



# **Legal Migration Fitness Check**

Summary of Replies to the public consultation on  
legal migration by non-EU citizens



**EUROPEAN COMMISSION**

Directorate-General for Migration and Home Affairs  
Directorate for Migration, Mobility and Innovation  
Unit Legal Migration and Integration

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Directorate-General for Migration and Home Affairs  
Legal Migration Fitness Check

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# 1 Synopsis of the results of the public consultation

The Fitness check evaluates the existing EU legislation on legal migration according to the criteria of relevance, coherence, effectiveness, efficiency and EU added value. It will identify any possible gaps and inconsistencies and analyse if the current legal framework contributes to an effective management of migration flows. 'Legal migration' should be understood mainly as referring to stays of non-EU citizens for more than three months in the EU.

The results of the public consultation are analysed in the current document according to the referred evaluation criteria and to the different profiles of the respondents that participated in the consultation, which are the following:

- 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 (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)

This summary presents the main issues that have emerged across the evaluation criteria and the main points provided by respondents in the written contributions.

## 1.1 Main points across the evaluation criteria and the respondents' profiles

### 1.1.1 Relevance

The main views expressed by the respondents on the extent to which the objectives of the legal migration Directives and the way they are implemented are relevant in addressing their current and future needs are:

- The answers provided by Profile 1 respondents show that the most relevant Directives for these non-EU nationals are those **addressing workers and students**, as they indicate that they would like to migrate to the EU mostly to work and/or and study. The most popular Member States are Germany, followed by the Netherlands, France, Belgium, and the UK<sup>1</sup>.
- Almost half of the respondents of Profile 1 and around 40% of those responding as part of Profile 2 agree to a (very) large extent that the **current conditions** to enter, live and work in EU countries are an **obstacle** for them when migrating to the EU. They refer in special the lengthy and cumbersome application procedures and the labour market test.
- Specifically, Profile 3 respondents were asked whether they employ non-EU workers and only around 30% reply that they do employ these workers. The remaining respondents do not consider employing non-EU workers, stating as main reasons the availability of EU workforce and the difficulty to assess foreign qualifications.
- Profile 4 respondents were specifically asked about lessons learned from implementing EU legislation/Directives. While only a limited number of responses was received, those that responded, indicate that **lessons learnt have been applied to revise/simplify entry procedures** and to **extend the right of equal treatment to other categories of non-EU citizens**.

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<sup>1</sup> The UK is outside of the scope of the legal migration fitness check.

- The majority of Profile 5 respondents indicate that they find big differences between the Member States' rules on how to enter, work and reside, in special the application procedures. 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.
- All profiles were asked about the extent of easily available information on the legal ways to come to the EU. The majority of **Profiles 1, 2 and 5 respondents disagree that the information is easily available**. Around 40% of **Profile 3 respondents believe that adequate information is easily available** to employers, and to potential non-EU workers. **Profile 4 respondents overwhelmingly believe that there is adequate information** on immigration rules easily available to different stakeholders.
- All profiles were further asked about the opinion on the differences between the current rules in EU countries on how to enter, live and work in these countries. Overwhelmingly, across the profiles the respondents agreed to a (very) large extent that in their experience, **there are big differences in the current rules between different EU countries**.

### 1.1.2 Coherence

Stakeholders' views on possible gaps, overlaps and inconsistencies in the EU legal migration Directives can be summarised as follows:

- **Non-EU citizens looking to migrate and those already residing in the EU** (Profiles 1 and 2) **have rather positive views on including additional categories of third-country nationals in the EU framework**. On average, these profiles tend to agree more with this compared to the other profiles and, in particular, they agree that people planning to launch a start-up, followed by self-employed workers more generally, 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 also be included. The other categories were much less supportive (around 40% for self-employed and start-ups, and 50% for mobile workers).
- **The majority of Profiles 1 and 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 to be mandatorily covered under EU rules for family reunification.
- Profile 2 respondents were asked about **policy choices** in the management of migration in the Member State of their residence. A quarter of the respondents declared that while living in the EU they had to comply with integration conditions and measures, a large majority of these being language courses. Only 2% indicated that they had to participate in pre-departure integration activities (before entering the EU) as a prerequisite for a successful application..
- Profile 4 respondents indicated that **EU policies**, such as 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.

### 1.1.3 Effectiveness

The main stakeholders' views on the effectiveness of the EU legal migration Directives and their opinion about the application procedures, change of status, equal treatment, intra-EU mobility and transfer of social security benefits are the following:

- Overall the experience of non-EU nationals (Profile 1 and 2) with **application procedures appears to be challenging**. The majority of respondents of Profile 2 have had their initial application approved (6% rejected) and most had to contact a limited number of authorities (34%: 1 authority; 31%: 2 authorities). Nevertheless, half of these non-EU nationals encountered several problems when applying for a residence permit, with long procedures being the most important issues, followed by high costs of permit and the number of supporting documents required. When renewing the residence permit, the respondents encountered similar problems, with the additional insecurity due to delay in receiving new permit, after the first one had expired. It seems that the non-EU nationals themselves, with limited involvement of employers, mainly do the submission of applications. With regard to Profile 3, only a limited number of respondents has actually tried to recruit non-EU nationals. Therefore, these responses must be taken with caution. Out of those that do have experience with the recruitment of non-EU nationals, most have worked with a third party (e.g. immigration lawyer) to support the application.
- With regard to **change of status**, the majority of respondents (Profile 2) indicated that they encountered **problems while changing from one permit to another**. Unsurprisingly, the majority of respondents changed their status from student to worker. The main problems seem to be the long procedures, insecurity due to delay in receiving new permit, after the first one had expired and the amount of documents required. Further, over 60% of respondents are aware of the possibility to obtain an **EU long-term residence status**. However, only 19% have actually applied for this status, with the majority receiving the status upon application. With regard to obtaining **citizenship**, a very small number of respondents actually applied for citizenship, agreeing that obtaining citizenship was difficult. While the number of respondents that have actually obtained citizenship is too small to give an indication about the 'easiness' of the procedures, the fact that overwhelmingly the respondents did not apply for citizenship could indicate that the application is regarded as difficult.
- With regard to **equal treatment**, over 60% of respondents (Profile 2) seem to have rather positive experiences. However, the agreement is lower with regard to access to social security benefits and working conditions, where around 50% have indicated they have been treated differently compared to nationals either on one or on several occasions. Over 50% of respondents belonging to Profile 4 (authorities in EU countries) also believe that non-EU nationals enjoy equal treatment with nationals regarding access to publicly available goods, or education and vocational training. However, the agreement is lowest (31%) with regard to equal treatment in the recognition of qualifications.
- When asked about issues encountered regarding **intra-EU mobility**, around one third of Profile 2 respondents indicated they experienced problems, mainly due to the amount of documents required, the insecurity due to delay in receiving new permit after the first one had expired and the high costs of the permit.
- Respondents were finally asked about issues encountered when **transferring social security benefits** from one Member State to another. The results show that the take-up of transferring these benefits is very low. Only a limited number of respondents actually tried to transfer these benefits, and the majority of those experienced difficulties in the transfer, citing the lack of information about the procedures for transferring benefits as one of the main issues as well as limited knowledge by the administration in the Member States about the modalities for the transfer.



#### 1.1.4 Efficiency

As regards the stakeholders' views on costs and problems encountered with regard to the EU legal migration Directives, the responses across the different Profiles are summarised below:

- Non-EU nationals (Profiles 1 and 2) encounter the main costs in the application phase (in terms of time it takes to submit an application and), and almost 60% of Profile 2 respondents indicated that the **costs for obtaining a permit are not reasonable**. The time for submitting an application and receiving an answer from authorities was around one to three months for each of the phases for most respondents.
- For Profile 3 respondents **it seems to be challenging to employ or transfer non-EU workers**. The respondents experience the most challenges with the time it requires submitting an application as well as the amount of documentation required. Most of them utilise the services of third parties to support them in the application process. However, only a limited number of employers indicated that they employ non-EU nationals, hence those answers must be qualified as anecdotal. Contributions seem to indicate that the length and complexity of the procedures constitute an obstacle to hiring non-EU workers and to engage in business activities in multiple Member States.
- Authorities in the EU (Profile 4) indicated that they considered as very challenging the implementation of the **Single Permit Directive** (60%) and the **Long-term residents Directive** (50%), and to a lower extent the other Directives, including **Family reunification** (32%) and the **EU Blue Card Directive** (44%).
- Finally, Profile 5 respondents indicated similar **problems to entering/working/living in EU countries**, the main issues being complex/lengthy procedures (72%), the stringency of the requirements (49%) and the need to have a pre-existing job offer (47%).

#### 1.1.5 EU added value

Stakeholders' views on the EU added value of the legal migration Directives can be summarised as follows:

- 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**.
- Further, 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%). However this varies according to the profile of respondents, with more than two thirds Profile 1 and 2 respondents expressing support, while only 40% of the other respondents doing so.
- There is a general agreement that there should be an EU-level action to **facilitate the assessment and recognition of foreign academic qualifications** (58%) and that non-EU citizens should enjoy equal treatment (70% - although only 45% of Profile 4 respondents).
- The stakeholders were additionally asked to provide their view on **intra-EU mobility**, and they overall (53%) agreed that non-EU workers should be able to travel and work in different EU countries once admitted in one country. For this aspect the general trend is confirmed, with 85% support of Profile 2 respondents and around 45% of others.
- 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**.

