15 of Regulation 604/2013 of 26 June 2013, OJ L 2013, 180/31.

skilled compared to low-skilled (i.e. seasonal workers). In their view, this leads to the fragmentation of different rights according to skill level, also with consequent discrimination on ethnicity and gender. On the one hand, it was recognised that, in the present political climate, it would be difficult to overcome such distinctions, moving towards a comprehensive framework for all migrant workers. However, in the meantime, a lot can be done to tackle the problems that are created by the absence of legislation to protect lower-skilled workers. From a human rights perspective, participants agreed that more should be done to avoid exploitation and protect low-skilled migrant workers from unscrupulous and exploitative employers. In order to tackle exploitation and trafficking, participants identified the need for better systems to assess and monitor exploitation, training, labour inspection and prosecution. It was also suggested to look at the way certain instruments intended to limit discrimination and tackle exploitation, like the Employer Sanction's Directive, intersect with the legal migration framework.

Regarding family reunification, participants underlined the need to expand the scope beyond the nuclear family members.

European Economic and Social Committee (EESC)

In the "State of implementation of legal migration legislation", the EESC has made several observations on different aspects of legal migration. On coherence, it has observed that the fragmented scope of the Directives and differences across the Member States create uncertainty and important inconsistencies. Moreover, it has noted that the failure to recognise qualifications constitutes an obstacle to equal pay and equal career development, while the provisions for mobility between Member States are far too limited. The consultation carried out by the EESC has also highlighted a general lack of coherence and poor structuring of the rules. In particular, the following aspects/considerations have emerged:

- The recognition of skills and qualifications is too fragmented and needs an EU-wide common mechanism.
- Rules for access to labour market seem too complicated and rigid, favouring irregular work.
- The link to irregular migration is unclear: some irregular migrants obtain regularisation and a temporary residence permit in certain Member States, and those with prospects of a long-term stay will need to be integrated.

The Dialogue with civil society on the implementation of EU legislation on legal migration in Germany underlined the ***need for simplification*** with regards to the multiplicity of residence titles for legal migrants. Each of these has different conditions, but neither third-country nationals nor employers (SMEs etc.) know this system sufficiently. Participants also stressed that the existence of more than 50 different status options for legal migrants, as the result of many years of extending, changing, revising the rules, has created uncertainty and lack of coherence.

The Dialogue with civil society on the implementation of EU legislation on legal migration in Italy has also suggested relevant aspects. The definition of 'family' in Family Reunification directive should be widened. As most irregular migrants have a relative in the EU, a change in the law would help decrease the irregular flows. The problem of limited transferability of social security benefits in most Directives was acknowledge (both between Member States and from a Member State to a non-EU country) as well as the problem of recognition of qualifications (while partly solved at the national level with bilateral agreements on recognition of qualifications with Mediterranean countries).

Expert Group on Economic Migration (EGEM)

During the meeting, the EGEM members and experts raised the following main points as regards the internal coherence of the provisions of the Legal Migration Directives:

- Right to family reunification and intra-EU mobility are essential aspects to make the EU attractive to talent from third countries;
- Another aspect that is essential is to have quick, efficient procedures, preferably using electronic tools and to enable exchange of documents between authorities;
- Equal treatment in general (ETUC), and the specific needs of women, needs to be considered; also the dependence on the spouse in case of family reunification and the non-coverage of self-employed TCN have a disproportionate impact on women;
- Implementation in Member States needs to be monitored; in some Member States there are no structures to attract TCN and the very bureaucratic procedures have a disproportionate impact on SME;
- To deal with labour shortages in some areas, such as the care sector, more attention should be given to family members of TCN that joined them in family reunification processes and that should be able to work from the start (not only after 12 months/no labour market tests);

Second Expert Workshop

During the second expert workshop, participants discussed what extent the objectives of the legal migration Directives are coherent. In relation to internal coherence, participants agreed that intra-EU mobility objectives need to differentiate between ICT intra-EU mobility (which has temporary nature) vs. Blue Card intra EU-mobility (where the migrants move permanently). In addition, social security coherence were also highlighted. Some Member States have bilateral schemes with the TCNs country of origin and some don't which can prove difficult to deal with when ICTs need to change Member States.

In relation to external coherence, it was highlighted that other EU policies need to be taken into consideration, such as national employment and education policy, visa policy, research policy (specifically on attracting researchers); fiscal and tax policies and incentives for individuals and companies, interplay with nationality and citizenship law, as well as social security regulations.

3.3 Effectiveness

This section addresses the stakeholder views regarding the effectiveness of the legal migration acquis. The following evaluation questions are addressed.

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 achievement of the objectives?

Figure 7 below provides an overview of the main issues addressed in the evaluation sub-questions and the stakeholder consultations covering these issues. The level of information provided for each issues through the consultation is shown via a traffic light system.

Figure 7. Evaluation questions addressed via the different consultation types

Evaluation Questions	OPC	Interviews	Focus groups/hearings	Events and workshops
EQ 5: To what extent have the objectives of the legal migration Directives been achieved?	🟢	🟢	🟢	🟢
EQ5.A: Identify the extent to which the objectives of the legal migration Directives/policy been achieved, as concerns the overall objectives and the objectives of the specific instruments.	🟢	🟢	🟢	🟢
EQ5.B: To what extent does the current legal migration acquis respond to the needs in this area? If so, what is the impact of such exclusion?	🟢	🟢	🟢	🟢
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?	🟢	🔺	N/A	N/A
EQ6.A: Were there any quantitative or qualitative effects on migration flows (at least volumes, categories of migrants) in the control period since the introduction of the EU legal migration directives?	🟢	🔺	N/A	N/A
EQ6.B: To what extent can such effects be attributed to EU legal migration directives?	🟢	🔺	N/A	N/A
EQ6.C: To what extent can such effects be attributed to other EU policies?	N/A	N/A	N/A	N/A
EQ 7: To what extent do the observed effects of the implementation of the Directives correspond to their objectives?	🟢	🟢	🟢	🟢
EQ7.A. What effects did the implementation of the respective Directives have (including the effects of the way different Member States have applied the Directives)? Were the effects in line with the objectives of the Directives? If no change was identified, why was this the case?	🟢	🟢	🟢	🟢
EQ 8: To what extent did different external factors influence the achievement of the objectives?	N/A	🔺	🔺	🔺
EQ8.A: Identify which, if any, external factors may have influenced the changes. Identify which, if any, MS specific factors influenced the changes. If there were no changes identified, explain why.	N/A	🔺	🔺	🔺
Note: The coloured shapes represent the degree of information provided per consultation method, based on the sample size, the amount of information provided and the quality of information provided. These might differ per evaluation (sub-) question. Where no information was provided, the space is marked N/A. In view of the answering the evaluation questions as part of Task IV missing or insufficient information from the consultations will be complemented with information gathered in Task I and Task II (as described in the revised evaluation framework).				
large sample size, sufficient and high quality of information provided	🟢			
limited sample size, medium amount and quality of information provided	🔺			
small sample, limited amount and quality of information provided	🔴			

The section below provides the key findings addressed via the different consultation tools.

3.3.2 Key findings

On the basis of the analysis carried out in this section, it can be concluded that the EU legal migration framework has had a relatively positive impact on the legislation and practices of EU Member States. For example, civil society organisations in a selected number of EU Member States have found that the FRD and the LTR Directive have positively contributed to the support for legal migration and equal treatment, and that the SPD has helped simplify procedures. Similarly, in Italy the FRD has fostered the consolidation of values and the protection of migrants' rights in court.

However, a number of implementation gaps and challenges have been identified, namely:

- The complexity and segmentation of the system.

  At EU level, the coexistence of specific schemes for each group of economic migrant has resulted in a very complex and fragmented system that does not facilitate a uniform implementation across Member States and which has the potential to curtail some of the objectives for which it was conceived (e.g. equal treatment). For example, numerous stakeholders have complained about the higher level of protection that is provided for high-skilled migrants as compared to low and medium-skilled TCNs. Furthermore, the differences in implementation at national and local level adds another layer of complexity, for

instance when mandates of different authorities overlap. This is aggravated by the lack of policy guidelines for national authorities as well as of clear and official information for migrants.

- Difficulties with regard to intra-EU mobility of migrants.

  It appears that third-country nationals who are seeking to move to a second country – especially those who wish to move permanently – face a number of challenges in doing so, ranging from the lack of information provided from official sources to the lack of transferability of their social security benefits. For instance, when it comes to students, the non-uniform regulation across the Member States results in different time thresholds as to how much time TCNs can spend abroad for exchange programmes.

- Among the **external factors** minimising the impact of the EU legal migration framework, stakeholders have mainly referred to the high influx of refugees coming to the EU since 2015 and their subsequent access to the irregular labour market. From an **internal perspective**, along with the fragmented nature of the legislation, the fact that migration policies remain a domestic affair was raised as a factor preventing the EU rules from deploying its full potential.

The subsections below provide an overview of the main effectiveness issues addressed in the different stakeholder consultations, including views collected through the OPC, the stakeholder interviews with national authorities responsible for education/research and dealing with admission of international students, the focus groups with civil society organisations and Member States, and additional events and workshops organised throughout the duration of the study.

3.3.3 Open Public Consultation

The effectiveness sub-section of the OPC aimed to gather respondents' views on three aspects:

- Their experience when applying for a work and residence permit in the EU (i.e. application procedure) as well as when changing their status (i.e. change of status)
- Whether they consider that they have comparable rights with nationals (i.e. equal treatment)
- The extent to which intra-EU mobility has increased (i.e. intra-EU mobility)

Application procedure

Questions about the application procedure were asked to two categories of respondents: non-EU citizens looking to migrate to the EU and non-EU citizens residing or having resided in the EU.

Answers from non-EU citizens residing or having resided in the EU indicate that in spite of not being usually given the possibility to apply online, migrants do not seem to find the submission of the application itself a problem.

However, **half of the respondents under this profile stated that they encountered problems when applying for a residence permit**. The most common issue identified is the length of the procedure (83%), followed by the high costs of permit and the documents required (57%). Moreover, in the open-ended questions, some respondents complained about the lack of clear and practical information coming from official sources on procedural aspects (i.e. types of visa, expected processing times, mandatory insurance, the types of documents that need to be provided and notarised, etc.) or other relevant aspects such as intra-EU mobility.

In turn, the great majority of non-EU citizens looking to migrate to the EU (i.e. 11 out of 14 respondents) believe that the **current conditions for entry/residence/work**

constitute a disincentive to migrate. The main obstacles identified concern the visa requirements, finding an employment from outside the EU, the recognition of qualifications and the complexity and length of the procedure.

Responses from non-EU citizens residing or having resided in the EU also suggest a **low rate of rejection**, with only 6% of respondents having seen their application rejected. In all these cases, the migrant was offered the possibility to appeal the decision. However, there seems to be a balance in the number of respondents who think the reasons for rejection were clearly explained and those who do not.

Change of status

The OPC explored the experience of non-EU citizens residing or having resided in the EU when changing status from one permit to another.

The majority of respondents in this profile were aware of the possibility of changing their status, and 64% of the respondents agreed that obtaining a change of status was easy. However, **60% of the respondents said that they encountered problems in the procedures when applying for a change of status**. The five most common issues identified when renewing or replacing a residence permit as well as applying for a change of status were: the length of the procedure, insecurity due to delay in receiving the new permit after the first one had expired, the number of documents required, the high costs of the permit, and difficulties getting their qualifications recognised.

The **experience to obtain long-term residence** in the EU seems to be **positively assessed** by respondents, with 74% of those who applied having obtained the long-term resident status. Among the reasons for rejection, respondents mentioned the difficulty to prove five years of continuous and legal residence, the documents required, the lack of uniformity in the rules applied across Member States, the non-recognition of the years spent in another EU MS, and the lack of clear information about the procedures to follow.

Obtaining the **citizenship of the EU MS in which the migrant resides** does not seem to be a common phenomenon, with only 1% of respondents in this profile indicating that they have done so. However, the procedure does not seem to pose particular challenges.

Equal treatment

Two profiles of respondents were asked their views on the extent to which TCNs are treated differently to nationals of the EU country in which they reside: non-EU citizens residing or having resided in the EU, and other respondents.[47]

The majority of respondents of both categories seem to agree that **TCNs generally receive equal treatment** as compared to nationals of the EU country in which they reside, especially with regard to tax benefits, freedom to join organisations representing workers or employers, advice services provided by employment services, access to education and vocational training, and access to good and services. A lower share of non-EU citizens residing or having resided in the EU reported to never have been treated differently when it comes to social security benefits and working conditions. On the other hand, respondents under the category "Other respondents" seem to believe that non-EU workers are treated differently regarding recognition of qualifications.

[47] The category "Other Stakeholders" represents members of academia, NGOs, individuals with personal interest, immigration lawyers, EU-level organisations, and associations.

Intra-EU mobility

Non-EU citizens residing or having resided in the EU were asked about their experience when moving from one EU country to another and transferring social security benefits.

Only **a third of respondents stated that they had encountered problems in getting a residence permit in a second EU country**, being the most common issues the number of documents required (85%) and the insecurity brought by the delay in receiving the new permit after the first one had expired (83%), followed by the high costs of the permit (74%), the difficulties getting their qualifications recognised (66%), the challenges to find a job in the second country (66%), and the length of the procedure (58%).

The experience of non-EU citizens wishing to **transfer their social security rights** when moving from one EU country to another seems to differ between those who seek to move permanently to the second country and those who do not, with the great majority of the former group (6 out of 8 respondents) declaring that they had experienced difficulties in doing so. The main issues mentioned are the lack of information about the procedure to follow as well as the limited knowledge of the administrative personnel responsible for this.

3.3.4 Interviews

Effectiveness issues were specifically addressed in interviews with ecosystems and national authorities responsible for education and research and dealing with admission of international students.

Ecosystems

To understand the view of **Ecosystems**, the following themes were addressed:

- Challenges for TCN entrepreneurs related to the immigration process

With regard to potential complexity concerning national admission procedures, stakeholders identified language as the major obstacle. However, whereas all interviewees stated that now application procedures can be done entirely in English, in Italy the language problem remains in the aftermath of the permit issuance e.g. when national public administrations do not speak languages other than the national one. It has been found that this aspect has also big cost implications related to the amount of time spent, and the less access to rights due to lack of relevant information. Time-wise, in the Netherlands an application by a sponsored applicant will take less than 2 weeks to be processed, whereas in Italy it will take up to one month to get the visa under the Start-up Visa Programme.

- Challenges for TCN entrepreneurs related to working and living conditions

No challenges were identified insofar as the rights attached to the permit, its duration and renewal are concerned. However, regarding the lack of intra-EU mobility linked to the permit was pinpointed as a major gap in the regulation of visa for start-uppers. The very nature of this kind of business implies that entrepreneurs must be able to travel all over the EU e.g. to meet venture capitalists from countries hosting specialised districts. Stakeholders stated that intra-EU mobility should be the added value of making business in a single market, and would also prevent abuses or fora shopping.

- Impact of the regulation on TCN students on entrepreneurship

In the Netherlands, TCN students can work with no need for a specific work permit. In Italy, our interviewee declared that there are often graduates and/or researchers applying for the Start-up Visa programme. However, under the current Italian legislation, it is not possible for researchers to switch from a research permit to the one for start-uppers, while this is possible for students and seasonal workers. The goal

of facilitating the switch between study and work permit has also been the core of a Ministry of Education's programme called "Italia Start-up Hub".

The provision of the new S&R Directive allowing students to exercise self-employment is generally welcomed by stakeholders.

National authorities responsible for education

To understand the view of **National Authorities responsible for education and dealing with admission of international students**, the following themes were asked:

- Challenges affecting the admission of students from third countries

Generally speaking, national authorities do not believe that national procedures to obtain a student visa are complex, nor too much expensive. Still, some challenges emerged. For instance, embassies in the third countries may be overwhelmed and not able to deal with large numbers of applicants. On the other side, applicants from peripheral areas may struggle to reach the capitals to take the necessary steps towards the visa applications. Most times, national language is not even an eligibility requirement, therefore national systems are considered to be very open. The openness of national schemes has led, for instance in the Netherlands, to an increased trend of international students.

Application procedures are generally not very time-consuming. However, delays may occur in peak periods e.g. right before universities' deadlines or because students do not hand in completed dossiers, and authorities then need to ask for further documentation.

In Estonia, student permit may be also asked while already legally present on the Estonian territory. French interviewees declared that one of the main challenges for international students to cope with is the complex university system in place in France. The network of Campus France, deployed in many third countries, tries to overcome this, also helping prospect students in the visa application. Housing has also been identified as a major challenge for international students wishing to carry out their studies in France.

- Length of their authorised stay

Two alternative policy options seem to have been chosen by the member States: on the one hand, there are countries (AT, SE), where permits are issued for a limited period of time, and then, on the basis of certain academic requirements e.g. having obtained a certain number of ECTS, they are extended; alternatively, some countries issue permits for the whole duration of the studies (EE, NL), but if the person is found to drop out the permit may be withdrawn (NL).

- Change of permit

Most Member States try to retain talented students into their job market, therefore facilitating the switch between student and work permit. Obviously, only if meeting all legal requirements to get a work permit, former students will be held eligible. In Austria, the switch must occur before the student permit expires, but graduates have 6 months after their graduation to look for a job in the country (the latter applying also to the Netherlands).

In most Member States, in view of applying for a LTR permit or equivalent national scheme, the period spent in the country for the purpose of studying is also taken into account.

- Issue with the access to intra-EU mobility

International students are entitled to take part to exchange programmes like Erasmus. However, the amount of time they may spend abroad without losing their permit varies from one country to another.

3.3.5 Focus group / hearing

EU Social Partners' Focus Group

The discussion with regard to effectiveness during the focus group with social partners looked specifically whether Directives improved the application procedures in the EU as well as whether they contributed to strengthening the rights of third country nationals in the EU.

Whereas theoretically the Single Permit Directive (SPD) has streamlined procedures between different ministries, some national organisations held that **national administrative complexity** i.e. many authorities having overlapping mandates, can undermine this aim. At the same time, some found that if EU directives can help Member States simplifying procedures, at the same time some **discretion shall be kept at the national level** to adapt to special national circumstances. This is, for instance, the case for salary thresholds.

Regarding rights attached to the status of legal migrant, some stakeholders has expressed their disagreement as to whether TCN should be given the same amount of rights attached to the status of EU migrant.

With regard to possible solutions to counter abuses of legal migration tools, stakeholders do not seem convinced that EU legal migration Directives are the proper solution, yet enforcing mechanisms exist at the national level to face this issue.

First Civil Society Hearing (NGOs)

Regarding the effectiveness of the legal migration Directives, the participants in the civil society hearing discussed the objectives of the Directives and whether these have been met.

Some NGOs have expressed their **concern with regard to a lack of EU intervention about low-skilled migrants**. In fact, only the Seasonal Workers Directive partially concerns that kind of migrants. This gap has left loopholes in the national legislation, which are sometimes abused and result in either irregular migration phenomena or low working conditions and rights thereby attached. Some suggested that the BlueCard Directive shall act as an example in terms of rights attached also for a potential future instrument on low-skilled migrants.

Generally, NGOs have shown **disappointment with the sectoral approach undertaken by the EU with regard to legal migration**.

First Member States' Hearing (Contact Group)

During the Member States' Hearing the main effectiveness issues of the legal migration Directives as implemented in the Member States were discussed. The key results are summarised below.

It was difficult for Member States representatives to comment on effectiveness. LU noted that costs have increased over the years, but this is likely due to the increasing immigration trends. FR declared it is hard to distinguish between EU and national schemes influence over migration flows management.

Generally speaking, it has been observed that **EU instruments are less effective** where national instruments prove to be more flexible or more favourable, for instance this has been the case for the LTR.

Most of the Member States agreed that the SPD simplified the procedures. However, in some Member States (BE, SI) it increased the burden on public administration as it transversally regards different kind of administrations that had to adapt to the new regime. BCD, instead, has generally had very few applications across the Member States, partially due to the high salary requirement.

3.3.6 Events and workshops

European Migration Forum (EMF)

For the purpose of this report, two workshops as part of the EMF are especially relevant, as they touched upon the right to family reunification (Workshop 2) and the EU legal migration framework (Workshop 3).

The workshop on the EU legal migration framework served as a platform for civil society representatives to discuss what gaps and implementation challenges exist in this legal framework. Overall, participants **criticised the sectoral approach** adopted by the European Union in the field of migration, as they claim that difference in rights attributed by each Directive leads to a fragmentation of rights according to skill level. More specifically, attendees addressed the need to ensure a **better level of protection of rights of low-skilled workers** and recommended that better practices to match the skills of third-country nations with a job available and a better identification of the demand for low and medium-skilled workers be implemented. Similarly, it was suggested that a proper system to assess and monitor exploitation, training, labour inspection and prosecution is needed.

With regard to the **Family Reunification Directive**, it was acknowledged that family reunification constitutes an *"important driver of migration"* but that in spite of the EU-wide common rules, some obstacles to access this channel persist. Representatives from civil society organisations and from EU institutions agreed that the **scope of the right as far as beneficiaries go is too restrictive**, only allowing a small group of migrants to benefit from it. In addition, participants pointed to a lack of clarity in the information provided to migrants. In this sense, the fact that very different standards are applied across EU Member States is aggravated by the inaccessibility to official information. Other obstacles attached to the application procedure were mentioned during the workshop, namely in relation to the geographical accessibility of competent embassies and consulates (i.e. migrants have to travel long distances to file an application), the high application fees, the lengthy waiting periods (i.e. migrants may have to wait as much as one year to receive a response), and the difficulties migrants face to provide the required documentary evidence.

Special focus was given to the exercise of this right by **people benefiting from international protection**. It was argued that the obstacles mentioned above are particularly relevant for this group of migrants, pushing them towards smugglers. Participants also claimed that contrary to what some Member States do, a distinction between subsidiary protection and refugees for the purpose of family reunification should not be made, as these two groups are in fact in very similar situations.

To conclude, participants complained about the difficulties that migrants face to **regularise** their situation after having lost their previous legal status, leading them to stay active in the informal labour market without access to basic services.

3.3.6.1 European Economic and Social Committee (EESC)

In what concerns effectiveness, civil society organisations primarily shared their opinion on the impact that the EU legal migration directives have had on EU Member States' legislation as well as the extent to which they have been implemented and the main implementation gaps identified in the consulted Member States, and the factors that have likely affected the achievement of the objectives of these directives.

Overall, the **impact of the directives in Member States' legislation was assessed in relatively positive terms**. In fact, representatives from Italy praised the positive impact that the EU legal framework has had on court cases in relation to inclusion and social rights, contributing to the consolidation of values and rights. However, some limitations with regard to implementation were highlighted in the

written contributions submitted by representatives of civil society organisations from the Member States in which the EESC conducted fact-finding missions.[48]

From a general perspective, the main **implementation challenges** reported in the written contributions were:

- The complexity of the system. Civil society organisations consulted for this exercise pointed out that the coexistence of different rules for each group of migrant leads to an even more complex implementation system and pushes migrants and employers to the irregular channels to avoid costly and complex procedures. For this reason, German and Italian representatives advocated for a common and simple legal framework (i.e. one stop shop) and claimed that any further EU rule would likely create more insecurity.
- Lack of guidance in the implementation of the legislative framework as well as of information provided to migrants, especially regarding intra-EU mobility.
- Differences in the implementation of the rules, both at Member State and local level. For example, CSO representatives from Germany complained that each federal states applies the rules differently.
- Limited transferability of social security benefits, both between EU countries and from an EU country to a non-EU country.

Civil society organisations were also asked about the impact and specific implementation challenges of each of the three Legal Migration Directives that had been implemented for at least three years at the start of this study: the Family Reunification Directive (FRD), the Long-term Residents Directive (LTR) and the Single Permit Directive (SPD), while the remaining directives were assessed to a lesser extent.

With respect to the **Family Reunification Directive**, civil society organisations consider that it has positively supported legal migration and equal treatment. However, two major issues were highlighted by CSO representatives: the narrow definition of "family" and the level of bureaucracy added at national level. It was argued that whilst the EU system is "gold-plated", MS tend to add additional conditions or requirements, making the implementation of the Directive highly challenging. For example, civil society representatives from Spain reported that administrative hurdles are put up and that implementation mechanisms are not followed. Another implementation issue concerns the lack of practical assistance to migrants provided by official bodies. This is especially relevant in in the case of family reunification, as it has repercussions on other permits given that migrants are more likely to e.g. accept a job offer if they can bring their families.

The impact of the **Long-term Residents Directive** was viewed positively, especially concerning integration of foreigners. In fact, representatives from Italy mentioned that the number of migrants falling under this Directive has increased, as well as their effective access to services. In spite of this, it appears that discrimination between EU nationals and TCNs persists concerning certain social benefits in some Member States (e.g. Italy). Problems concerning intra-EU mobility have also been raised, often related to the limited transferability of social benefits. Furthermore, the current legal framework does not provide any guarantees for migrants who lose their legal status due to unemployment. Consequently, it is extremely challenging for these individuals to have their legal status restored.

The impact of the **Single Permit Directive** was also assessed positively, as it appears that it has helped simply procedures. However, some stakeholders have complained that the conditions are too extract. For example, the Directive provides that the applicant cannot work for the employer for whom the permit should be issued

[48] DE, ES, IT, PL.

while the application is ongoing. Moreover, individuals who lose their job are only granted one month to find another one. As a result migrants are locked in their jobs and they become vulnerable to inadequate pay, mobbing or exploitation.

Representatives of the organised civil society in the selected countries also shared their views on the implementation of two other Labour Migration Directives: the Blue Card Directive (BCD) and the Seasonal Workers Directive (SWD). The impact of the **Blue Card Directive** varies largely across EU countries. For example, in Germany the Blue Card scheme has been reported to foster the immigration of highly skilled migrants in spite of the difference in procedures and checks applied within the scheme. On the contrary, other countries like Italy or Spain have hardly issued residence permit under the BCD. This is because, according to civil society organisations, the Directive requires a high level of qualifications as well as an entry wage that is too high as compared to the average wage in these countries.

With respect to the **Seasonal Workers Directive**, civil society organisations from Italy consider that the high number of irregular migrants available to work has curtailed its impact. In fact, these organisations explained that whilst quotas are in principle working, they are hardly used in Italy. On the other hand, Spanish representatives complained about the inadequate protection of workers' rights stemming from the difficulties in implementing the safeguards provided in the Directive. In this regard, the Employers Sanctions Directive was brought up by Italian representatives, who are of the view that a more specific directive applicable to cases other than those of extreme exploitation is necessary.

Among the **factors that have affected the implementation of the directives**, civil society organisations consulted for this exercise highlighted the high influx of refugees and their subsequent entry into the informal labour sector, especially when combined with the economic crisis in some Member States. Moreover, representatives from Italy added that one of the factors minimising the impact of the EU legal framework is the fact that migration remains a domestic affair when in reality it should be tackled globally, including through investing in third countries in order to reduce irregular migration flows.

In its Information Report, the EESC furthermore argued that push and pull factors of migration such as the demographic and development gap between Europe and developing countries, conflicts in migrants' home countries, climate change and growth of shadow economy in some EU countries have prevented the EU fragmented legislation to effectively tackle the issues for which they were conceived. To conclude, Spanish civil society organisations claimed that the segmentation of the current legislation prevented it from providing adequate guarantees for equal treatment as it does not foster the integration of foreigners.