## 1.2 Main points from the written contributions

The issues raised by the different groups of stakeholders **differ substantially**.

**Non-EU citizens** residing or having resided in the EU focus mainly on issues related to relevance and effectiveness of the Directives, notably in what regards the non-coverage of self-employed workers, lack of information on the EU long-term resident status and on the implementation of rules in Member States.

**Employers** focus more on relevance, coherence and effectiveness issues. Some referred to measures that may improve the attractiveness of the EU for qualified third-country nationals, especially in what regards applications, family reunification and recognition of qualifications. There was widespread support among these respondents for EU-level action, for equal treatment principles and for intra-EU mobility.

More in detail, an employers' association further suggested **strengthening of intra-EU mobility** through more targeted information about the possibilities for employers and employees as well as enabling easier recognition of professional qualifications. Another employers' organisation addressed the more specific issues of different **labour market access for family members** in the EU Blue Card and the ICT Directive. The organisation advocated greater coherence between these two Directives and measures to enable immediate access to the labour market for family members under both. An organisation representing crafts and small businesses submitted suggestions on implementing an **EU-wide talent pool** for TCNs interested in migrating to the EU with a points-based system awarding points to potential migrants. Some business representatives also defended the need to preserve national migration schemes and that national competence in terms of volumes of admission is to be respected.

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

Authorities from several Member States provide 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 the 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.

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". Finally, a Ministry from a third country

provided a position paper underlining the need for legal channels for migration to the EU, requesting a more flexible approach, notably in what regards family reunification, the mobility of students and researchers and of entrepreneurs from developing countries.

Contributions of respondents under Profile 5 (NGOs, international organisations, trade unions, academics, immigration lawyers and advisers, interested citizens) differ largely in terms of issues covered and suggestions made. Some elements:

- **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).
- Input provided by **academia** focus on specific/sectorial issues of the legislation, such seasonal workers, discrimination and equal treatment issues. Further issues addressed by academics include issues of potential labour market tests for family member of EU Blue Card holders (referring also to the proposal currently under negotiation) 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** raise issues related to the difficulties linked to the limitation of the **family reunification** rules to certain family members, issues related to **labour exploitation** and the absence of an **overall EU framework for the admission of labour migrants**. Other aspects raised by NGOs refer to the insufficient protection of human rights of third-country nationals and, in special, the rights of children.
- An **international organisation** raises, among others, issues of exclusion of beneficiaries of subsidiary protection from family reunification and the need to consider the situation of these and of refugees in the application of other legislation, notably regarding the scope of family members covered, the mobility of students and the Blue Card scheme.
- **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.
- Several **associations and trade unions** raise horizontal issues, such as the need to re-define the categories for family reunification, strengthen equal treatment of long-term residents and preserving national migration schemes/permits, but also **sectoral issues**, e.g. the specific needs of aircraft crews in terms of mobility.

## 2 Introduction<sup>2</sup>

In the context of the Legal Migration Fitness Check<sup>3</sup>, 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.

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'<sup>4</sup>.

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<sup>5</sup>)
- 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<sup>6</sup> 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).

This summary, compiled by ICF Consulting Ltd for the European Commission (DG HOME), presents a summary of the results of the public consultation, as follows:

- Section 3: Overview of respondents and methodology
- Section 4: Overview of the results of the OPC per evaluation criteria and respondents
- Section 5: Conclusions
- Section 6: Annexes

The full results of the public consultation and all replies will be available online on the [Public Consultations Webpage](#).

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<sup>2</sup>This summary has been made by ICF Consulting Ltd staff for the European Commission (DG HOME) for information and transparency purposes. The results of the consultation and the views and opinions expressed therein do not necessarily reflect the position of the European Commission on the issues raised.

<sup>3</sup> [https://ec.europa.eu/home-affairs/what-we-do/policies/legal-migration/fitness-check\\_en](https://ec.europa.eu/home-affairs/what-we-do/policies/legal-migration/fitness-check_en)

<sup>4</sup> [https://ec.europa.eu/home-affairs/content/consultation-european-unions-eu-legislation-legal-migration-non-eu-citizens-fitness-check-eu\\_en](https://ec.europa.eu/home-affairs/content/consultation-european-unions-eu-legislation-legal-migration-non-eu-citizens-fitness-check-eu_en)

<sup>5</sup> <https://www.facebook.com/Legal-migration-by-non-EU-citizens-Public-Consultation-1118387274927898/?fref=ts>

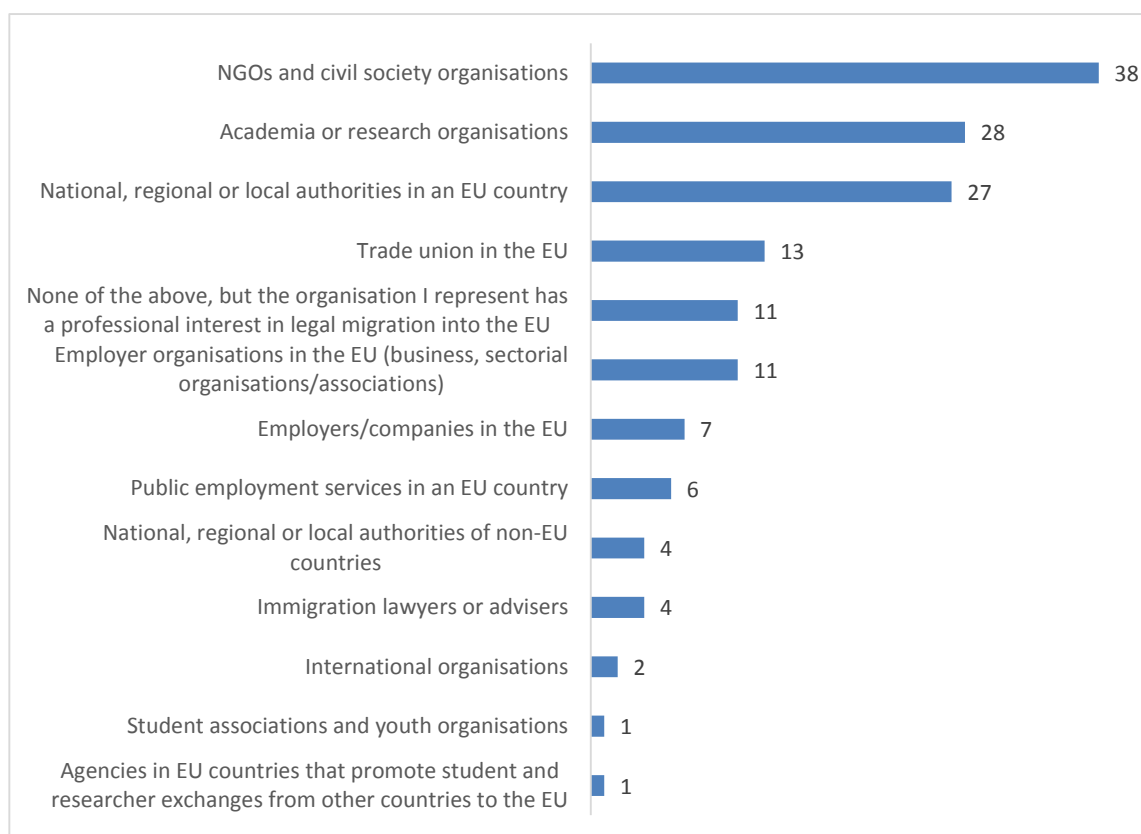
<sup>6</sup> Respondents did not answer all questions and sections. The questions were tailored to the different respondent groups. Responses will be published except where confidentiality was requested.

### 3 Overview of respondents and methodology

#### 3.1 Number and distribution of replies received

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.

Figure 1. What type of organisation are you representing?



N=153

With regard to the written contributions, the distribution is the following.

Table 1. Open-ended answers and written contributions

Type of respondent	Open-ended answers	Written contributions submitted
Non-EU citizens looking to migrate/temporarily move to the EU	14	/
Non-EU citizens residing or having resided in the EU	440	6 documents: all describing individual situations
Employers; non-EU service providers and private recruitment agencies	67	10 documents: 1 from employers and 9 from employer organisations: 3 sectoral organisations; 2 organisations representing multinational companies; 2 EU level organisations; 2 Member State level organisations.
Authorities in the EU Member States and in third countries	32	7 documents: Official position papers from Member States. 1 paper from a third country
Other stakeholders	216	Academia: 5 documents, 2 provided by individual

researchers, 1 peer-reviewed paper and 1 submitted as part of a project<sup>7</sup> and 1 article from an online journal.

NGOs: 9 documents

Individuals with personal interest: 3 documents

Immigration lawyers: 2

EU-level organisations: 2 documents, 1 submitted by a Member of the European Parliament, 1 by a EU agency.

Associations: 3 documents.

Trade Unions: 3

International organisations: 1

### 3.2 Distribution of replies by country

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 2. 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

<sup>7</sup> Growth, Equal Opportunities, Migration and Markets (GEMM) project. More information available at: <http://gemm2020.eu/>

were Dutch<sup>8</sup>, followed by 12% who said they were German. The share of respondents belonging to the other 74 nationalities varies between 0% and 10%. Table 3 provides a detailed overview.