Expert Group on Economic Migration (EGEM)

During the meeting members and experts highlighted the key points based on their practical experience on how the Directives are being implemented in the Member States. One of the main issues identified was in relation to the implementation of the Single Permit and the ICT Directives, specifically as regards of family reunification (the children of the spouse not being covered). In addition, there are problems in the administrative capacity of some Member States to implement the legislation, and there is incoherent application even within different parts of the same Member States.

Participants suggested that it would be beneficial if in the decision phase, a TCN which fails to be approved under one EU scheme, e.g. the EU Blue Card, should be informed about and entitled to apply a national scheme.

Second Expert Workshop

In relation to effectiveness participants agreed that regarding intra-EU mobility, the ICT Directive is offering genuine mobility. However, they emphasized that currently the system can be described as patchwork. Ideally there should be an immigration

scheme that goes in a sliding scale from and also at national level. The current system is not a fitting puzzle but they are gaps and overlaps.

Additional events and workshops

Advisory committee on Free Movement

As members of the Advisory Committee on Free Movement, Public Employment Services from three EU Member States[49] have been recently consulted on aspects related to equal treatment with regard to access to employment services and unemployment benefits as well as on the mechanisms in place to address skill shortages and to ensure an effective matching of the needs of employers in EU countries and the skills of TCNs looking to migrate to the EU.

The **access of TCNs to employment services provided by the PES** was assessed as satisfactory by the three consulted countries, as they claim that non-EU citizens have access to the same services as EU nationals. In particular, Austria mentioned that although there is no system in place to continually evaluate the service provided by PES, an evaluation dating back to 2012 found that PES-clients in Vienna whose mother tongue was not German showed a significantly higher level of satisfaction.

Linked to this, PES pointed out that TCNs need to meet the same criteria as their own nationals to register as unemployed and have access to unemployment benefits. Austria and Portugal nuanced their responses and indicated that although TCNs might encounter obstacles to do so, these are either factually justified or they fall outside the scope of the PES (i.e. getting a visa).

Concerning the **matching of skills of TCNs and the needs of the labour market in the EU country of destination**, neither of the three Member States has put in place a mechanism to address this issue. In fact, the Portuguese PES pointed out that while they advertise the vacancies on either their or other online portals, they cannot include any sign of direct or indirect discrimination. Furthermore, PES do not support employers wishing to recruit TCNs, but they merely issue decisions on permission of employment.

Senior Labour Inspectors Committee (SLIC)

As part of the Senior Labour Inspectors Committee, labour inspector services from two EU Member States[50] have shared their views with regard to the efforts made by national authorities to tackle discrimination against and exploitation of third-country nationals in the EU.

Representatives from both Italy and Portugal considered that the EU provisions on equal treatment have contributed to the **prevention of exploitation of TCNs**. Moreover, both countries carry out **monitoring/inspection activities** to detect cases of discrimination against vulnerable groups of workers, among which non-EU citizens. For example, the Italian representative highlighted the cooperation between law enforcement and the labour inspector service as an example of good practice which has resulted in almost 1,000 joint inspections performed during 2016 leading to the identification of 366 third-country undeclared workers, among whom 74 illegal immigrants.

Mechanisms to redress the labour situation of non-EU legally residing workers are also in place in both Member States, such as services facilitating the out-of-court settlement of labour disputes, including through enforceable decisions of payment of correct remuneration. In addition, Portugal has established the High Commission for Migration, whose mission is to ensure that migration and transversal policies affecting the situation of migrants favour their integration in society.

[49] AT, CZ, PT.

[50] IT, PT.

To conclude, both labour inspector services assessed the current EU provisions on equal treatment as sufficient. However, representatives from Italy called for stronger enforcement mechanisms from EU institutions.

3.4 Efficiency

This section addresses the stakeholder views regarding the efficiency (cost and benefits) of the legal migration Directives. The evaluation questions analysed in this section are:

EQ 9: Which type 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 lead to differences in costs and benefits between Member States? What were the most efficient practices?

Figure 8 below provides an overview of the main issues addressed in the evaluation sub-questions and the stakeholder consultations covering these issues. The level of information provided for each issues through the consultation is shown via a traffic light system.

Figure 8. Evaluation questions addressed via the different consultation types

Evaluation Questions	OPC	Interviews	Focus groups/hearings	Events and workshops
EQ 9: Which type of costs and benefits are involved in the implementation of the Legal migration Directives?	🟢	🔺	🔶	🔺
EQ9.A: How are the main costs and benefits related to the implementation of the legal migration directives distributed among Stakeholders? How is this distribution affected by the implementation choices made by Member States?	🟢	N/A	🔶	🔺
EQ9.B: What factors drive the costs and benefits and how are the factors related to the EU intervention?	🟢	🟢	🔶	🔶
EQ 10: To what extent did the implementation of the Directives lead to differences in costs and benefits between Member States? What were the most efficient practices?	🔺	N/A	🔶	N/A
EQ10.A: For each step of the migration chain, are there elements where there is scope for more efficient implementation? To what extent have the implementation options provided by the Directives and as chosen by MS influenced the efficiency of their implementation?	🟢	N/A	🔶	N/A
EQ10.B: Based on the legal migration acquis as implemented in the MS (for the three main Directives): - What factors influenced the efficiency with which the way legal migration is managed by the Member State? - If there are significant differences in costs (or benefits) between Member States, what is causing them? The analysis shall focus on the admission procedure and intra-EU mobility.	N/A	N/A	N/A	N/A
EQ10.C: Is there potential for further streamlining of the current EU legal framework taking into account administrative burden?	N/A	N/A	N/A	N/A
EQ10.D: How do the costs and benefits of implementing the legal migration Directives compare across MS, taking into account the implementation choices made? How do these costs and benefits compare with other countries not implementing the Directives?	N/A	N/A	🔶	N/A

Note: The coloured shapes represent the degree of information provided per consultation method, based on the sample size, the amount of information provided and the quality of information provided. These might differ per evaluation (sub-) question. Where no information was provided, the space is marked N/A. In view of the answering the evaluation questions as part of Task IV missing or insufficient information from the consultations will be complemented with information gathered in Task I and Task II (as described in the revised evaluation framework).

large sample size, sufficient and high quality of information provided	🟢
limited sample size, medium amount and quality of information provided	🔺
small sample, limited amount and quality of information provided	🔶

The section below provides the key findings addressed via the different consultation tools.

3.4.2 Key findings

The lack of information identifying specific issues or indeed good practices linked to the efficiency of the application procedure makes it difficult to draw detailed conclusions on the matter. There are nonetheless some recurring issues that were raised by stakeholders which are related either entirely or partially to efficiency. One such issue that was identified by all stakeholders responding to the OPC was the length and complexity of procedures.

Another issue that was mentioned by many stakeholders and which is linked to the one abovementioned, was the cost of obtaining the required information, as this could require certification and/or translation. Consulted experts mentioned how these requirements often vary quite a lot between Member States and that this creates different levels of efficiency as well as uncertainty among applicants. Thus, they call for the standardisation of the process.

The above also relate to Member State discretion in transposition, which was mentioned as an issue in some instances. This is however more pertinent to matters of effectiveness than to efficiency.

The subsections below provide an overview of the main efficiency issues addressed in the different stakeholder consultations, including views collected through the OPC, the stakeholder interviews with national authorities responsible for education/research and dealing with admission of international students, and additional events and workshops organised throughout the duration of the study.

3.4.3 Open Public Consultation

The aim of the efficiency section of the OPC was to analyse both the costs and the problems associated with obtaining permits for non-EU nationals across the following 5 profiles:

1. **Non-EU citizens looking to migrate to the EU**

The elements that were identified as issues by the majority of respondents were:

- visa requirements;
- finding employment or an employer when still living outside the EU; and
- complex/lengthy procedures for the recognition of qualifications.

2. **Non-EU citizens residing or having resided in the EU**

Almost all respondents[51] (60%) only agreed to a small extent or did not agree at all that both the cost and time incurred in applying for entry and residence in the EU could be considered reasonable, while around 40% of the respondents from this category said that they agreed to a (very) large extent. 61% of respondents indicated that it was it easy to arrange an appointment at the relevant EU consulate/authority.

3. **Employers, non-EU service providers and private recruitment agencies**

The following elements were identified as problems encountered when hiring non-EU workers[52]:

- Long application procedures (14 respondents);
- The large amount of documents required (14);

[51] Question 28. To what extent do you agree with this statement? (N=191).

[52] Question 81. Which of the following were problems you encountered when hiring non-EU workers (select all that apply)?

- Obtaining recognition of the worker's qualifications (13);
- Strict labour market tests employed by authorities (9);
- Expensive permits (4); and
- Other costs (e.g. pre-authorisation for employment) (4).

Both employers hiring non-EU citizens and employers seeking to transfer non-EU citizens to the EU used a third party to help with the procedure[53]. Furthermore, the problems encountered were similar, including long application procedures and the amount of documents required[54].

Respondents indicated that where their staff had engaged in business activities in multiple EU countries, there were differences or problems. 10 respondents specified that EU countries have different requirements or rules for non-EU service providers and a further 9 respondents indicated the need to leave the EU to re-apply for a visa or permit as being an issue[55].

4. Authorities in EU countries

Authorities were asked to indicate which of the different Directives proved challenging to apply in practice. The Directives on students, researchers, and long-term residents were overall either partly challenging or not challenging at all to apply in practice.

Over 60% of respondents indicated that the application of the single permit Directive was partly challenging and over 50% indicated the same for the Long-term Residents Directive. Further Directives considered challenging to apply were the ones on family reunification and the EU Blue Card. Overall, respondents indicated that it was too soon to tell how challenging it was to apply the Directive on intra-corporate transfers and the Directive on seasonal workers in practice.

5. Other respondents

Respondents were asked to indicate the main problems related to entering/working/living in EU countries. The issues identified by the respondents were the following[56]:

- complex/lengthy procedures (72%, n=417);
- stringency of the requirements (49%, n=402);
- the need to have a pre-existing job offer (47%, n=400);
- language requirements (40%, n=396);
- cost of the documentation to be obtained for the application (40%, n=397); and
- cost of application (30%, n=389).

[53] Such as immigration lawyers or advisers, public employment services, private recruitment agencies, informal networks (families, friends) and professional networks or education/training institutions.

[54] 89. Which (if any) of the following were problems you encountered when seeking to transfer staff into the EU?

[55] 90. If your staff has engaged in business activities in multiple EU countries, were there any differences or problems? (select all that apply)

[56] Question 105. Please indicate the main problems to entering/working/living in EU countries:

3.4.4 Interviews

Efficiency issues were specifically addressed in interviews with national Authorities responsible for education and dealing with admission of international students. The following themes were addressed:

- Costs connected to the arrival of students, such as administrative burden and fees;
- Policies or practices in place for the prevention of brain drain; and
- Policies or practices in place for the prevention of misuse of the student route.

According to interviewees from Austria, a cost that may be incurred is linked to gathering the information required in order to apply for a residence permit. The interviewees mentioned that there is good cooperation between higher education institutions and the relevant authorities in terms of preventing any misuse of student or research visas. A pilot was conducted with the University of Vienna during which any incorrect applications were re-submitted to embassies immediately rather than progressing to the second phase of application, thus avoiding any misuse of time.

In Estonia there is also good and close cooperation between relevant authorities and universities regarding identification processes and checks.

The stakeholder interviewed from the Polish Office for foreigners also mentioned a number of measures that are in place to prevent the misuse of the student route:

- First temporary residence permit for the purpose of study is issued for 15 months while generally it is issued for up to 3 years with checks on the students' academic activity.
- Refusal of renewal if they fail to successfully complete a year of study in the prescribed time.
- The renewed residence permit may also be revoked if the foreigner has failed to successfully complete a year of study in prescribed time.

3.4.5 Events and workshops

Efficiency issues were addressed as part of the first **expert workshop** organised by ICF and the European Commission as well as during the European Migration Forum.

First Expert Workshop

The discussion during the expert workshop focussed on key issues affecting the functioning of the legal migration Directives. The experts raised the issue that more uniformity is needed concerning the process of recognition of professional qualifications. They further mentioned that the means by which this evidence is provided differs very much from country to country. Implementation differences across Member States are coupled with implementation differences for different categories of third-country nationals. Thus, there is an unequal distribution of costs and benefits related to the implementation of the Legal migration Directives for different stakeholders. Some national administrations ask for significant documentation which makes the process very difficult. A standard document or process would be very useful and would certainly improve the efficiency of the Directives.

European Migration Forum (EMF)

Efficiency issues were only briefly addressed during the European Migration Forum. However, the Forum's Final report[57] mentions possible negative consequences that

[57] 3rd meeting of the European Migration Forum 2-3 March 2017 Final Report ACCESS – Migrants' access to the EU, to rights, and to services: challenges and way forward.

lengthy processes related specifically to family reunification may have on those applying for a permit. It was said that "lengthy processes push migrants towards smugglers, hoping to be reunited with their families within a more reasonable time".

3.5 EU Added Value

This section identifies the stakeholder views regarding the EU added value of the acquis. The following evaluation questions were addressed.

EQ 11: What have 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

Figure 9 below provides an overview of the main issues addressed in the evaluation sub-questions and the stakeholder consultations covering these issues. The level of information provided for each issues through the consultation is shown via a traffic light system.