Table 3. 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 mentioned: 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, Georgian, Indonesian, Kenyan, Liechtensteiner, Luxembourger, Macedonian, Maltese, Mauritian, Monacan, New Zealander, Paraguayan Slovakian, Uzbekistani, Zambian, Zimbabwean (1).

### 3.3 Distribution by type of respondent

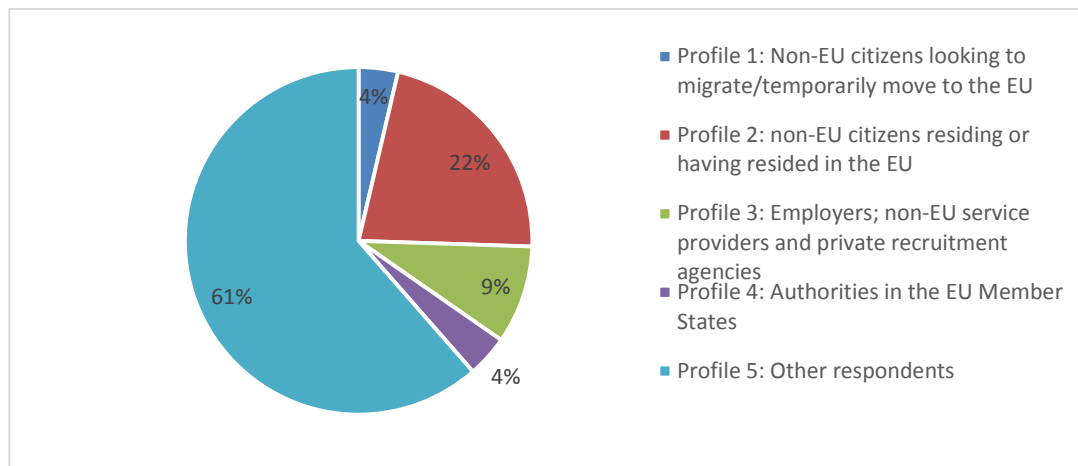
The results of the OPC were analysed according to the following profiles of respondents (see Figure 2):

- 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

<sup>8</sup> 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.

- 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)

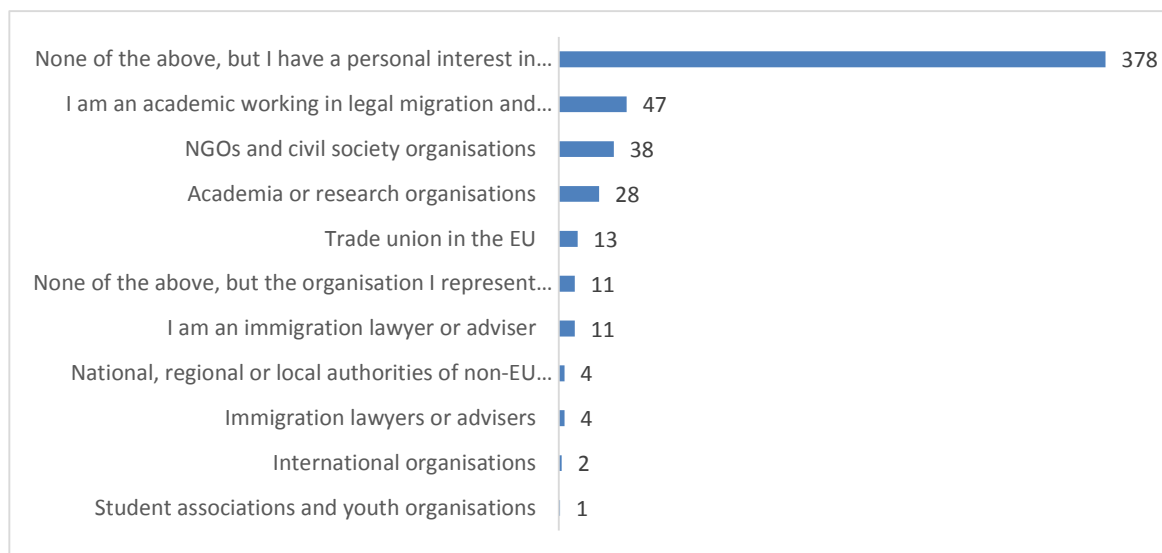
Figure 2. Profile of respondents



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.

Figure 3. Profile 5: Other respondents



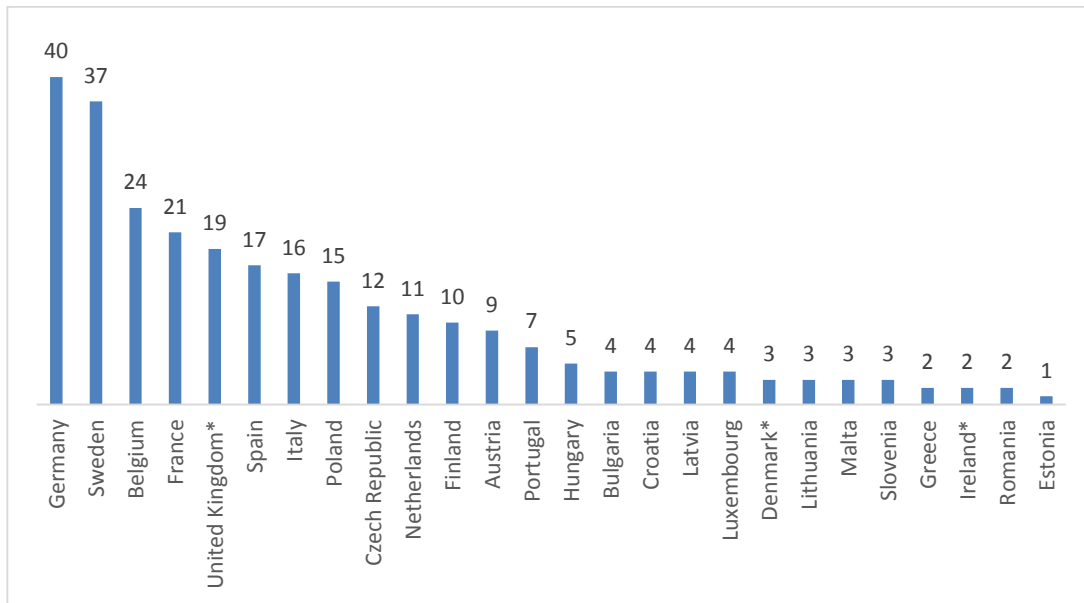
n=537

Further 22% of the total number of respondents said that they were non-EU citizens residing or having resided in the EU (Profile 2). 43% of respondents from this category indicated that at the time of residence in the EU they were highly-skilled workers, 24% were students, 10% joined a member of their family already living in the EU, 9% were researchers and 6% were self-employed workers. Further 4% of respondents indicated that they were 'other' type of workers.

Respondents also indicated the EU country(ies) in which they reside / have resided. The figure below provides a detailed overview of the responses.



Figure 4. Question 25: In which EU country(ies) do you live / have you lived (select all that apply):



*n=189, \*Denmark and the United Kingdom are not in the scope of the study.*

Furthermore, 9% of the total number of respondents indicated that they were employers, non-EU service providers and private recruitment agencies (Profile 3). 24% of respondents from this category represented a large company (over 250 employees), 23% represented micro-companies (under 10 employees), followed by 14% representatives of medium-sized companies (50–250 employees), 11% self-employed and 8% represented small companies (10–49 employees). 21% of respondents indicated that this question was not applicable to them or did not provide an answer. A considerable share of 30% of respondents from this category mentioned that their headquarters were located in the Netherlands<sup>9</sup>, followed by 18% in Germany and 8% in Belgium. Further 17 countries were mentioned with less than 3 respondents each<sup>10</sup>.

A smaller share of the total number of respondents indicated that they represented authorities in the EU Member States (Profile 4) (4%), and non-EU citizens looking to migrate/temporarily move to the EU (Profile 5) (4%).

### 3.4 Distribution by knowledge of EU laws on legal migration

Respondents were asked to indicate how familiar they were with the EU laws on legal migration.

Across all profiles of respondents (see Figure 5), combining the results of those who indicated that they had some knowledge and those who said they had detailed

<sup>9</sup> Due to a relatively high share of Profile 3 respondents (employers) indicating that their headquarters are located in the Netherlands, 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. With regard to closed questions, several answers are identical, which could indicate a campaign. However, due to the overall limited number of employers as respondents (23), a campaign cannot be confirmed with certainty. While the open-ended content does appear to follow a similar tone of answers (rather negative towards migrants in the EU), the number of answers (6) appear too small to justify a claim of a campaign. 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.

<sup>10</sup> Austria, Sweden (3 respondents each); Greece, Poland, Senegal, Spain, United States (2 respondents each); Algeria, Czech Republic, Finland, India, Ireland, Italy, Luxembourg, Malta, Slovenia, United Kingdom (1 respondent each).

knowledge of the different Directives, respondents were most familiar with the Directives on: (i) Students (63% of respondents)<sup>11</sup>; (ii) family reunification (62%)<sup>12</sup>; and (iii) long-term residents (61%)<sup>13</sup>.