Figure 9. Evaluation questions addressed via the different consultation types

Evaluation Questions	OPC	Interviews	Focus groups/hearings	Events and workshops
EQ 11: What have 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?	△	●	●	△
EQ11.A: What would the situation have been today without the EU intervention, compared to interventions only at national level?	●	●	●	△
EQ11.B: What have been the qualitative and quantitative positive effected results brought in by EU legislation? If an expected effect has not materialised, why was this the case?	N/A	●	●	●
EQ 12: To what extent do the issues addressed by the legal migration Directives continue to require action at the EU level?	●	△	△	△
EQ12.A: Based notably on the statements on subsidiarity in the initial proposals for the Directives, which issues still require interventions at the EU level?	●	●	●	●
EQ12.B: What would be the consequences of withdrawing the existing EU intervention? Consider at least issues such as legal certainty, competitiveness, solidarity, coordination, job shortages and any other relevant factors.	●	◆	◆	◆
EQ12.C: Are there issues currently not covered at EU level which would require EU action?	●	●	●	●
Note: The coloured shapes represent the degree of information provided per consultation method, based on the sample size, the amount of information provided and the quality of information provided. These might differ per evaluation (sub-) question. Where no information was provided, the space is marked N/A. In view of the answering the evaluation questions as part of Task IV missing or insufficient information from the consultations will be complemented with information gathered in Task I and Task II (as described in the revised evaluation framework).				
large sample size, sufficient and high quality of information provided	●			
limited sample size, medium amount and quality of information	△			
small sample, limited amount and quality of information provided	◆			

The section below provides the key findings addressed via the different consultation tools.

3.5.2 Key findings

Stakeholders provided their view on EU-added value and mainly agreed that there have been positive effects brought in by the EU legislation:

Intra-EU mobility was identified as one of the main added value of EU legislation. The opportunity to move to other Member States is attractive mainly for international

students from third countries. Such intra-EU mobility is advantageous both for Member State and third-country nationals. A positive effect for international students is the temporary residence permit that allows them to stay in the Member State temporarily after completing their studies. Also having the right to work and be self-employed during their studies is a positive effect. Intra-EU mobility would also be beneficial for workers but the evidence shows that while this is perceived as a significant added value, in practice its utilisation is limited. Problems often arose from the transferability of social security benefits. The stipulations on intra-EU mobility are considered to be very complicated and require intensive cooperation and exchange of information between Member States. Therefore it is important to exchange examples of good practices regarding the communication between Member States, and between Member States and institutions, employers, and third-country nationals. Such communication is considered to be essential for the success of intra-EU mobility.

Another positive effect of EU legislation is that the directives have established a common, **harmonised legal framework.** There are now similar conditions across the Member States and this creates a level playing field across the EU. Despite the improvements, the research identified remaining gaps for instance in relation to the recognition of skills and qualifications that still need to be harmonised on EU level.

Stakeholders further mainly agreed that the issues addressed by the legal migration Directives continue to require action at the EU level, but need to be further exploited.

The legal migration Directives had a number of **added value** that would not have been realised without them such as the recognition of the rights of third-country nationals across all Member States, greater legal certainty for businesses and simplified administrative procedures for national authorities. Yet, these potentials are not fully exploited, the coexistence of a multiplicity of residence permits for legal migrants, being not really understood even by many of the direct users / stakeholders makes the system overly complicated. National permits are in several cases preferred and provide a broader spectrum of rights for third country national and are better targeted to meet their needs then the Directives on EU level. There was an understanding among stakeholders on the need to create a single permit for innovators with the aim of creating an innovation hub. In the future more emphasize should be on attracting highly skilled entrepreneurs from this countries to the EU.

The subsections below provide an overview of the main EU added value issues addressed in the different stakeholder consultations, including views collected through the OPC, the stakeholder interviews with national authorities responsible for education/research and dealing with admission of international students, the focus groups with civil society organisations and Member States, and additional events and workshops organised throughout the duration of the study.

3.5.3 Open Public Consultation

The aim of this section is to assess stakeholders' opinion regarding EU added value of the legal migration Directives and their opinion on whether the issues addressed by the legal migration Directives continue to require action at the EU level.

All profiles of respondents were asked to express their general views on existing migration rules for non-EU citizens through assessing several statements regarding the need for non–EU workers and the attractiveness of the EU[58]. The main issues addressed include the attractiveness of the EU, whereby over **70% of stakeholders agree that the EU is attractive for students and researchers**, but almost **2/3 of the respondents believe that the EU is not attractive for those non-EU citizens planning to start a business**.

[58] Question 10. To what extent do you agree with these statements?

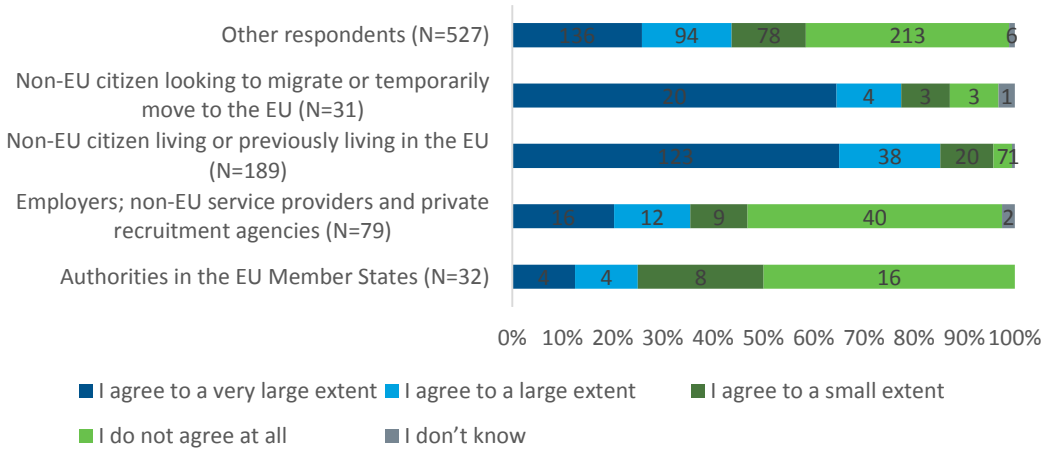
The respondents were further asked to share their views on whether they think that the immigration rules should be governed at EU compared to the national level (n=853) and more than half of the stakeholders believe that **immigration rules should be fixed at EU level** compared to national level (52%) and that all EU countries should have the same conditions for admitting non-EU citizens to work, live and study in the EU (58%).

Further questions for the respondents were related to the recognition of foreign qualifications. A large majority (84%) believe that it is currently difficult to ensure assessment/recognition of foreign qualifications in the EU (n=838). Overall more than half (58%) of stakeholders agree that there should be more EU-level action to facilitate the assessment and recognition of these qualifications (n=854).

A large majority also believes that non-EU nationals should enjoy equal treatment across the EU (70%, n=859), and at the same time they believe that the current rules do not fully ensure equal treatment (66%, n=835).

Further, the respondents were asked to give their opinion on **intra-EU mobility**. Overall, 53% of respondents believe that non-EU workers should be able to travel and work in different EU countries once admitted in one country. Considerable differences of opinion can be observed across the different types of respondents (see Figure 10).

Figure 10. Question 12: To what extent do you agree that non-EU workers should be able to travel and work in different EU countries once admitted in one country?



Specifically authorities in Member States were asked to provide their opinion on several statements regarding the common rules under EU legal migration Directives. A large number (73%) of the authorities believe that it is **positive that all EU countries have comparable admission conditions and procedures for non-EU citizens**. Further, over 60% of the authorities agree that that **EU legislation offers a channel for sharing information with other EU countries** and over half agrees that **EU legislation has helped address specific groups of non-EU citizens** who were not previously covered by national migration rules.

However, the agreement was lower regarding their views on whether EU legislation has helped improve national rules (where around 40% agreed on this) and about the application of 'lessons learned' from EU legislation, whereby **only 29% of authorities agree that they applied lessons learned in national migration rules**.

3.5.4 Interviews

EU added value issues were specifically addressed in interviews with ecosystems and national authorities responsible for education and research and dealing with admission of international students.

Ecosystems

To understand the view of **Ecosystems**, the following themes were asked:

- EU action to bring added-value for attracting and retaining third-country entrepreneurs;
- Future trends that will shape efforts for attracting entrepreneurs of third countries.

It was recognised by the Netherlands that a lot of action is already being undertaken at the EU level by the respective directives. In regards to **start-ups**, Germany, Netherlands and the UK already have this scheme in place. The Netherlands in particular offers a start-up visa. Nevertheless, in order to bring added-value for attracting and retaining entrepreneurs from third countries, it was suggested by Italy to have a **single EU permit for innovators**, which would also provide intra-EU mobility and create an innovation hub similar to that of Silicon Valley. This would also have a cultural impact by encouraging the creation of social networks, which in turn have a positive effect on society.

According to Italy, it is expected that in the future there might be a greater realisation of the positive impact that attracting highly skilled entrepreneurs of third countries to the EU has. This is seen as highly strategic and something which could make EU markets much more competitive. Therefore, the EU should undertake efforts to **increase competitiveness** among Member States and public powers.

National authorities responsible for education

To understand the view of **National Authorities** responsible for education and dealing with admission of international students, opinions about the main factors regarding the attractiveness of the EU, positive effects of the EU's legislation as well as future challenges were asked:

- Main factors underlying the EU's attractiveness for international students;
    - The main factors considered to contribute to the attractiveness of the EU for international students is the quality of **education systems** in Member States. This was highlighted by Austria, France, the Netherlands and Poland. The Austrian education system is regarded as being of a very high standard, which ultimately prepares graduates for work. The Netherlands also highlighted that a large number of EU universities are ranked within the top 200 in the world, as the quality of education is high. Similarly, Poland expressed that Europe has high standards of education, which are also offered at competitive costs. The **attractive cost of education** was also recognised by France, where university fees tend to be very low. Furthermore, the Netherlands highlighted the similarities between the education systems in some Member States, and those in their former colonies. The similarities in their secondary and university education systems therefore makes it easier to study in those Member States. For example, in the case of the Netherlands, many Indonesian students come to study there as the Dutch education system was introduced in Indonesia in the early 19th century. It was also recognised by Poland that having the **right to work** or be self-employed **during studies** is an attractive factor for international students.
    - Another attractive factor for international students is having **intra-EU mobility**. This was considered by Estonia to be one of the main added

values for international students from third countries, as well as the harmonisation of different national policies with regards to entry conditions. Despite it being somewhat difficult to move around the EU, it is recognised that this will change with the introduction of the new directive, as highlighted by the Netherlands. Austria and Poland also noted the importance of intra-EU mobility.

- Nevertheless, Austria reported that people tend to choose a specific country to migrate to, as countries can be very different, with some potentially being more attractive than others. For example, France has a very long tradition of welcoming international students. **Language** can also be a factor that affects which countries international students go to, and something which can impact intra-EU mobility. For example, French is spoken in many third countries and international students from such countries might therefore be more attracted to Member States where French is spoken.
- Other factors which attract international students to the EU include the prospect of **finding future work in the EU**, as well as **gaining professional qualifications and experience** in the more developed European countries, as noted by Poland. The **lifestyle and culture** in the EU was also cited by the Netherlands as one of the main attractive factors for international students from third countries. It is regarded that the EU is the second best opportunity after the US, as it is less expensive than the latter.

- Positive effects of the specific EU legislation
  - **Intra-EU mobility** is also considered to be one of the main positive effects brought about by specific EU legislation, compared to what could have been achieved at the Member State or international level. This was recognised by Austria, Estonia, the Netherlands and Poland. Austria noted that Member States as a collective can achieve better results than if every country has their own specific legislation. The Netherlands reported that the opportunity to move to other Member States is attractive for international students from third countries, and therefore intra-EU mobility is a significant EU added value.
  - Another positive effect has been the **temporary residence permit** which international students receive, that allows them to remain in the Member State temporarily after completing their studies, as reported by Estonia and Poland. The two countries also highlighted that the **right to work** and be self-employed during their studies is another positive effect resulting from the Single Permit Directive and the Student Directive. Other positive effects include **long-term residence permits**, as noted by Estonia, as well as the provisions under the Student Directive which allows the possibility to not renew or even withdraw a student's residence permit if the holder does not make acceptable progress in their studies, in accordance with national legislation or administrative practice, as highlighted by Poland.
- Future challenges for attracting and retaining international students, and policies to address these
  - One of the key future challenges for attracting and retaining international students is expected to be the **increase in competition** from other countries. As noted by Austria, other countries may offer better job opportunities and conditions, as well as less burdensome administrative procedures. The market is seen to be getting competitive and this can affect both the attraction and retention of international students. The Netherlands also noted that competition is expected to be getting tougher in the future, and Member States may have to compete with third countries. Countries

such as China offer increased pressure, as it is seen as a potential future destination for international students. Nevertheless, it is also recognised that if the Netherlands retains its attractiveness as a destination for international students, universities could be faced with the challenge of having to accommodate for a large number of international students.

- Member States also face **challenges in retaining students** who have been educated in that country, as is the case in Austria and Estonia. According to Estonia, there is a need to bring together employers and graduates, in order to help them take full advantage of each other. Graduates have the right to remain in the Member State for six months after completing their studies whilst they look for a job. Therefore, more efforts should be made in order to ensure that graduates can find a job and remain in that country. Nevertheless, France reported that there needs to be a balance between wanting to attract and retain international students, whilst **ensuring that the third countries do not experience brain drains**. France recognises that the skills and knowledge which a student develops whilst studying in France could be useful in their home country. It is considered that migration policy cannot be designed with the single aim of allowing students to stay in France, although it still has to provide routes for those who wish to do so, provided that they fulfil the requirements. For example, Poland is currently creating its new migration policy, in which foreign students are to be one of the priorities.
- One suggestion for dealing with the expected challenges is to focus more on **developing welcome packages**, as recommended by Austria. This could provide an induction for the student and their families, for example by explaining to them what life is like in Austria. Furthermore, Austria considers that **financial investment is key**, for example in **certain sectors** that attract international students, but such funds are often limited. Austria is therefore starting to work on this issue more.

3.5.5 Focus group / hearing

First Member States' Hearing (Contact Group)

Participants were asked to discuss the value added of the EU legislation compared with the purely national approach. One of these key positive effects of EU legislation is seen to be **intra-EU mobility**. Belgium, Czech Republic, Estonia, Finland, France, Germany, Latvia, Luxembourg, Netherlands, Slovakia, Slovenia, and Sweden highlighted this key added value, with the Czech Republic noting that they definitely could not have achieved this at the national level. Belgium recognised that such intra-EU mobility is advantageous both for Member State and third-country nationals. Estonia also considers such mobility to be the most positive aspect of the directives, and that this should be further developed. As a result, the country has transposed the ICT and S&R Directives as flexibly as possible, and allows all students with a residence permit to work.