Similarly, respondents indicated that they had some/detailed knowledge of the following Directives: single permit (57%)<sup>14</sup>; (v) EU Blue Card (56%)<sup>15</sup>; and (vi) Students and researchers (55%)<sup>16</sup>.

A smaller share of respondents suggested that they were familiar with the Directives on: researchers (47%)<sup>17</sup>; seasonal workers (41%)<sup>18</sup>; and intra-corporate transferees (34%)<sup>19</sup>.

Figure 5. Question 9: How familiar are you with EU laws on legal migration (i.e. the following Directives)?

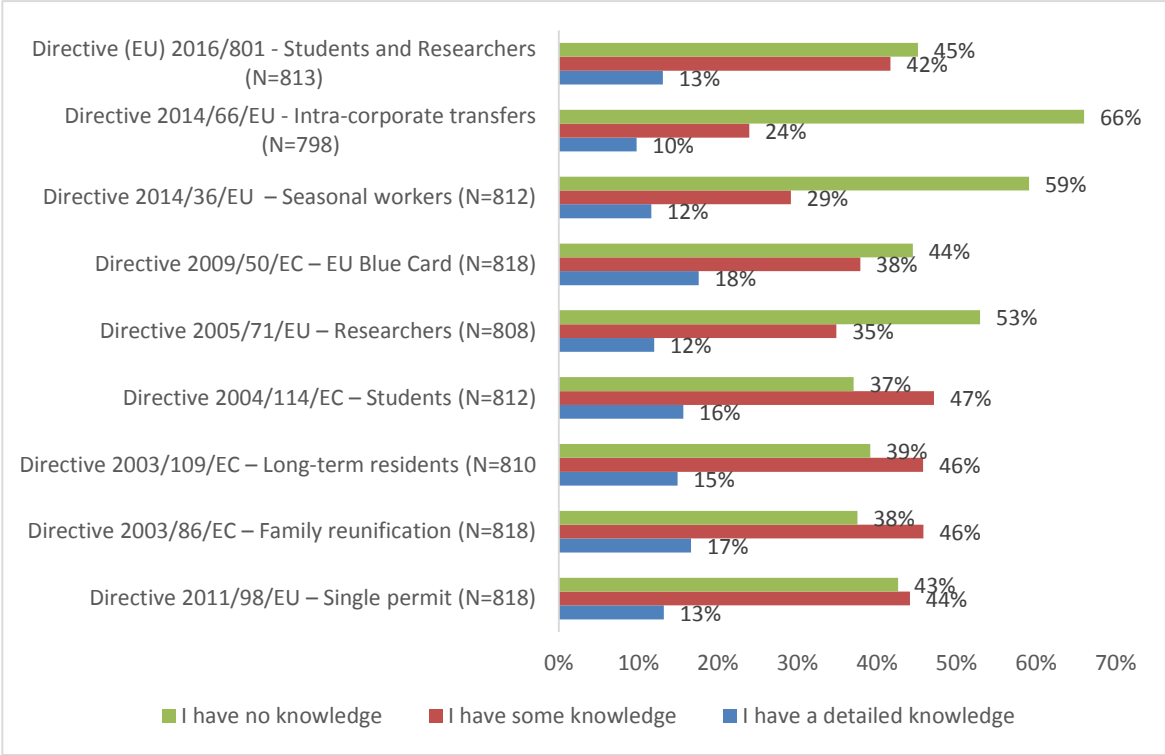


Figure 21 to Figure 29 in Annex 2 provide a detailed overview on how familiar the different categories of respondents are with the Directives.

### 3.5 Methodology

The OPC responses were analysed following the Commissions’ better regulation toolbox<sup>20</sup>. 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

<sup>11</sup> Or 511 out of 812 respondents who answered this question

<sup>12</sup> Or 511 out of 818 respondents

<sup>13</sup> Or 493 out of 810 respondents

<sup>14</sup> Or 469 out of 818 respondents

<sup>15</sup> Or 454 out of 818 respondents

<sup>16</sup> Or 446 out of 813 respondents

<sup>17</sup> Or 380 out of 808 respondents

<sup>18</sup> Or 332 out of 812 respondents

<sup>19</sup> Or 271 out of 798 respondents

<sup>20</sup> See here: [https://ec.europa.eu/info/sites/info/files/file\\_import/better-regulation-toolbox-54\\_en\\_0.pdf](https://ec.europa.eu/info/sites/info/files/file_import/better-regulation-toolbox-54_en_0.pdf)

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.

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, 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.

## 4 Overview of the results of the OPC per evaluation criteria and respondents

This section presents a summary of the responses per evaluation criteria (relevance, coherence, effectiveness, efficiency, and EU added value) and across the five respondent profiles. Each sub-section addresses one evaluation criteria and provides the analysis per each of the five profiles identified. However, the effectiveness section provides an analysis per key issues affecting several groups of stakeholders (such as application procedures and equal treatment).

The OPC questions have been allocated to the different evaluation criteria and the different profiles as summarised in the sub-sections below. However, not all profiles cover all evaluation criteria, hence the distribution among the profiles differs across the sub-sections. The tables at the beginning of each sub-section show an overview of the question allocation per criteria and per profile.

A final sub-section provides a separate overview of the key issues identified in the written contributions provided by stakeholders.

### 4.1 Relevance

This sub-section aims to capture the views of different types of respondents on the extent to which the objectives of the legal migration Directives and the way they are implemented are relevant in addressing their current and future needs. The table below shows all the questions addressed under this sub-section.

*Table 4. Questions per profile of respondents analysed as part of the relevance sub-section*

Profile	Questions analysed
Profile 1: Non-EU citizens looking to migrate to the EU	15. You mentioned that you are a non-EU citizen looking to migrate/ temporarily move to the EU.15. For which purpose? 16. Which EU country(ies) are you thinking of moving to? 17. To what extent do you agree with these statements? 23. Any additional views/comments?
Profile 2: Non-EU citizens residing or having resided in the EU	26. To what extent do you agree with these statements? 27. Was there any information in the early phases of application process that you would have needed, but could not find? 70. What are the main differences in the rules between the different European countries on how to enter, live and work in these countries?
Profile 3: Employers, non-EU service providers and private recruitment agencies	77. If your company operates in the EU, have you ever employed a non-EU worker? 78. If not, why not? (select the most appropriate answer) – local labour market supplies enough migrants; it's difficult to find / assess foreign candidates; 82. Were the non-EU workers that you employed (select all that apply): 83. Were the non-EU workers that you employed: 84. Do you think adequate information on immigration rules and procedures is easily available to: 85. If you are a company operating outside the EU, how important is it for your business to provide services in the EU? 91. Do you think adequate information on current immigration rules is easily available to you:

	92. Any additional views/comments?
Profile 4: Authorities in EU countries	94. How have lessons learnt from implementing EU legislation/directives been applied elsewhere in your national migration rules (select all that apply)?  95. Do you think adequate information on immigration rules is easily available to:  102. Any other views/comments?
Profile 5: Other respondents	103. To what extent do you agree with the following statements:  104. What are the main differences in the rules between the different European countries on how to enter, live and work in these countries?  107. Any other views/comments?

#### 4.1.1 Profile 1: Non-EU citizens looking to migrate to the EU

Respondents from Profile 1 indicated that they would like to migrate to the EU mostly to work and/or and study (see Figure 6 below).

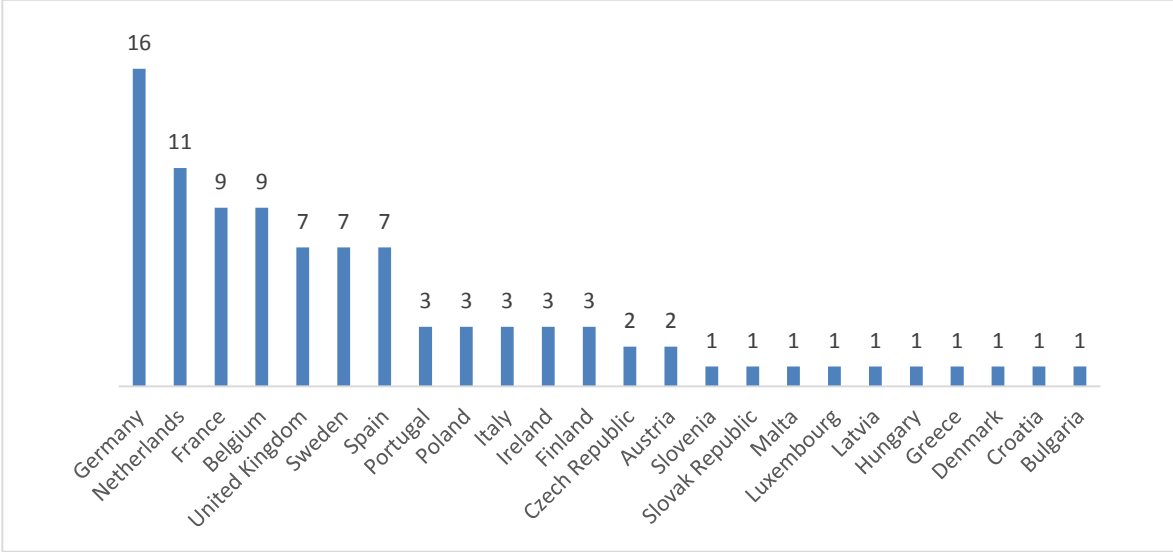
Figure 6. Question 15: You mentioned that you are a non-EU citizen looking to migrate/ temporarily move to the EU. For which purpose?