Nevertheless, several countries also questioned the **extent to which intra-EU mobility has been used so far**. Estonia reported that intra-EU mobility is not the main reason for third-country nationals coming to a Member State, but that it is good to provide them with the opportunity to stay in a Member State longer than what the Schengen visa allows. Austria and Germany also stated that there needs to be further work on how to achieve better intra-EU mobility, as currently it is not often used. France also pointed out that mobility is currently theoretical, and there needs to be a greater understanding of the reasons behind this. The country reported that mobility is taking place more in certain sectors, and this leverage should be used to provide businesses with flexibility. Likewise, the Netherlands noted that mobility is limited in the case of the Blue Card and the Long-term Resident directive, but is instead often used by students. The country also noted that it remains to be seen how practical such

mobility will be under the newest directives. Likewise, France emphasised that several countries questioned the added value of additional EU legislation.

It was also noted by the Netherlands that in the case of the Long-term Resident directive and the Blue Card, intra-EU mobility has rarely been used. As for ICTs, researchers and students, the stipulations on intra-EU mobility are considered to be very complicated and require intensive cooperation and exchange of information between Member States. The Netherlands therefore considers it important to exchange examples of good practices regarding the **communication between Member States**, and between Member States and institutions, employers, and third-country nationals. Such communication is considered to be essential for the success of intra-EU mobility. Austria also emphasised the positive effect of learning about practices from other Member States. France echoed this point, stating that **mobility requires a sharing of information**, which is currently a considerable administrative burden and needs to be passed on to other parts of the administration. The country suggested that the Commission could create a digital communication platform for this. This would also ensure outreach to third-country nationals, who would receive clearer information, as currently there are national schemes co-existing with the directives and very few people understand the whole system.

Another positive effect of EU legislation is that the directives have established a **common, harmonised legal framework,** as noted by Belgium, Estonia, France, Italy, Netherlands, Poland, Portugal, Slovakia, Spain, and Sweden. Estonia recognised that all of the directives have influenced Member States' national laws in a positive way, as there are now similar conditions across the EU. Italy stated that Member States should not continue with parallel systems, and each country should make an effort to harmonise these and develop common legislation. Spain echoed this, stating that it creates a level playing field across the EU. This has occurred through the harmonisation of fair and equal treatment entitlements and rights for third-country nationals across the EU, as noted by Poland, Slovakia and Sweden. Poland also reported that the directives have had a positive effect on the management of migration flows, as a result of the unification of definitions of particular categories of immigrants, as well as the creation of uniform, or similar, conditions for the admission of third-country nationals in all Member States applying the directives. As a result, migration flows can be monitored in a better way in individual Member States and across the EU. Luxembourg also reported that the country now has better coordination with other Member States. Similarly, France stated that such European harmonisation of the conditions for acquiring long-term resident status assumes mutual trust between the Member States concerned, which must not grant such status under more favourable conditions than those laid down by Long-term Resident directive. It was also recognized by Portugal that consolidating and harmonizing legislation requires a political framework and backdrop from the EU.

The Family Reunification Directive is considered to have created very positive effects, the main one being the **recognition of the rights of third-country nationals** across all Member States, as noted by Cyprus, Finland, Italy, and Poland. Finland considers that this specific directive has had the most positive effect, as it has led the country to provide equal treatment for third-country nationals. Cyprus also recognised that prior to the introduction of the Family Reunification Directive, family members of third-country nationals had no rights. This directive has provided a rights framework, which also recognises family members' right to work in the Member State. Employers therefore feel more confident in using EU permits. This is considered by Italy to be significant progress for Europe. The Single Permit is also considered to have brought such a positive effect in terms of clarifying and recognising the rights of all workers and harmonising these, as reported by Greece and Italy.

Furthermore, as noted by Luxembourg, businesses appreciate that there is now greater **legal certainty**, especially in regards to the stricter deadlines which save businesses time and money. Spain echoed this point, stating that the EU legislation

gives a large amount of legal certainty, and economic operators and large companies focus on this as it is a major concern for them when operating with EU legislation.

The EU Directives are also considered to have **simplified administrative procedures** for some Member States. Luxembourg reported this as an added value, as it merged the various national procedures which they previously had. Latvia also reported that the directives have reduced the duration of such procedures. Furthermore, the Single Permit simplified procedures for granting residence permits for work in the Czech Republic. The country reported that it would have been difficult for them to do this at the national level, as authorities would not have consented to such reshuffling of competences, and the directives provided a basis for why this should take place. Similarly, the Single Permit has simplified procedures for applicants in the Netherlands, as there is now one procedure and one application desk. However, this is not the case for employers. Before the implementation of the Single Permit directive, employers were allowed to employ a migrant after receiving the employment permit, which was before the granting of a residence permit. Now the employer must wait until the Single Permit has been issued and that itself takes more time.

In the case of Poland, the necessity of implementing the requirements provided in the directives has in fact complicated proceedings concerning the admission of foreigners. The country reported that it is difficult to adjust some of the conditions of the directives to the requirements and realities of the administrative proceedings, especially if the issue requires the cooperation of many actors. Furthermore, in the case of the Netherlands, the country already had a simple and fast admission scheme for highly skilled migrants, therefore the added of the Blue Card and ICT directives is limited.

Other positive effects of EU legislation as noted by Member States included providing rights for students to remain in the Member State after completing their studies, which Latvia pointed out would have been difficult to achieve at the national level. Austria and Greece also reported that the Long-term Resident directive has had the most positive effects. In Austria 60% of third-country nationals use this directive, and its integration based approach has proven to be beneficial in Greece. It was suggested by Greece that this can be extended to other categories of long-term permits, particularly in regards to renewing the permits. The Netherlands reported that the Family Reunification Directive is also seen to be rather clear and simple, in comparison to the latest directives.

Nevertheless, the Netherlands reported that they faced some difficulties with the Family Reunification Directive, as it precluded a tightening of the admission criteria for family reunification. Finland also reported that the directive has led to the country introducing restrictions during the migrant crisis, as they were able to refer to EU legislation when making these decisions. Furthermore, the Netherlands reported limited added value of the directives, such as the Seasonal Workers directive, arguing that the current procedures were already possible under national legislation.

Overall, despite the reported positive effects, Greece noted that it is difficult to tease out the benefits of EU legislation compared to national legislation. Likewise, Spain considered that more studies need to be conducted which identify the added value of EU legislation in this area, showing for example the added value on entrepreneurs and start-ups.

Second Civil Society Hearing

The second hearing was an opportunity for the civil society representatives to share their practical experience of working with non-EU citizens, about the reality/application of EU legislation at national level and about the areas where harmonisation is needed in order to increase EU added value. The discussion resulted in the findings detailed below.

There is currently no specific Directive aimed at regulating the conditions for admission of TCN self-employed workers. (PICUM) None of the Directives (except for S&RD in relation to researchers) grant self-employed workers admission to the country (in their own right), while some of the Directives (LTR and FRD) grant the holders of the respective permits to be self-employed. Even where TCN holders of certain permits regulated under the Directives are granted the right to work in self-employed activities, their rights (e.g. to certain forms of social protection) can be restricted by Member States. (CCME)

Participants agreed that one of the main areas that should be covered is job seekers. (CCME, PICUM) and family reunification where cooperation is seriously lacking. (Red Cross). It would also be important to promote alignment with the asylum acquis on labour rights

3.5.6 Events and workshops

First Expert Workshop

With regard to issues affecting EU added value the Expert Workshop focused on key challenges associated with the exclusion of certain categories of third country nationals from the Directives and the impact of these exclusions on the attractiveness of the EU.

Stakeholders expect that in the future there might be a greater realisation of the positive impact that attracting highly skilled entrepreneurs of third countries to the EU has[59]. During the Expert Workshop this problem was also highlighted as a key challenge. It is hard for entrepreneurs to come to the EU and hire employees in order to scale up.[60] On Member State level there are already initiatives providing permits to such entrepreneurs and it was noted that DG RTD is also leading a study on what support systems would increase the 'attractiveness' of the EU for this particular group.

In relation to enhancing business performance, stakeholders noted that short term business visits are excluded from the ICT Directive and thus there is no EU-wide instrument to regulate their visits and as such business travellers are in a 'grey area'. This also has an impact on companies' compliance. As visitors don't have a work permit, there is no way to 'track' their stay and companies struggle to keep track of business visitors, because there is no permit with start and end date. This creates difficulty on a practical level of companies for being compliant. Currently the definition of business visit differs across Member States. However, in the new Blue Card proposal business visits are defined.

The permit under the ICT Directive is currently granted for 3 years. Workshop participants explained that on implementation level after the 3 years Member States decide to change the status in-country so third country nationals can remain longer than the initial 3 years. As long-term solutions are already happening on the ground, integrating this in the Directive would increase the impact and EU added value. The benefit for companies would be the possibility for long-term planning that is not ensured in the current legislation.

Another issue raised during the Expert Workshop whether or not self-employed should be included in the Single Permit Directive. Participants emphasized that it wold be necessary to go beyond the Single Permit as this does not encourage immigration but only regulates the permits. There was an agreement that more needs to be done to attract self-employed similarly to entrepreneurs.

Experts agreed that the added value of an EU scheme is to enable **intra-EU mobility**. However, these provisions must be very favourable for companies and their

[59] This was identified during the interviews as well (see section 3.5.4).

[60] Note: this was discussed mostly in relation to 'innovative' entrepreneurs and start-ups

employees to ensure their genuine added value. Currently, national schemes are more favourable for companies and thus the added value of the Directives is not maximised.

Furthermore, the **cross-border** element that can only be done effectively by the EU was mentioned as added value (e.g. the long-term residence has the cross-border element) along with an EU added value of the ICT, students and researchers Directives.

Another category identified by the experts was the whole group of people who would like to enter but have no job offer. A 'job search visa' would enable those without a job offer / contract to be able to stay in the EU as we see this practice in several Member State already. This is also important from the employers' perspective. Smaller companies, SMEs have limited resources to recruit internationally although they could benefit from talented workforce from outside the EU.

European Migration Forum (EMF)

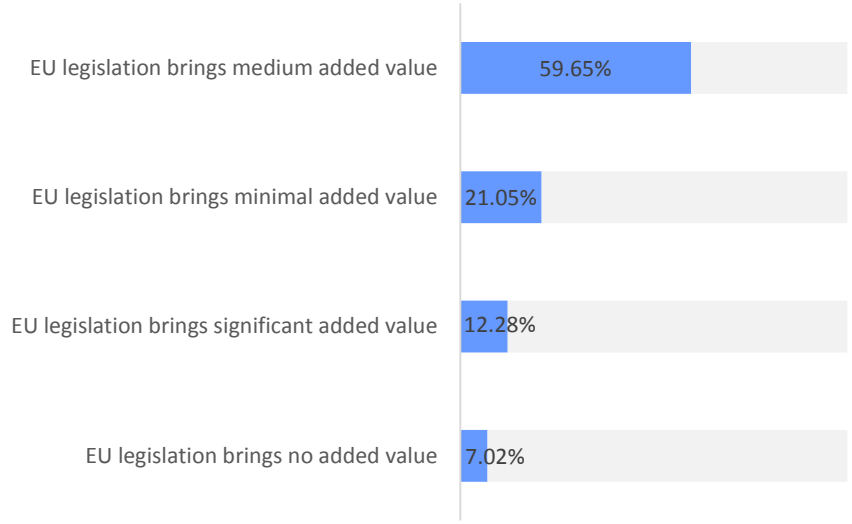
Participants of the European Migration Forum highlighted that the **issues addressed by the legal migration Directives still continue to require action on EU level**. One of the issues mentioned was in relation to low and medium skilled workers. There should be a better matching of skills with the jobs available, and better identification of the existing demand for low and medium-skilled workers who do not have legal ways to come to the EU. This is in line with the findings of the Expert Workshop where stakeholders touched upon the definition of low and medium skilled workers which can be relatively broad including recent graduates, IT specialists without a degree etc. These categories would not fall into the category of 'domestic workers', but are desirable employees for SMEs who e.g. cannot afford the salary threshold set out by the Blue Card Directive. Finally, much more effort should be made to flag the existing opportunities in migrants' countries of origin.

European Economic and Social Committee (EESC)

Responses from civil society organisations[61] show that the impact of the directives in the Member States was generally considered to be positive, albeit partial and fragmented due to disparities (and lack of flexibility) in their implementation in the Member States. Almost 60% of respondents perceived that EU legislation brings medium added value and an additional 12% indicated that the legislations brig significant added value.

[61] The questionnaire was sent to eight EU Member States: Spain, Italy, Germany, Poland, Greece, Sweden, the Czech Republic and France. 57 organisations responded.

Figure 11. Assessment of the overall added value of EU legislation in the field of legal migration



Q: Please assess the overall added value of EU legislation in the field of legal migration (n=57)

The fact-finding missions to Member States[62] provided a series of further insights into civil society organisations' perceptions of this question.

- Spanish NGOs said their country's model had remained more flexible and generous than the rest of the EU – for family reunification and for over-stayers, for example. The added value of the EU rules was therefore the discretion they left for implementation by Member States.
- In Poland, participants confirmed that the EU legislation had helped to regulate some issues and eradicated legal loopholes, but said some rules were too strict.
- In Italy, the main value added was seen with court cases referring to the EU rules. It would be preferable, however, for the rules to be followed in practice rather than playing a role only at the litigation stage. Italian employers' organisations found the directives beneficial for companies, but complained about substantial bureaucracy in their implementation.

Despite significant improvements highlighted by the stakeholders the issues addressed by the legal migration Directives continue to require action at EU level. Almost 60% of respondents indicated that currently the application of European legislation in the field of legal migration is not satisfactory.[63] Gaps and limitations as well as areas for improvement were identified.