*N=32. Multiple answers possible.*

Respondents were also asked to indicate to which EU country they would like to move. The most popular choice was Germany (16 responses) followed by the Netherlands (11), France (9), Belgium (9) and the UK (7). As shown in the figure below, many of the EU countries were selected by a very low number of respondents. Furthermore, no respondents indicated that they would like to move to Cyprus, Estonia, Lithuania or Romania.

Figure 7. Question 16: Which EU country(ies) are you thinking of moving to?



N=32. Multiple answers possible.

When asked about their agreement on specific rules and conditions to enter and reside in the EU, 65% (n=31) from the respondents in this category, agree to a (very) large extent that, in their experience, there are big differences in the current rules between different EU countries on how to enter, live and work in these countries. Furthermore, 45% of respondents (n=31) also agree to a (very) large extent that the current conditions for how to enter, live and work in EU countries are an obstacle for them when considering migrating to the EU, however 32% agreed to a small extent with this statement and 19% do not agree at all. Only 32% of respondents (n=31) agree to a (very) large extent that information on the legal ways to come to EU countries is easily available, while 55% agree to a small extent and 13% do not agree at all<sup>21</sup>.

In sum, when asked for additional views/comments (n=8), 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. One respondent argued that migration based on the right to family reunification does not foster economic prosperity<sup>22</sup>.

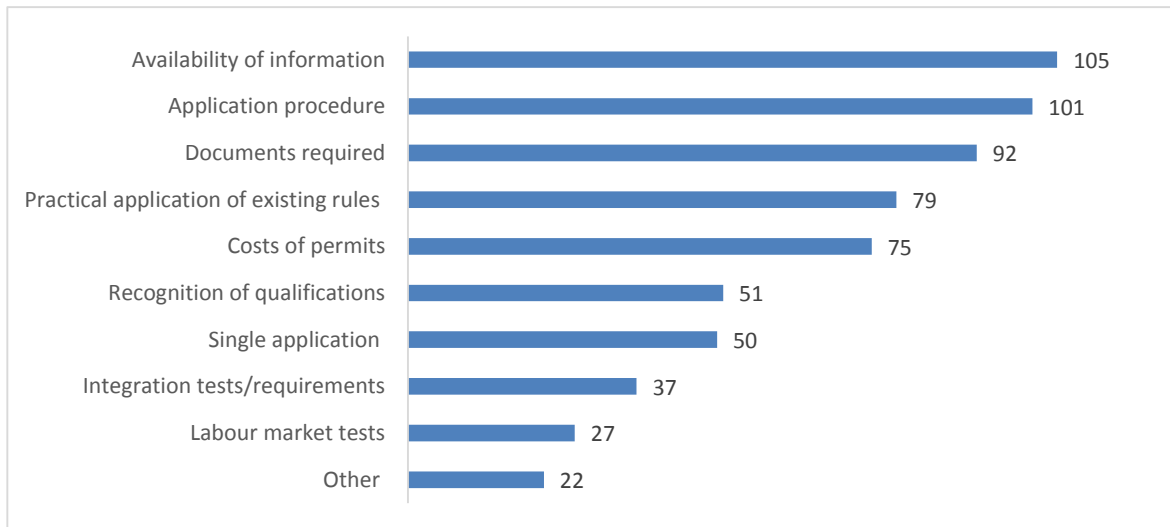
**4.1.2 Profile 2: Non-EU citizens residing or having resided in the EU**

Respondents were specifically asked about differences between EU countries, and 72% (n=190) of non-EU citizens residing or having resided in the EU agree to a (very) large extent that, in their experience, there are big differences in the current rules between different EU countries on how to enter, live and work in these countries. 14% of respondents agree to a small extent with this statement, and 2% do not agree at all. The figure below provides an overview of the responses received.

<sup>21</sup> Question 17. To what extent do you agree with these statements?

<sup>22</sup> Question 23. Any additional views/comments?

Figure 8. Question 70: What are the main differences in the rules between the different European countries on how to enter, live and work in these countries?



*n*=138

Respondents were able to specify their issues in the same question. In addition to the differences in the rules applied by the different Member States and the lack of clear and practical information, Profile 2 respondents complain about the difficulties to find a job in order to obtain a work permit (*n*=20).

Further, they were asked to provide their opinion about the current conditions and whether they represent obstacles for migrating to the EU. 42% (*n*=191) of respondents agree to a (very) large extent that current conditions for how to enter, live and work in EU countries were an obstacle for them when considering migrating to the EU. Half of the respondents indicated that they agreed to a small extent or did not agree at all. Respondents were finally asked to provide their opinion on getting information about legal migration (including the availability of information about legal migration to the EU and about the rights and obligations related to legal migration). With regard to information provision, 46% (*n*=191) of respondents agree (to a very) large extent that it was easy to find websites/other sources with useful information about legal migration to the EU, while 52% agree to a small extent or not at all. Only 34% (*n*=190) of respondents agree to a (very) large extent that it was easy to find websites/other sources with information on the rights and obligations related to legal migration and 61% agree to a small extent or not at all<sup>23</sup>.

#### 4.1.3 Profile 3: Employers, non-EU service providers and private recruitment agencies

In order to assess the relevance of the EU legal migration Directives for this Profile, the respondents were asked to indicate whether they employ non-EU workers. Out of the total number respondents from this category, 51% (*n*=80) of those that indicated that their company operated in the EU had never employed a non-EU worker. Only 29% said that they did employ a non-EU worker, whereas 20% did not provide an answer<sup>24</sup>.

Those who indicated that they had never employed a non-EU (*n*=41) said they didn't do so because the local labour market provided enough recruits (26 respondents), or because it is difficult to assess foreign qualifications (3). Only 11 respondents provided 'other' reasons. With regard to the reasons why they do not employ non-EU workers, most employers suggested that they would rather give preference to qualified EU

<sup>23</sup> Question 26. To what extent do you agree with these statements? And on information additionally: Question 27. Was there any information in the early phases of application process that you would have needed, but could not find?

<sup>24</sup> Question 77. If your company operates in the EU, have you ever employed a non-EU worker? Yes/No answer possible.

nationals over TCNs, claiming that non-EU migrants are less prepared. One respondent put forward the language barrier<sup>25</sup>.

Out of those employers indicating that they do employ non-EU workers, 14 respondents indicated that the non-EU workers that they employed were already in their country, 10 said that they were recruited from a non-EU country and 6 mentioned that they were recruited from another EU country<sup>26</sup>. 16 respondents indicated that the non-EU workers that they employed were highly skilled (with a higher education degree), 4 mentioned that they had medium skilled and 2 respondents said that the workers had low skills<sup>27</sup>.

Profile 3 respondents were asked as well to provide their opinion on the adequacy of information provided. From the total number of respondents, 45% (n=80) think that adequate information on immigration rules and procedures is easily available to employers, while 35% disagree<sup>28</sup>. Furthermore, 43% of respondents believe that adequate information is available to potential non-EU workers, while 31% disagree<sup>29</sup>.

Finally, those companies operating outside of the EU were asked about the importance of providing services to the EU. While only 16 responses were received, 11 indicated that it is (very) important for their business to provide services in the EU. Two respondents mentioned that this is not important and three of them said that they did not do business in the EU<sup>30</sup>.

Overall, in the open-ended answers (n=14) some respondents (6) voiced their concerns regarding mass immigration, claiming that it is not benefitting the EU and that it should be stopped. Other respondents (2) hold a more moderate opinion and believe that the EU should adopt a migration system similar to that in place in Australia, Canada or the US<sup>31</sup>.

#### **4.1.4 Profile 4: Authorities in EU countries**

In order to assess the opinion regarding the relevance of the legal migration Directives by national authorities in EU countries, respondents were asked to provide their opinion on lessons learned from implementing EU legislation. Out of the total number respondents who answered this question (n=20), 11 said that lessons learnt have been applied to revise/simplify entry procedures. Further 9 respondents suggested that they have been applied to extend the right of equal treatment to other categories of non-EU citizens. Seven respondents said that the lessons learnt have been applied to add admission conditions and 6 respondents to enlarge the categories of non-EU citizens covered (see Figure 9 below).

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<sup>25</sup> Question 78. If not, why not? (select the most appropriate answer)

<sup>26</sup> Question 82. Were the non-EU workers that you employed i) already in your country, ii) recruited from another EU country, iii) recruited from a non-EU country? Multiple answers possible.

<sup>27</sup> Question 83. Were the non-EU workers that you employed?

<sup>28</sup> Question 84. Do you think adequate information on immigration rules and procedures is easily available to?