Intra-EU mobility was identified as one of the main problems in relation to the Long-Term Residents Directive which was also identified as an issue during the interviews.

German trade unions reported that there were many cases of migrants having long-time residence permit in another EU Member State, then moving to Germany and starting to work. German authorities would frequently judge that a 'priority testing' would have been required before allowing them to the German labour market. As a consequence, these people were forced to leave the regular labour market and to

[62] EESC members conducted fact-finding missions in the following Member States: Poland (17.3.2017), Germany (27.3.2017), Spain (31.3.2017) and Italy (5.4.2017).

[63] In your opinion, is the application of European legislation in the field of legal migration satisfactory? (34, n=57)

refrain from using their acquired rights (social security) because of fear of being expulsed.

This is also further hindered by the limited transferability of social security benefits in most directives (both between Member States and from a Member State to a non-EU country).

While the current set of rules should aim to set up a clear structure for legal migration, it was argued that the coexistence of a multiplicity of residence permits for legal migrants, being not really understood even by many of the direct users / stakeholders makes the system overly complicated.

The recognition of skills and qualifications should be harmonised on EU level which would increase the added value of the legal framework. Currently, this is done on national level but migrants should not have to depend on the decision of an individual Member State.

Informal Meeting Group on Economic Migration (EGEM)

The EGEM members and experts identified the following gaps and key issues related to the legal migration Directives. They raised the issue of entrepreneurs arguing that there are already a number of national schemes in place to attract entrepreneurs in the Member States and thus the question arises whether there is a need for a harmonised approach on EU level. In addition, in line with the findings of the Expert Workshop, participants argued that that a permit for low and medium skilled and self-employed should also be considered.

LIBE Committee (EU Parliament)

Participants pointed out that the legal migration Directives were not really European, as they leave a wide margin to Member States to apply them in different ways. This makes it complicated for TCNs to understand which rules apply. There is need for more harmonised rules. A potential sustainable solution was mentioned which would be to have only one or two general laws, which would set the same rules for all Member States as regards procedures (while the issues of volumes and specific needs of each Member State should remain under their competence).

4 Summary: Convergence and divergence among the main consultation findings

The stakeholder consultations that took place in the context of the Fitness Check showed that generally all stakeholders agree on the positive role that legal migration plays in the EU. Each group of stakeholders, though, expresses slightly different views. Also, within stakeholder groups there is a variation along political or ideological lines that Members State or Civil Society representatives represent.

4.1 Relevance

Stakeholders agreed that the objectives of the **legal migration Directives remain relevan**t in addressing their needs (EQ1).

At the same time, the majority of stakeholders provided their views on several relevance issues:

- Specifically Member State representatives see the ne**ed for simplifying and streamlining the existing Directives**, rather than developing additional legislation at EU level. They also emphasised that while there is a need for harmonisation, the Member State authorities should have a certain degree of **flexibility regarding the degree of harmonisation** (EQ1B, EQ1D, EQ1E, EQ1F).
- Civil society groups added, that the **broader political context in the EU** in light of managing migration (including combatting illegal migration, but also ensuring equal treatment and combating labour exploitation) needs to be taken into account in the process of revising the current legal migration Directives (EQ1F).
- Representatives of social partners focussed mainly on labour migration and expressed need of the EU legislation to address **labour skills shortages**, rather than exclusively focus on highly skilled non-EU workers. This brings the issue of the existing demand for low and medium-skilled workers, and the lack of relevant EU legislation (EQ1A, EQ1B, EQ1E).
- Interviews with stakeholder groups representing entrepreneurs showed that for the EU it is important to **attract entrepreneurs in innovative sectors**, in order to increase the competiveness of EU economies. Current EU legislation does not address these categories, while some Member States do. A common EU approach there would add value (EQ1B, EQ1F).
- Employer representatives and those with a general interest in migration responding as part of the OPC were split in their views: some expressed their **dissatisfaction with the EU migration legal framework**, and calling for restrictive EU migration policies that prioritises the needs of EU citizens. Others emphasised the need to protect the rights of third country nationals and tackle labour exploitation (EQ1B, EQ1F).
- Third country nationals, while recognising the relevance of the EU labour directives, noted that the **current conditions** for entry, residence, and access to the labour markets in EU countries are too restrictive (EQ1C, EQ1E).

4.2 Coherence

The prevalent opinion amongst stakeholders was that the objectives of the Directives are not always coherent and consistent and there are **inconsistencies, gaps and overlaps that need to be addressed (EQ2)**. The inconsistencies, mentioned, were in respect to provisions on equal treatment, wage thresholds and labour standards, as well as short term intra-EU mobility, access to work for family members. It was noted that admission conditions and rules vary significantly across the Directives, creating

different standards for different categories of migrants. In terms of overlaps some stakeholders noted that some categories of third country nationals are covered simultaneously by EU and national schemes, which makes for confusing and complicated legislation (EQ2A, EQ2B).

Regarding the most relevant gaps as regards **categories of third-country nationals that are currently not fully covered by the EU legislation**, there were many converging opinions on the following legislative gaps (EQ2A):

- **Entrepreneurs and start-ups** was mentioned by third country nationals and EU-base entrepreneurs, as well as MS authorities
- **Self-employed workers** was mentioned by TCNs.
- **Family reunification** should be broadened beyond the nuclear family was brought up by TCNs and some civil society organisations also
- **Medium and low-skilled workers** was mentioned by civil society organisations and social partners suggested
- **Inclusion of domestic workers**, entrepreneurs and start-ups,
- **Highly qualified international service providers** was brought by MS authorities
- **Non-removable irregular migrants** was another category mentioned by MS authorities.
- **Third-country transport workers** (notably in aviation and road transport) was brought up by experts

As for **external coherence**, contributions from the stakeholders mainly referred to an overlapping between asylum and legal migration acquis, and family reunification rules in the Dublin Regulation (EQ4).

4.3 Effectiveness

Stakeholders agreed that the EU legal migration framework has had a positive impact on the legislation and practices of EU Member States (EQ5). Civil society organisations in some Member States found that the FRD and the LTR Directive have positively contributed to the support for legal migration, equal treatment, and protection of human rights. The SPD has helped simplify procedures (EQ6).

However, a number of challenges have been identified that pose obstacles of the effectiveness of the migration directives (EQ7):

- The complexity and segmentation of the EU migration system.

  At EU level, the coexistence of separate schemes for each group of economic migrant has resulted in a complex and fragmented system that makes uniform implementation across Member States difficult. For example, many stakeholders pointed to the disparity of the protection of rights of high-skilled migrants as compared to other TCNs with access to the labour market. Another result of differences in migration schemes is that at national and local level different authorities overlap. This could be aggravated by the lack of adequate policy guidelines for national authorities as well as high-quality and easily accessible public information on procedures and rules.

- Difficulties with regard to intra-EU mobility of migrants.

  Third-country nationals who are seeking to move to a second country, especially long-term residents face a number of challenges in doing so, ranging from the lack of information provided from official sources to the lack of transferability of their social security benefits. Another issue refers to students, where it was pointed that the non-uniform regulation across the Member States

results in different time thresholds as to how much time they can spend abroad for exchange programmes.

As for external factors, the stakeholders did not provide detailed input. However, they mentioned the high influx of refugees into the EU and their access to the labour market as an important factor (EQ8).

4.4 Efficiency

The need for **simplification of the legal migration Directives** was an opinion shared by most stakeholders (EQ10). Member State representatives specifically noted that the implementation of Directives was overall complicated and problematic. Stakeholders responding to the OPC agreed that the length and complexity of procedures poses significant costs during the application (EQ9).

Another issue that was mentioned by many stakeholders and which is linked to the one abovementioned, was the **cost** of obtaining the required documentation to support application, as this usually requires certification and/or translation (EQ10A). Consulted experts mentioned how these requirements often vary quite a lot between Member States and that this creates different levels of efficiency as well as uncertainty among applicants. Thus, they call for the **standardisation** of the process (EQ10C).

4.5 EU Added Value

Stakeholders mainly agreed that there have been positive effects brought in by the EU legislation (EQ11).

Intra-EU mobility, despite some concerns about its effectiveness, was identified as one of the main added value of EU legislation. The opportunity to move to other Member States is attractive mainly for international students, participating in exchange programmes. Intra-EU mobility is also beneficial for some categories of workers (researchers, Blue Card holders, intra-corporate transferees, and long-term residents). Stakeholders noted that while this is perceived as a significant added value, in practice its utilisation is limited. Problems often arose around the transferability of social benefits. The intra-EU mobility procedures are considered to be very complicated and require intensive cooperation and exchange of information between Member States (EQ11B).

Another positive effect of EU legislation is that the directives have established a common, **harmonised legal framework** in certain areas (EQ11B)**.** To a certain extent, this creates a 'level playing field' across the EU, in terms of attractiveness. Stakeholders argued that gaps, for instance, in relation to the recognition of skills and qualifications still need to be harmonised on EU level (EQ12A, EQ12C).

The legal migration Directives had a number of **added value** that would not have been realised without them: the recognition of the rights of third-country nationals across all Member States, as a result of the Single Permit Directive; greater legal certainty for businesses (EQ12). Yet, these benefits are not fully exploited, and are being undermined by complicated rules and procedures. National permit schemes are in many occasions preferred by both authorities and migrants, as they provide a broader spectrum of rights for third country national and are better targeted to meet their needs than the Directives on EU level. However, in sum stakeholders agreed that the issues addressed by the legal migration Directives continue to require action at the EU level, but need to be further exploited (EQ12).

ANNEXES

Annex 1 Questionnaire of OPC

The questionnaire of the open public consultation is available under the following link:

Legal-migration-by-non-EU-citizens-Public-

Annex 2 Task III Interview Guidelines

A2.1 Interview questionnaire for labour inspectors

This interview explores the main challenges associated with efforts to prevent and combat labour exploitation among legally residing third-country nationals in [your Member State] and the extent to which the EU legal migration acquis is helpful in this regard.

One of the objectives of the EU legal migration acquis is to avoid distortions in the labour market and reduce the risk of labour exploitation by ensuring equal treatment of third-country national workers with nationals of the host Member State in a number of areas. The **Single Permit Directive**[64] (adopted in December 2011 with a deadline for transposition of 25 December 2013) and the **Seasonal Workers Directive**[65] (adopted in 26 February 2014 with a deadline for transposition of 30 September 2016) are particularly important in this respect as their equal treatment provisions cover also third-country national workers in low-skilled sectors, including domestic care, agriculture and construction, where the incidence of labour exploitation is higher.

In this interview we are interested in your opinions on the relevance, effectiveness and 'added value' of these Directives in the context of your Member State's existing rules and practices for preventing and combatting labour exploitation.

Relevance

1. We know that it is difficult to measure the scale of labour exploitation but in your estimation how widespread is the problem of exploitation of legally residing third-country nationals [in your Member State]?
    - Over the last 5-10 years, has [your Member State] seen an increase or decrease in exploitative employment practices concerning third-country nationals?
    - Which sectors does such exploitation affect in particular?
    - What types of labour exploitation are more prevalent? [*We know that labour exploitation comes in many different forms with forced labour and other forms of severe exploitation on one end and freely chosen, yet undeclared employment practices on the other, e.g. involving students who work more hours than they are entitled to*]
2. Has [your Member State] developed instruments specifically designed to prevent and combat labour exploitation of legally-residing third-country nationals? (as opposed to instruments that target labour exploitation of irregular migrants).
3. How much progress has [your Member State] made in its efforts to prevent and combat labour exploitation of legally-residing third-country nationals? What are the main remaining obstacles?

Effectiveness

*The **Single Permit Directive** entitles most third-country nationals that have the right to work in a Member State to equal treatment with nationals of the host Member State in a number of work-related areas including:*

[64] Directive 2011/98/EU 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.

[65] Directive 2014/36/EU on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers.

- Working conditions, including pay and dismissal as well as health and safety at the workplace;
- The right to strike and take industrial action,
- Access to social security, including social assistance.

4. Please comment on whether the adoption of the Single Permit Directive has helped to strengthen the rights enjoyed by third-country national workers in [your Member State]?
5. Several categories of third-country nationals are not covered by the provisions of the Single Permit Directive, including third-country national self-employed workers and posted workers. Do you consider that their exclusion from the equal treatment provisions of the Single Permit Directive is problematic from the point of view of preventing and combatting labour exploitation?
6. The Single Permit Directive allows Member States to limit the right to equal treatment with nationals in respect of access to social security to those who have been employed for less than six months. Do you consider that the option to limit equal treatment in this area is problematic from the point of view of preventing and combatting labour exploitation?

*The **Seasonal Workers Directive** entitles third-country national seasonal workers to equal treatment with nationals of the host Member State at least with regard to:*

- Working conditions, including pay and dismissal as well as health and safety at the workplace;
- The right to strike and take industrial action,
- Access to social security, but not social assistance.

7. Given the recent adoption of the Seasonal Workers Directive, it is too early to assess its effectiveness. However, do you think the Directive's provisions on equal treatment will help to improve existing practices as regards working conditions, among employers who hire seasonal workers?

The Seasonal Workers Directive attempts to address the issue of overstaying and transitions to irregularity by providing common criteria for refusing applications for admission[66] or renewal of residence permits[67].

8. Do you think these provisions will help to prevent overstaying and transitions into irregularity, among third-country national workers, thereby reducing the risk that they will become victims of labour exploitation?

EU added value

9. What have been the main positive effects and results brought about by the introduction of the Single Permit Directive? Do you consider these effects could have been achieved at Member State in the absence of the Single Permit Directive?
10. Are there issues that are currently not covered at EU level which would benefit from EU actions? For example:
    - **Employer sanctions**: Would there be value in providing for minimum standards at EU level on sanctions also against employers of **legally** residing third-country national workers not fulfilling their obligations?[68]

[66] Article 8 of the Seasonal Workers Directive.