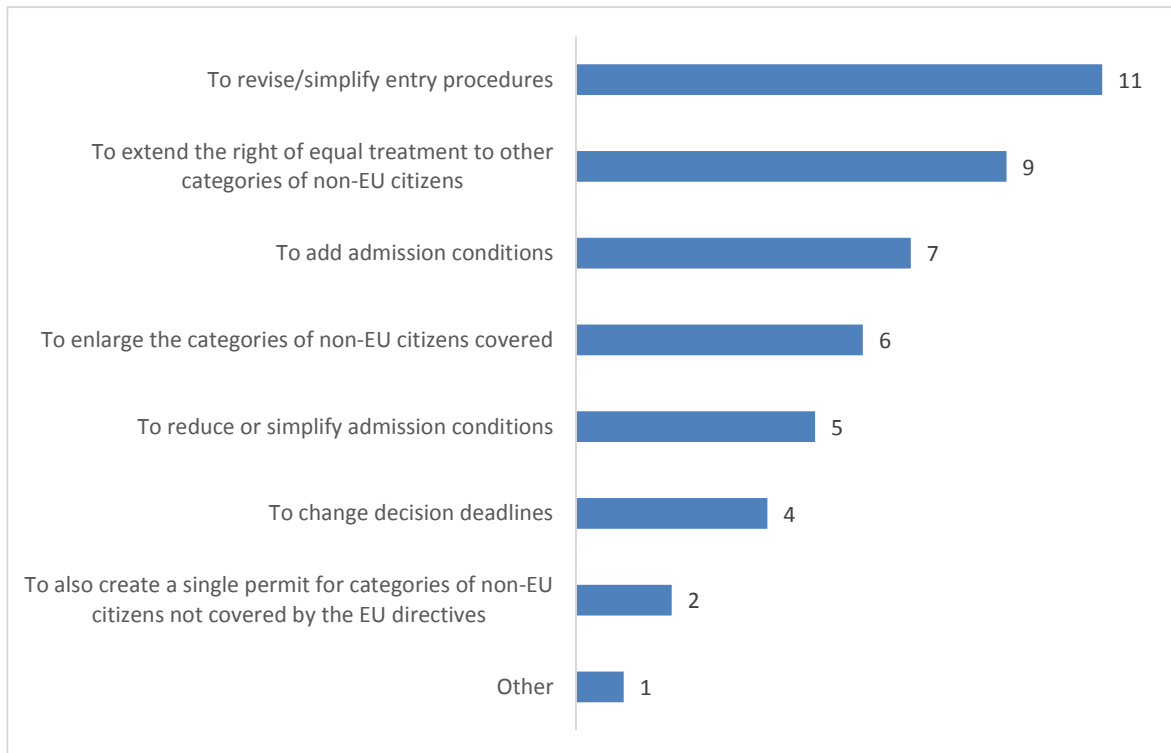
<sup>29</sup> Question 91. Do you think adequate information on current immigration rules is easily available to

<sup>30</sup> Question 85. If you are a company operating outside the EU, how important is it for your business to provide services in the EU?

<sup>31</sup> Question 92. Any additional views/comments?



Figure 9. Question 94: How have lessons learnt from implementing EU legislation/Directives been applied elsewhere in your national migration rules?



n=20. Multiple answers possible.

Finally, these respondents were also asked to give their opinion about the availability of information. Overall, the large majority of respondents in this category think that adequate information on immigration rules is easily available to: employment agencies in their country (81%, n=26); local/regional/national authorities (78%, n=27), employers in their country looking to hire non-EU citizens (75%, n=28) and Non-EU citizens looking to come to your country (70%, n=27)<sup>32</sup>.

In sum, 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.

#### 4.1.5 Profile 5: Other respondents

Finally, other respondents were asked about the relevance of EU legal migration Directives<sup>33</sup>:

- The majority (63%, n=443) of respondents believe that there are big differences between EU countries in the rules on how to enter, work and live in these countries;
- Over half of the respondents (54%, n=460) also think that in the absence of EU migration rules, migration could be better managed nationally, since every country know best about its own migration needs;
- 35% (n=453) believe that the rules on how to enter, live and work in EU countries are an obstacle for migrants considering legally coming to the EU, however a slightly larger share of respondents (35%) do not agree at all with this statement;

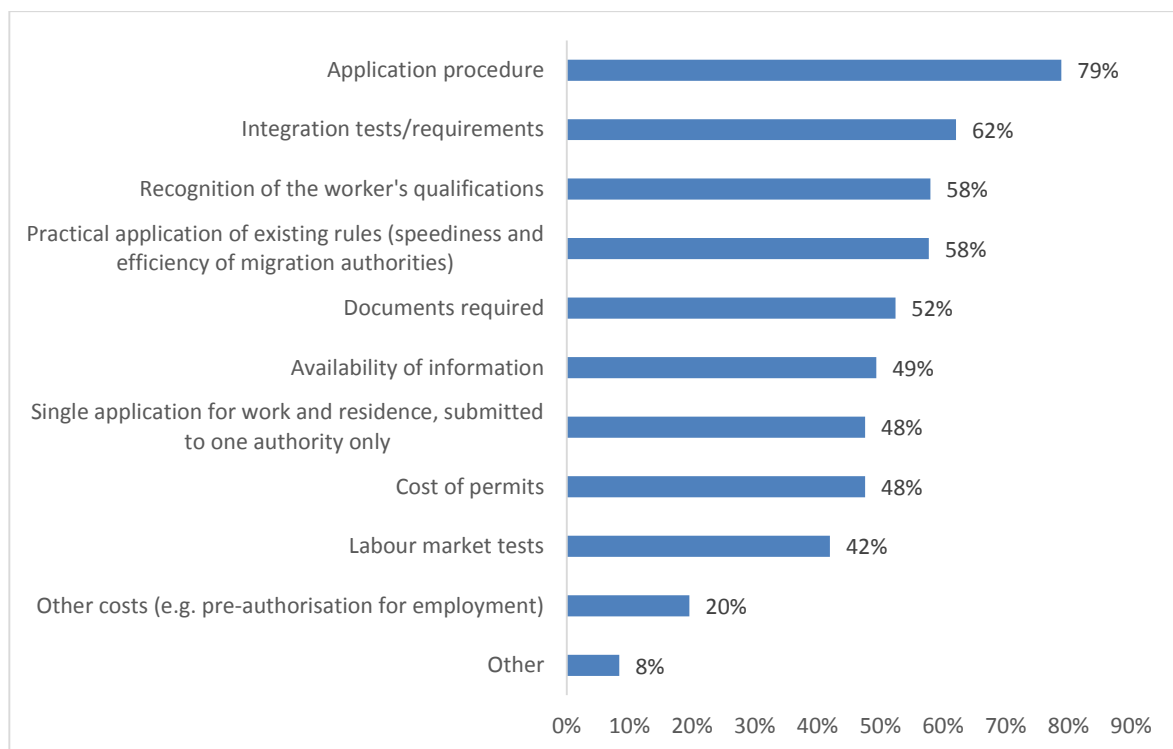
<sup>32</sup> Question 95. Do you think adequate information on immigration rules is easily available to?

<sup>33</sup> Question 103. To what extent do you agree with the following statements:

- 42% (n=448) of respondents 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;
- 31% (n=448) of respondents think that information from the authorities about the legal ways to come to Europe is easily accessible;
- Similarly, 31% (n=446) of respondents also agree that it is easy for a non-EU citizen to move to another EU country.

Respondents were asked to indicate what were the main differences in the rules between the different European countries on how to enter, live and work in these countries. The main difference identified by the large majority of respondents (79%, n=393) was the application procedure, followed by integration tests/requirements (62%). A full overview of the responses received is presented in the figure below.

Figure 10. Question 104: What are the main differences in the rules between the different European countries on how to enter, live and work in these countries?



n=393, Multiple answers possible

In sum, when given the opportunity to share their general views on the consultation through open-ended comments, the majority of Profile 5 respondents (n=113) 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 legislate all profiles 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<sup>34</sup>.

<sup>34</sup> The respondents had the opportunity to write statements for the following question: 107. Any other views/comments?

## 4.2 Coherence – internal and external at EU level

This section aims to address the views of stakeholders on gaps, overlaps and inconsistencies in the EU legal migration Directives. Further, specifically views from Profile 2 respondents on national policy choices that played a role were asked and views on other EU interventions and their role in the management of migration were asked from Profile 4 respondents. The table below shows all the questions addressed under this sub-section.

Table 5. Questions per profile of respondents analysed as part of the coherence sub-section

Profile	Questions analysed
General Questions	<p>11. To what extent do you agree with these statements? The following categories of non-EU citizens should also be covered by common EU rules:</p> <p>14. Currently, non-EU citizens have the right to bring their immediate family (spouse and children who are minors) to the EU, under certain conditions. To what extent do you agree with these statements? (other categories of family members)</p>
Profile 2: Non-EU citizens residing or having resided in the EU	<p>35. Did you have to take part in a pre-departure integration activity, as a prerequisite for a successful application?</p> <p>36. If so, was it easy to find information on the pre-integration activities and conditions? Was it easy to find information on the integration test, if applicable? Was it easy to attend the required courses? Did you have to pay for the courses yourself?</p> <p>37. What were these measures/conditions (select all that apply)?</p> <p>38. While living in the EU, did you have to comply with any integration conditions / measures which could affect your residence status, or the renewal/extension of your permit?</p> <p>39. Was it easy to find information on the pre-integration measures / conditions? Was it easy to find information on the integration test, if applicable? Was it easy to attend the required courses, if applicable? Did you have to pay for the courses yourself, if applicable?</p> <p>40. What were these measures/conditions (select all that apply)?</p>
Profile 4: Authorities in EU countries	<p>97. The EU directives on legal migration also seek to provide the EU and EU countries with a consistent rules. To what extent do you agree with the following statements?</p> <p>98. Which of the following EU policies and legislation have positively influenced the management of migration flows (of non-EU citizens) – by providing for fair, transparent and efficient procedures and criteria?</p> <p>99. The good practices developed on legal migration by your Member State relate to (select all that apply):</p> <p>100. If you have encountered contradictions/conflicts within the existing legal framework, please specify which:</p> <p>101. What would be your recommendation for improving the functioning of EU rules on legal migration?</p>

### 4.2.1 Stakeholder views on the scope of the Directives

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

- 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<sup>35</sup>.

On average, non-EU citizens residing or previously residing in the EU (Profile 2) and non-EU citizens looking to migrate or temporarily move to the EU (Profile 1) tend to agree more with the involvement of additional categories compared to the other profiles. The majority of respondents from Profile 1 and 2 believe that people planning to launch a start-up (Profile 1: 91%, n=32; Profile 2: 81%, n=190), followed by self-employed workers should be included (Profile 1: 72%, n=32; Profile 2: 70%, n=190). Slightly over 50% of respondents under Profiles 1 (n=32) and 2 (n=189) believe that mobile workers in the transport sector and touring artists should be included, whereas around 40% of profile 1 (n=32) and 2 (n=188) indicate that irregular migrants who cannot be returned should be included.

When asked what 'other' categories of non-EU citizens should be subject to EU common rules for the entry and residence, Profile 2 respondents mentioned the following categories: engineers and specialists (e.g. software engineers, IT developers and specialists, logistics engineers), family members (e.g. parents, even if undocumented provided that their children live in the EU, grandparents, non-minor children), students and holders of high education diplomas obtained in the EU, and freelancers. Additional categories mentioned are: unmarried couples, volunteers, and full-time workers employed in an artistic or scientific field. On the other hand, Profile 3 respondents believe that the EU should also set common rules for the entry and residence of third-country nationals under the following categories: low and medium-skilled workers, engineers and IT specialists, young people with great potential for higher education, asylum seekers and TCNs facing discrimination in their home countries, and people working in the arts sector.

Only five respondents representing Profile 4: authorities in the EU Member States suggested groups of migrants that should be subject to EU common rules different to those put forward in the questionnaire. The categories mentioned are refugees, minors of TCNs born outside the EU, and students and researchers. Along with this, a respondent claimed that there is no added value on additional categories of migrants.

When asked what other categories of migrants should be subject to EU common rules, Profile 5 respondents put forward two main groups of migrants: persons applying for international protection, and low- and medium-skilled workers. Other groups mentioned are: children - in particular unaccompanied minors, persons with health issues coming to the EU to receive medical treatment, and professionals in various sectors (i.e. healthcare, transport, and arts and culture). Along with this, some Profile 5 respondents advocated for common rules for all migrants, whereas others claimed that there was no need for further EU legislation in this field. A group of respondents called upon the EU to block the entry of migrants into the EU, especially of non-highly skilled workers. A detailed overview of the respondents' views is provided in Annex 3.

Specifically 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<sup>36</sup>. Similarly to the responses described above, the majority of Profile 1 and Profile 2 respondents agree that additional family members should be entitled to family reunification. These include dependent parents (over 80% of both Profiles) as well as dependent children who are no longer minors (over 80%), and registered and long-term partners (over 70%). With regard to persons who should benefit from the right to

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<sup>35</sup> Question 11. To what extent do you agree with these statements? The following categories of non-EU citizens should also be covered by common EU rules

<sup>36</sup> Question 14. Currently, non-EU citizens have the right to bring their immediate family (spouse and children who are minors) to the EU, under certain conditions. To what extent do you agree with these statements? (other categories of family members)

family reunification, Profile 2 contributions specifically reflect a desire to extend this right to siblings, unmarried couples as well as parents and grandparents (whether dependent or not). The remaining profiles agree to a considerably lower extent with regard to the inclusion of additional categories for family reunification. For example, Profile 5 proposed extending the right to members of extended families, in particular to siblings, parents and grandparents and children that are in the care of family members different to their parents. Some respondents also suggested allowing unmarried couples to benefit from this right. However, it is worth mentioning that a large group of respondents alleged that the system is being abused by migrants and expressed their desire to limit the right to family reunification. A detailed overview of the respondents' views per category is provided in Annex 4.

The sub-sections below address specific questions on the coherence between EU and national policies for Profile 2 and Profile 4.

#### **4.2.2 Profile 2: Non-EU citizens residing or having resided in the EU**

Non-EU citizens residing or having resided in the EU were asked about **national policy choices** that have a key role in the management of migration as well.

25% of respondents (n=190) indicated that while living in the EU, they had to comply with certain integration conditions / measures which could affect their residence status, or the renewal/extension of your permit<sup>37</sup>. 52% of them (n=46) that it was easy to find information on the pre-integration measures / conditions<sup>38</sup>. Seventy three per cent (n=41) had to attend language courses, 27% had to take an integration test, 17% had to participate in an integration programme, 12% had to attend civic education courses and 20% indicated that they had to comply with other types of conditions/measures. Forty five per cent (n=38) of those who had to undertake an integration programme mentioned that it was easy to find information on it. Sixty two per cent (n=37) of those who had to attend required courses said it was easy to do so, and 58% (n=36) mentioned that they had to pay for the courses themselves<sup>39</sup>.

Only 2% of respondents (n=188) indicated that they had to take part in a pre-departure integration activity (before entering the host country) as a prerequisite for a successful application<sup>40</sup>. Three of them said that it was not easy to find information on the pre-integration activities and conditions nor on the integration test. The three respondents also mentioned that it was not easy to attend the required courses and all four respondents indicated that they had to pay for the courses themselves<sup>41</sup>. Respondents also suggested that the pre-integration measures they had to take were: participation in integration programme (3 respondents); undertake language courses (2), participate in civic education courses (1) and take an integration test (1).<sup>42</sup>

#### **4.2.3 Profile 4: Authorities in EU countries**

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<sup>43</sup>:

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<sup>37</sup> Question 38. While living in the EU, did you have to comply with any integration conditions / measures which could affect your residence status, or the renewal/extension of your permit? Multiple answers possible

<sup>38</sup> Question 39. Was it easy to find information on the pre-integration measures / conditions? Was it easy to find information on the integration test, if applicable? Was it easy to attend the required courses, if applicable? Did you have to pay for the courses yourself, if applicable?

<sup>39</sup> Question 40. What were these measures/conditions (select all that apply)?

<sup>40</sup> Question 35. Did you have to take part in a pre-departure integration activity, as a prerequisite for a successful application?

<sup>41</sup> Question 36. Was it easy to find information on the pre-integration activities and conditions? Was it easy to find information on the integration test, if applicable? Was it easy to attend the required courses? Did you have to pay for the courses yourself?

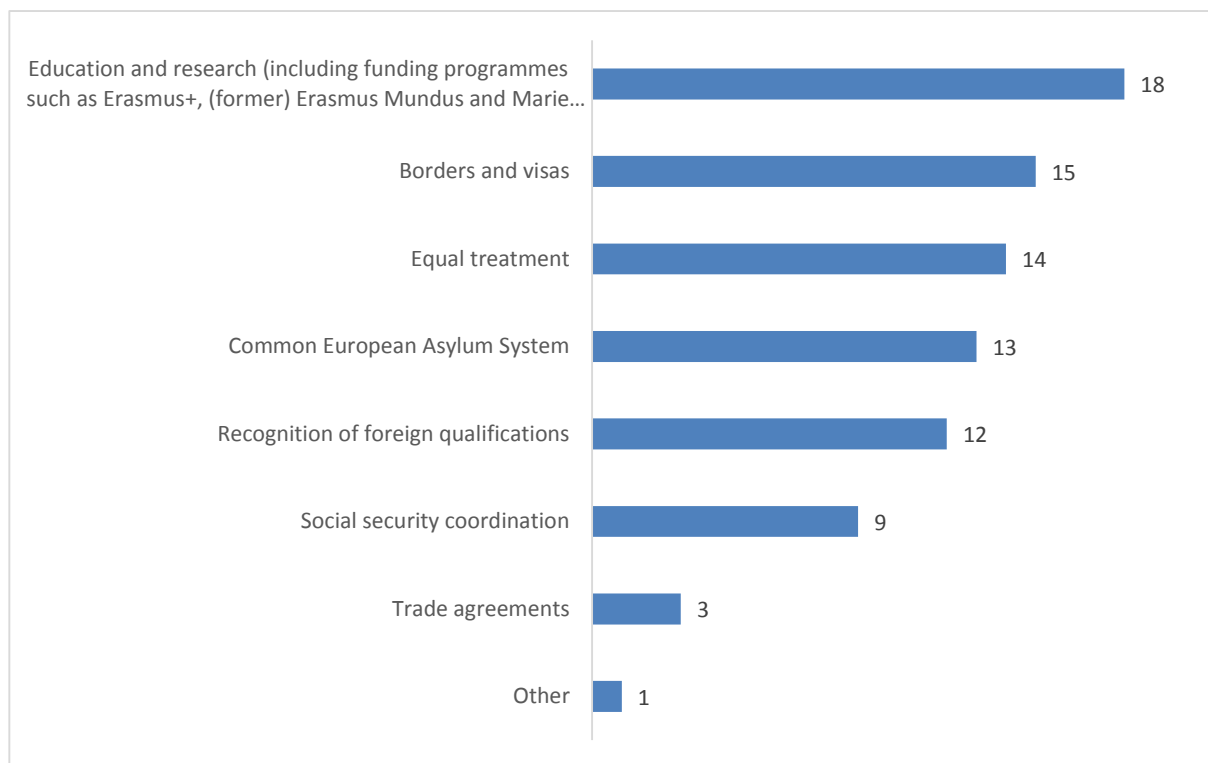
<sup>42</sup> Question 37. What were these measures/conditions (select all that apply)? Multiple answers possible

<sup>43</sup> Question 97. The EU directives on legal migration also seek to provide the EU and EU countries with a consistent rules. To what extent do you agree with the following statements?