[67] Article 15 of the Seasonal Workers Directive.

[68] *The Single Permit Directive does not require Member States to establish monitoring mechanisms, nor sanctions against employers who do not comply with its provisions on equal treatment. The Seasonal Workers*

- **Effective inspection regime**: Would there be value in providing for minimum standards at EU level for effective inspection instruments among employers who hire legally residing third-country national workers?
- **Temporary agency workers**: Would there by value in extending the protections afforded by the Directive on Temporary Agency Work also to temporary agency workers who are self-employed, posted or who are contracted by a temporary work agency based outside of the EU?[69]

A2.2 Interview questionnaire for organisations/agencies recruiting seasonal workers

Introduction

This interview explores the main challenges associated with the recruitment of seasonal workers in [your Member State] and considers the likely effects in [your Member State] of the introduction of Directive 2014/36/EU on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers, adopted on 26 February 2014.

The aim of Directive 2014/36/EU is to regulate the procedure for admission of third-country seasonal workers, based on a common definition and common criteria; to provide facilitated re-entry of seasonal workers on subsequent seasons; to provide clearly defined legal provisions on working conditions; and to prevent over-staying by specifying the maximum period of stay in a given year.

However, as it is still too early to assess the effects of the Directive, in this interview we are above all interested in your opinions about the relevance and 'added value' of the Directive in the context of existing rules and practices in this area.

Information about your organisation

Please briefly describe the role of your organisation in the process of recruiting seasonal workers:

1. What sectors do you operate in;
2. What type of services do you provide to employers;
3. What type of services do you provide to the seasonal workers?
4. On average, how many seasonal workers does your organisation help to recruit each year, of these how many are third-country nationals?

Relevance

5. How has demand for seasonal workers evolved in [your Member State] over the last ten years? (demand has increased/decreased/remained stable)
6. If demand for seasonal workers has increased, what sectors are affected the most? (*e.g. agriculture, tourism, etc.*)
7. How reliant are employers of seasonal workers in [your Member State] on third-country nationals as opposed to nationals of [your Member State] or EU nationals? Has this reliance increased over time?

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*Directive establishes that Member States shall provide for 'effective, proportionate and dissuasive' sanctions against employers who have not fulfilled their obligations under the Directive. However it does not establish minimum standards for the sanctions. The only Directive that does so is Directive 2009/52/EC on providing for minimum standards on sanctions and measures against employers of **illegally staying** third-country nationals.*

[69] *The Directive on Temporary Agency Work 2008/104/EC provides a minimum level of effective protection to third-country national temporary agency workers who are covered by the equal treatment provisions of the Single Permit Directive. However, the Temporary Agency Work Directive does not cover self-employed workers, posted workers and third-country nationals who are contracted by a temporary work agency based outside of the EU.*

8. What are the main challenges affecting the recruitment of third-country nationals as seasonal workers in different sectors? Please consider the potential challenges below and elaborate on any that are relevant in your view:

- Is it difficult to identify sufficient / suitable candidates?
- Are the admission conditions for third-country national seasonal workers too strict/complex?
- Are the procedures for recruiting third-country national seasonal workers too costly?
- Are the procedures for recruiting third-country national seasonal workers (including for the seasonal workers to obtain necessary visas, residence permits and/or work permits) too complex / time-consuming? If so, which aspects in particular?
- Other challenges.

9. What are the main challenges affecting the work and living conditions of seasonal workers in different sectors?

- Restrictions associated with the right to work / access the labour market (e.g. are seasonal workers bound to a single employer or can organisations that recruit seasonal workers hire them out to different employers?)
- Restrictions associated with the length of their authorised stay (e.g. is the maximum time permitted too short, resulting in high numbers of seasonal-workers over-staying / falling into irregularity;
- Problems associated with the working conditions of seasonal workers;
- Problems associated with the access of seasonal workers to social security benefits;
- Problems associated with the provision of accommodation to seasonal workers;
- Other challenges.

10. Are you aware of the introduction of Directive 2014/36/EU on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers ('The Seasonal Workers Directive')? *The deadline for Member States to transpose the Directive was 30 September 2016.*

11. How important do you think the following key provisions of Directive 2014/36/EU will be in the context of [your Member State] (i.e. *will they change things significantly or are the provisions broadly consistent with existing rules/practices? If they will create change, are the consequences of the provisions likely to be beneficial? for employers or for seasonal workers?*):

- **Access to information**: Member States are required to make easily accessible to applicants information on all documentary evidence needed to apply. On issuing authorisation for the purpose of seasonal work, Member States shall also provide the seasonal worker with information in writing about their rights and obligations under the Directive, including complaint procedures (Article 11).
- **Facilitation of re-entry / circular movement**: Member States shall facilitate re-entry of third-country nationals who were admitted to that Member State at least once within the previous five years and who fully respected the conditions applicable to seasonal workers during each of their stays (Article 16).

- **Sanctions against employers**: Member states may impose sanctions against employers who have breached their obligations under the Directive, including a possible ban on employing seasonal workers. If seasonal workers' permit to work is withdrawn because of the employer's illegal behaviour, the employer must compensate the employees for all the work they have done or would have done. There are specific rules on the liability of sub-contractors (Article 16).
- **Maximum time limit**: Member States shall adopt a decision on application for authorisation for the purpose of seasonal work no later than 90 days from the date on which the complete application was submitted
- **Right to appeal**: Any rejection of an application or refusal to renew an authorisation shall be subject to appeal. Seasonal workers shall receive written notification of the court or administrative authority with which the appeal may be lodged and the time-limit for lodging the appeal.
- **Provision of accommodation**: Member States shall require evidence that the seasonal worker will benefit from accommodation that ensures an adequate standard of living for the duration of his or her stay (Article 20).
- **Right to equal treatment**: Seasonal workers shall be entitled to equal treatment with nationals of the host Member State at least with regard to (inter alia) working conditions, the right to strike and take industrial action and social security (Article 23).

EU added value

12. What are the main benefits (or disadvantages) in your view of endeavouring to regulate the recruitment of seasonal workers at EU level? Is it useful, for example to have common definitions of seasonal work and common criteria for admission across the EU?
13. Would there be merit in regulating at EU level any additional elements of the process of recruiting seasonal workers? *(i.e. are there elements that are not already regulated at EU level that should be in your view?)*. For example:

The Seasonal Workers Directive establishes that Member States shall provide for 'effective, proportionate and dissuasive' sanctions against employers who have not fulfilled their obligations under the Directive. However it does not provide for minimum standards for the sanctions. The only Directive that does so is Directive 2009/52/EC on providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals. Would it be useful to provide for minimum standards on sanctions also for employers of legally residing seasonal workers who are in serious breach of their obligations, including as regards the living and working conditions of seasonal workers?

According to the Seasonal Workers Directive, it is only possible to apply for admission as a seasonal worker while the third-country national is residing outside the territory of the Member States. There are no opportunities for third-country nationals to apply for admission as a seasonal worker in one Member State while residing on the territory of another Member State. Would it be useful from the point of view of addressing employer demand for seasonal workers to permit such intra-EU mobility?

A2.3 Questionnaire for representatives of ecosystems for entrepreneurs (accelerators, incubators, venture capitalists)

Introduction

This interview explores the main challenges associated with attracting and retaining entrepreneurs from third countries in the EU. Migrant entrepreneurs are one of the categories currently not covered by the European migration acquis, although they play an important role in stimulating entrepreneurship and innovation. Through this

interview, we would like to obtain a better understanding of the needs and prerequisites for attracting entrepreneurs from third countries and whether it would be useful to develop EU actions in this field.

Information about your organisation

14. Brief description of your organisation: Please specify if it is an ecosystem, accelerator, incubator, etc. and the main aims of the organisation.
15. Please briefly describe the role of your organisation in attracting third-country nationals as entrepreneurs.
    - Is your organisation collaborating with entrepreneurs from third countries? Please explain what this collaboration consists in.
    - What is the share of entrepreneurs from third countries part of your ecosystem/ accessing your services of the total entrepreneurs you work with? Please provide statistics for the recent years, if possible.
16. Do you focus on specific sectors (e.g. IT, education, entertainment, energy etc.)?
17. What are the conditions for entrepreneurs to join your ecosystem/access the services that you are offering?
    - Are there special conditions for entrepreneurs from third countries?
    - What do you think attracts the most entrepreneurs from third countries to your ecosystem?

Attracting third-country nationals to the EU (Relevance)

18. How has the need for attracting third-country national entrepreneurs evolved in [your Member State] over the last ten years? (need has increased/decreased/remained stable)? Please explain what elements or facts enable you to identify this evolution.
19. Are there particular areas and sectors that are in need of entrepreneurial potential from third countries? Which are they?
20. Which channels do you use to attract entrepreneurs from third countries? Which ones are the most efficient in your experience?
21. What are the main challenges you face in attracting entrepreneurs?
22. In your view how attractive is the EU as a destination in comparison to other destinations for entrepreneurs globally?

Effectiveness

23. In your knowledge, what are the main difficulties that entrepreneurs coming from third countries may experience with the immigration process? *Please consider the potential challenges below and elaborate on any that are relevant in your view:*

Admission conditions for third-country national entrepreneurs? Please explain why and how the challenge could be addressed.

Information? Please explain why and how the challenge could be addressed.

Costs? Please explain why and how the challenge could be addressed.

Procedures? Please explain why and how the challenge could be addressed.

Other challenges? Please explain why and how the challenges could be addressed?

24. What are the challenges affecting the working and living conditions of third-country national entrepreneurs?

Insufficient rights attached to the permit (e.g. right to other employment,, education)

Restrictions with the duration of the permit (e.g. maximum time permitted too short). What would be the right duration in your view?

Restrictions regarding the renewal conditions. What conditions should allow the renewal of the permit?

Do you see a need to give mobility rights within the EU to third-country entrepreneurs? If so, for what purpose? Please explain.

Other challenges.

25. Does your organisation attract students/graduates from third countries as entrepreneurs?
26. What measures could be taken to boost attractiveness? Please elaborate.
27. Are you aware that recent EU legislation on students (the 'Students and Researchers' Directive) allows for third-country national students to exercise self-employment?

EU added value

28. What kind of action the EU could take to bring added-value regarding the attraction and retention of third-country entrepreneurs?
29. What are the key future trends that will shape the efforts of attracting entrepreneurs of third countries?
30. Would you like to add anything? Do you have any further observations?

A2.4 Questionnaire for selected National Authorities responsible for education and dealing with admission of international students

Name:	
Role:	
Contact details:	
National Authority:	
Already responded to the OPC	Y/N

Introduction

This interview explores the main challenges with regard to managing the process of entry and residence of international students to [your Member State] and the effects in [your Member State] of the Directive 2004/114/EC on Students and the introduction of the new Directive (EU) 2016/801 on Students and researchers on the conditions of entry and residence of students from third countries. The purpose of these Directives is to determine

a) the conditions for admission of third-country nationals to the territory of the Member States for a period exceeding three months for the purposes of studies, pupil exchange, unremunerated training or voluntary service;

b) the rules concerning the procedures for admitting third-country nationals to the territory of the Member States for those purposes.

In this interview, we are interested in your opinions about the relevance, effectiveness, efficiency, coherence and 'added value' of the Directive in the context of existing rules and practices in this area.

Relevance

1. How important are international students for the growth and competitiveness of universities / other institutions of higher education in [your Member State]? Has their importance grown in recent years?

2. Does [your Member State] aim to attract international students? If so, how?

Which are the policies/strategies for attracting students from third countries?

How do you support students coming from third countries?

3. How important do you think the following key provisions of the two Directives are in the context of [your Member State] (i.e. are they broadly consistent with existing rules/practices; do they meet the needs of your authority and those of students in the different steps of the migration process?)

   - The new Directive (EU) 2016/801 includes provisions on **access to information**[70]. Will this new provision be helpful in [your Member State] ,i.e. will you include additional information for international students, or will the current practices of information provision remain the same?

   - The **right of access to employment and self-employed activity** for students has expanded in the new Directive[71]. DO you consider these changes to be an improvement in the access of students to employment/self-employment? Is there a demand for student to be in employment/self-employment in [your Member State]?

   - Directive (EU) 2016/801[72] provides for **equal treatment with regard to working conditions** of students with nationals of Member States. In your knowledge, are students affected by adverse working conditions in [your Member State]? To what extent do provisions have an impact on ensuring equal treatment with nationals of [your Member State]?

[70] (Art 35 of the 2016/801 S&R Directive): Member States shall make easily accessible to applicants the information on all the documentary evidence needed for an application and information on entry and residence conditions, including the rights, obligations and procedural safeguards, of the third-country nationals falling under the scope of this Directive and, where applicable, of their family members. This shall include, where applicable, the level of the monthly sufficient resources, including the sufficient resources needed to cover the study costs or the training costs, without prejudice to an individual examination of each case, and the applicable fees.

[71]Article 24(1) of the 2016/801 S&RD Directive - Economic activities by students: Outside their study time and subject to the rules and conditions applicable to the relevant activity in the Member State concerned, students shall be entitled to be employed and may be entitled to exercise self-employed economic activity, subject to the limitations provided for in paragraph 3.

[72] Article 22(1) and (3) of the 2016/801 S&R Directive - Equal treatment: As established by Article 22(1) and Article 22(3), Article 12(1)(a) of Directive 2011/98/EU is applicable to researchers and trainees, volunteers, and au pairs, when they are considered to be in an employment relationship in the Member State concerned, and students.

(*** Article 12(1)(a) Single Permit Directive 2011/98/EU - Right to equal treatment

[…] (a) Working conditions, including pay and dismissal as well as health and safety at the workplace.)

- Directive (EU) 2016/801 provides for **intra-EU mobility[73] of students**. In your opinion, is this provision useful for students and EU Member States, i.e. is it relevant in attracting more students to the EU?

[73] Intra EU mobility (Art 31 Mobility of students) of the 2016/801 S&R Directive: Students who hold a valid authorisation issued by the first Member State and who are covered by a Union or multilateral programme that comprises mobility measures or by an agreement between two or more higher education institutions shall be entitled to enter and stay in order to carry out part of their studies in a higher education institution in one or several second Member States for a period up to 360 days per Member State subject to the conditions laid down in paragraphs 2 to 10.

Article 6 (2) of the Students Directive 2004/114/EC: Member States shall facilitate the admission procedure for the third-country nationals covered by Articles 7 to 11 who participate in Community programmes enhancing mobility towards or within the Community.

Article 8 (1): Without prejudice to Articles 12(2), 16 and 18(2), a third country national who has already been admitted as a student and applies to follow in another Member State part of the studies already commenced, or to complement them with a related course of study in another Member State, shall be admitted by the latter Member State within a period that does not hamper the pursuit of the relevant studies, whilst leaving the competent authorities sufficient time to process the application (…)

Effectiveness

4. What are the main challenges affecting the admission of students from third countries? Please consider the potential challenges below and elaborate on any that are relevant in your view:
   - Are the admission conditions for third-country national students too strict/complex?
   - Are the procedures for third-country national students too costly?
   - Are the procedures for third-country national students (including for the student to obtain the necessary visas, residence permits and/or work permits) too complex / time-consuming? If so, which aspects in particular?
   - Other challenges.
5. Are you aware of any challenges with regard to the points listed below?
   - Facilitation of the right to work / access the labour market (e.g. are students allowed to work only for limited hours, is self-employment activity possible, which are their rights with regards to leave?)
   - Length of their authorised stay (e.g. is the maximum time permitted too short)
   - Change of permit (e.g. is it easy to switch to an employment permit, possibility to acquire long term residence)
   - Issue with the access to intra-EU mobility (do you offer student exchanges from one Member State to another)?
   - Other challenges.

Efficiency

6. Which are the costs (e.g. administrative costs /fees for processing the applications/handling of notifications/issuance of certificates/costs of return/other services) for [your Member State], deriving from attracting students?
7. Does [your Member State] have policies/practices in place to prevent 'brain drain' from third countries? Please elaborate.
8. Does [your Member State] have policies/practices in place to prevent misuse of the student route? Please elaborate.

Coherence

9. Are there any issues as regards the recognition of qualifications for international students during the application phase[74]? Which policies/procedure are there in place to facilitate the recognition of qualifications (i.e. training of staff, promoting the sharing of information and best practices)?

EU added value

10. Which are in your opinion the main factors underlying the attractiveness of the EU for international students?
11. What have been the positive effects and results brought in by the specific EU legislation compared to what could have been achieved at Member State or international level?

[74] Recognition of qualifications (Article 22(1), (3) and (4) of the 2016/801 S&R Directive - Equal treatment): (…) students shall be entitled to equal treatment with nationals of the Member State concerned as provided for in Article 12(1) and (4) of Directive 2011/98/EU subject to the restrictions provided for in paragraph 2 of that Article.

12. Which are the expected future challenges in terms of attracting and retaining international students in [your Member State]? Which are the policies for dealing with these challenges?

A2.5 Questionnaire for Students and Alumni Associations regarding study in the EU

Information about the interviewee

Name:	
Contact details:	
Organisation:	
Brief description of the Association:	
Already responded to the OPC	Y/N

Introduction

This interview explores the main challenges with regard to attracting international students to the EU and the effects of the Directive 2004/114/EC on Students and the introduction of the new Directive (EU) 2016/801 on Students and researchers on the conditions of entry and residence of students from third countries.

The purpose of these Directives is to determine

a) the conditions for admission of third-country nationals to the territory of the Member States for a period exceeding three months for the purposes of studies, pupil exchange, unremunerated training or voluntary service;
b) the rules concerning the procedures for admitting third-country nationals to the territory of the Member States for those purposes.

In this interview, we are interested in your opinions about the problems for students with regard to admission procedures and rights of students as well as the relevance, effectiveness, coherence and 'added value' of the Directives in the context of existing rules and practices in this area.

About the organisation

13. How do you support students coming from third countries? Please describe briefly the role of your organisation with regard to third-country national students

14. What is the share of students from third countries who are members of your association or accessing your services? Please provide statistics for the most recent years, if possible.

Relevance

15. Are you aware of the provisions of the two Directives described above?

16. How important do you think the following key provisions of the two Directives are in the context of [your Member State] (do they meet the needs of students in the different steps of the migration process?)

- The new Directive (EU) 2016/801 includes provisions on **access to information**[75]. Will this new provision be helpful in [your Member State] or will the current practices of information provision remain the same?
- The **right of access to employment and self-employed activity** for students has expanded in the new Directive[76]. Would you consider these changes to be an improvement in the access of students to employment/self-employment? Is there a demand for student to be in employment/self-employment in [your Member State]?
- Directive (EU) 2016/801[77] refers to **equal treatment with regard to working conditions** of students with nationals of Member States. In your knowledge, are students affected by adverse working conditions in [your Member State]? To what extent do provisions have an impact on ensuring equal treatment with nationals of [your Member State]?
- Directive (EU) 2016/801 provides for **intra-EU mobility[78] of third-country national students**. In your opinion, is this provision useful for students? Is it relevant in attracting more students to the EU?

Effectiveness

17. What are the main challenges affecting the admission of students from third countries? Please consider the potential challenges below and elaborate on any that are relevant in your view:
    - Are the admission conditions for third-country national students too strict/complex?
    - Are the procedures for third-country national students too costly?

[75] (Art 35 of the 2016/801 S&RD Directive): Member States shall make easily accessible to applicants the information on all the documentary evidence needed for an application and information on entry and residence conditions, including the rights, obligations and procedural safeguards, of the third-country nationals falling under the scope of this Directive and, where applicable, of their family members. This shall include, where applicable, the level of the monthly sufficient resources, including the sufficient resources needed to cover the study costs or the training costs, without prejudice to an individual examination of each case, and the applicable fees.

[76] Article 24(1) of the 2016/801 S&RD Directive - Economic activities by students: Outside their study time and subject to the rules and conditions applicable to the relevant activity in the Member State concerned, students shall be entitled to be employed and may be entitled to exercise self-employed economic activity, subject to the limitations provided for in paragraph 3.

[77] Article 22(1) and (3) of the 2016/801 S&RD Directive - Equal treatment: As established by Article 22(1) and Article 22(3), Article 12(1)(a) of Directive 2011/98/EU is applicable to researchers and trainees, volunteers, and au pairs, when they are considered to be in an employment relationship in the Member State concerned, and students.

(*** Article 12(1)(a) Single Permit Directive 2011/98/EU - Right to equal treatment

[…] (a) Working conditions, including pay and dismissal as well as health and safety at the workplace.)

[78] Intra EU mobility (Art 31 Mobility of students) of the 2016/801 S&RD Directive: Students who hold a valid authorisation issued by the first Member State and who are covered by a Union or multilateral programme that comprises mobility measures or by an agreement between two or more higher education institutions shall be entitled to enter and stay in order to carry out part of their studies in a higher education institution in one or several second Member States for a period up to 360 days per Member State subject to the conditions laid down in paragraphs 2 to 10.

Article 6 (2) of the Students Directive 2004/114/EC: Member States shall facilitate the admission procedure for the third-country nationals covered by Articles 7 to 11 who participate in Community programmes enhancing mobility towards or within the Community.

Article 8 (1): Without prejudice to Articles 12(2), 16 and 18(2), a third country national who has already been admitted as a student and applies to follow in another Member State part of the studies already commenced, or to complement them with a related course of study in another Member State, shall be admitted by the latter Member State within a period that does not hamper the pursuit of the relevant studies, whilst leaving the competent authorities sufficient time to process the application (…)

- Are the procedures for third-country national students (including for the student to obtain the necessary visas, residence permits and/or work permits) too complex / time-consuming? If so, which aspects in particular?
- Other challenges.

18. Do you provide assistance for students who wish to work, e.g. identifying job opportunities, providing information on rights? Can you elaborate in what way?
19. In your experience, do students from third countries face challenges / barriers in relation to access to intra-EU mobility, i.e. moving from one Member State to another through e.g. an exchange programme? Would it make the EU more attractive to students if they had more rights in this regard?
20. Do you have any knowledge about international graduates, i.e. do in your experience students who finish their studies remain in the EU and obtain another permit e.g. for work or do they leave the EU?

EU Added Value

21. Which are in your opinion the main factors underlying the attractiveness of the EU for international students? Which additional factors would contribute to the attractiveness of the EU for international students?
22. What have been the positive effects and results brought in by the specific EU legislation compared to what could have been achieved at Member State or international level?
23. In your opinion, which are future challenges related to admission and retention of international students in the EU?

Annex 3 Overview of interviews conducted

Table 7. *Task II: Overview of interviews with migrant agencies based in the EU*

Agency	Member State	Status
1.FRAGOMEN	Belgium,Luxembourg and the Netherlands	Completed 25/10/2017
2.Matrix Relocations (SouthEast Europe)	Bulgaria	Completed 23/10/2017
3.Point for Mobility	Germany	Completed 05/10/2017
4.Matrix Relocation	Croatia	Completed 05/10/2017
5.Peregrine Immigration Management	Hungary, Poland and UK	Completed 02/11/2017
6.International Business Support s.r.o.	Czech Republic	Completed 29/09/2017
7.Arletti & Partners	Italy	Completed 2/10/2017
8.Kroes Advacaten	Netherlands	Completed 07/11/2017
9.Pro Relocation Sp. z o.o.	Poland	Completed 06/10/2017
10.Eurohome Relocation Services	Netherlands (head office), secondary offices located in Prague and Moscow, and Poland	Completed 23/10/2017
11.Immigration Manager at Executive Relocations	France	Completed 24/11/2017

Table 8. *Task II: Overview of interviews with migrant agencies based outside of the EU*

Agency	Country	Status
1.Solicitor at Farani Taylor Solicitors	Brazil	Completed 03/10/2017
2. Global Visa	Brazil	Completed 17/08/2017
3. Crownhub Consulting	Nigeria	Completed 20/08/2017
4. MOAF Consulting	Nigeria	Completed

Agency	Country	Status
		22/08/2017
5. Talented Students Team (TST)	Russia	Completed 29/08/2017

Table 9. Selected national authorities responsible for education/research and dealing with admission of international students

No	Member State	Organisation	STATUS (e.g. completed/scheduled) and DATE
1.	**Austria**	Ministry of Interior	Completed on 31.08.2017
2.		Österreichische Fachhochschul-Konferenz	Completed on 07.09.2017
3.	**Cyprus**	Civil Registry and Migration Department Ministry of Interior	Contacted via email and phone, no reply
4.	**Estonia**		Completed on 31.08.2017
5.	**Finland**		Contacted via email and phone, no reply
6.	**France**		Completed on 07.09.2017
7.	**Netherlands**	Ministerie van Veiligheid en Justitie Directie Migratiebeleid	Completed on 31.08.17
8.	**Poland**		Completed on 18.09.17 (in writing)
9.	**Romania**		Contacted via email and phone, no reply
10.	**Spain**		Contacted via email and phone, no reply

No	Member State	Organisation	STATUS (e.g. completed/scheduled) and DATE
11		Ministry of Justice	Completed on 25.08.2017
	Sweden		
12		Immigration Agency	Completed on 02.10.2017

Table 10. Student and Alumni Associations

No	Organisation	STATUS (e.g. completed/scheduled) and DATE
1.	**ESAA – Erasmus+ student and Alumni Association**	Declined participation
2.	**AIESEC**	Contacted several times. Provided us with a contact from the new team. Forwarded invitation, no reply yet
3.	**CEEPUS - Central European Exchange Program for University Studies**	Contacted them on 15/08. Reply: they are an exchange programme and don't deal directly with this. Offered to circulate the questions among its members in late fall.
4. Back up	**The garagErasmus Foundation**	Contacted several times, no reply
5. Back-up	**OCEANS network - Organisation for Cooperation Exchange And Networking among Students**	Contacted several time, no reply.
6. Back up	**EMA – Erasmus Mundus Students and Alumni Association**	Declined participation

Table 11. Representatives of ecosystems for entrepreneurs

	Member State	Organisation	STATUS (e.g. completed/scheduled) and DATE
1.	**Estonia**	Startup Estonia (a governmental initiative aimed to develop the Estonian startup ecosystem)	Declined participation
2.	**France**	French Tech Ticket Or Try the new incubator https://stationf.co/team/	Contacted several times, no response
3.	**Italy**	Italia Startup Visa, Italian Ministry of Economic Development	Completed on 01.09.17
4.	**The Netherlands**	Start-up Delta	Contacted on 11.08 14.08 replied and referred to other people (see below)
		RVO, Netherlands Foreign Investment Agency	Completed on 23.08.17
5. back-up	**Portugal**	National Incubators, Makers and FabLabs Network See also http://startupportugal.com/about-index	Contacted several times, no response

Table 12. Organisations/agencies recruiting seasonal workers

	Member States	Organisation	STATUS (e.g. completed/scheduled) and DATE
1.	**Italy**	http://www.pickingjobs.com/italy/	Not trustworthy, not pursued further
2.	**Poland**	MR JOB	Contacted several times, after initial phone call, no response

3.	jobPoland	Contacted by email Organisation does not deal with recruiting workers directly, no alternative contacts provided.
4.	**Spain**	Pro-Staff	Contacted by email Organisation does not deal with recruiting workers directly, no alternative contacts provided.
5.	**Sweden**	Sasongspersonal.se	Contacted by email . "Unable to help due to high workload" Follow-up email sent to ask for alternatives/replacement on 13.09. No reply.

Table 13. Labour inspectorates

Member State	Organisation	STATUS (e.g. completed/scheduled) and DATE
1.	**Belgium**	Social Legislation Inspectorate	Completed on 8.12.17
2.	**Greece**	Labour Inspectorate Body (S.EP.E)	Contacted several times, no response

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