- 65% (n=26) of respondents agree that their country has developed good practices for managing the admission of non-EU citizens;
- 44% (n=26) of the respondents also believe that their country has a functioning system for matching labour market needs with workers who can potentially be recruited from outside the EU;
- Further 41% (n=27) agree that there are currently contradictions/conflicts between the Directives;
- Only 31% (n=26) of respondents think that the management of migration flows has been positively influenced by related EU policies and legislation;
- 48% (n=27) of respondents agree to a small extent or do not agree at all that there are currently contradictions/conflicts between the Directives and national migration rules for non-EU citizens.<sup>44</sup>

Respondents were asked to indicate which EU policies and legislation have positively influenced the management of migration flows. The respondents (n=26) have indicated 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. A full overview of the responses received is provided in the figure below.

*Figure 11. Question 98: Which of the following EU policies and legislation have positively influenced the management of migration flows (of non-EU citizens) – by providing for fair, transparent and efficient procedures and criteria?*



*n=26. Multiple answers possible.*

The respondents were further specifically asked to indicate the good practices on legal migration provided by their Member States<sup>45</sup>. Respondents (n=51) indicated that the good practices developed on legal migration by their Member State relate to: availability of information (15 respondents), application procedure (11), integration measures (7),

<sup>44</sup> 22% agree to a (very) large extent with this statement, 48% to a small extent and 26% do not agree at all.  
<sup>45</sup> Question 99. The good practices developed on legal migration by your Member State relate to (select all that apply)

documents required (5), single point for application (5), costs of permits (4) and recognition of the worker's qualifications (4).

With respect to the main encountered contradictions and conflicts with the existing legal framework, open-ended contributions (n=9) from this group of stakeholders pointed to inconsistencies and difficulties to apply the Directives due to *inter alia* the use of different terminology, resulting in a very complex system that is not uniformly implemented across Member States<sup>46</sup>. Recommendations from authorities in the EU Member States (n=10) 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<sup>47</sup>.

### 4.3 Effectiveness

This sub-section aims to address stakeholders' views on the effectiveness of the EU legal migration Directives, and whether in their view the Directives contributed to easier application processes and a strengthening of rights as well as easier intra-EU mobility.

More specifically, the section addresses the opinion of stakeholders about:

- Their experience when applying for a work and residence permit in the EU (see sub-section 4.3.1) as well as when changing their status (see sub-section 4.3.2)
- Whether they consider that they have comparable rights with nationals (see sub-section 4.3.3)
- The extent to which intra-EU mobility has increased (see sub-section 4.3.4)

The following sub-sections address these issues per relevant profile. The table below shows all the questions addressed under this sub-section.

Table 6. Questions per profile of respondents analysed as part of the effectiveness sub-section

Profile	Questions analysed
Profile 1: Non-EU citizens looking to migrate to the EU	18. If you think the current conditions for entry/residence/work in EU countries are a disincentive to migrate, why?
Profile 2: Non-EU citizens residing or having resided in the EU	<p><b>Application procedure</b></p> <p>41. Were you able to apply online?</p> <p>42. Were you able to apply from your country of residence, outside the EU?</p> <p>43. If you applied from outside the EU, was your permit issued when you were still outside the EU?</p> <p>44. Was it easy to receive the visa to travel to the EU country, to apply there?</p> <p>45. To apply, how many authorities did you have to contact?</p> <p>46. Who submitted your application for a residence permit?</p> <p>49. Was your application initially rejected?</p> <p>50. Why?</p> <p>51. To what extent do you agree with this statement?</p> <p>52. Were you able to appeal the rejection decision?</p>

<sup>46</sup> Question 100. If you have encountered contradictions/conflicts within the existing legal framework, please specify which.

<sup>47</sup> 101. What would be your recommendation for improving the functioning of EU rules on legal migration?

### **Change of status**

53. When renewing or replacing your residence permit, did you encounter any of the following problems?

54. While living in the EU country, were you aware of the possibility of changing your status (e.g. from student to worker, from temporary to permanent residence)?

55. Did you ever request a change of status?

56. Please indicate from which to which status.:

57. To what extent do you agree with this statement?

58. Have you encountered any problems in the procedures when applying for a change of status?

59. Which ones?

60. While living in the EU country, were you aware you could obtain EU long-term residence status? (*After 5 years of legal and continuous residence in the EU, a citizen can qualify for EU long-term residence status (if all conditions apply). This status is different from national permanent residence status*)

61. Did you apply for EU long-term residence status?

62. Did you obtain this status?

63. To what extent do you agree with this statement?

64. Why was your application rejected?

65. While living in the EU country, did you obtain citizenship of that country?

66. To what extent do you agree with this statement?

### **Equal treatment a**

67. To what extent have you been treated differently to nationals of the EU country, in the following respects?

### **Ability to move from one EU country to another, for temporary or permanent residence**

68. If you have lived, or tried to live, in more than one EU country, did you encounter any problems in getting a residence permit in the second country?

69. Did you encounter any of the following problems getting a residence permit in the second country?

### **Transfer of social security benefits**

71. If you have left one EU country to go to a second, did you (try to) transfer the social security benefits (e.g. pension rights) you had built up in the first?

72. Did you encounter any difficulties doing this?

73. If you permanently left one EU country to go to a non-EU country, did you (try to) transfer the social security benefits (e.g. pension rights) you had built up in the EU country to your new country of residence?

74. Did you encounter any difficulties doing this?

75. Do you have any views that you would like to share in the consultation?

Profile 5: Other respondents

106. To what extent do you agree with the following statements: Non-EU workers legally staying in the EU are treated the same as EU nationals regarding...



### 4.3.1 Application procedure

#### **Profile 1: Non-EU citizens looking to migrate to the EU**

Non-EU citizens looking to migrate to the EU were asked their opinion about the current conditions for entry/residence/work in the EU countries and whether they believe that these are a disincentive to migrate<sup>48</sup>. Out of the total respondents to this question (n=14), 11 indicated that they thought the current conditions for entry/residence/work in EU countries were a disincentive to migrate because they met the criteria, but there were other obstacles that made it difficult to apply (for more details about the obstacles see Figure 14 in section 4.4). The remaining 3 respondents suggested that the current conditions were a disincentive to migrate because they did not meet the criteria for any of the legal channels for entry, work or residence.

#### **Profile 2: Non-EU citizens residing or having resided in the EU**

With regard to the application procedure, the non-EU citizens residing or having resided in the EU were asked about the means they were able to apply for a permit and whether it was easy or difficult to apply. Over 60% of respondents (n=189) indicated that they were not able to apply online<sup>49</sup>. However, the majority of respondents (71%) (n=188) said that they were able to apply from their country of residence, outside the EU<sup>50</sup> and over 50% (n=161) indicated that their permit was issued when they were still outside the EU. From those that had to apply for a residence permit in the EU (n=69), the majority (44) suggested that it was easy to receive the visa to travel to the EU country, to apply there<sup>51</sup>.

The respondents were further asked details about the procedure itself:

- About one third of respondents (34%, n=178) mentioned that they had to contact one authority to apply and 31% had to contact two authorities<sup>52</sup>.
- Over 60% (n=190) said that they submitted their application for a residence permit themselves, 22% mentioned that they personally or their employer submitted it, and 11% said that only their employer submitted the application<sup>53</sup>.
- Only 11 respondents (6%, n=188) said that their application was initially rejected<sup>54</sup>. The reasons for rejection as indicated by respondents (n=15) were: inadequate documents presented (2 respondents); not meeting admission conditions related to a specific category (student/researcher/worker/family member etc.) (2); not passing a labour market test (2); reasons related to public security, public policy, public health (2) and 'other' reasons (7)<sup>55</sup>. Two respondents agree to a (very) large extent that the reasons for the rejection were clearly explained, while three of them agree to a small extent with this statement and five respondents do not agree at all<sup>56</sup>. All 11 respondents indicated that they were able to appeal the rejection decision<sup>57</sup>.

During the application process, open-ended contributions<sup>58</sup> (n=32) point to a lack of clear and practical information coming from official sources on *inter alia* the different types of visa, the expected processing times, mandatory insurance, and the types of documents that need to be provided and notarised. In addition, various respondents encountered

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<sup>48</sup> Question 18: If you think the current conditions for entry/residence/work in EU countries are a disincentive to migrate, why?

<sup>49</sup> Question 41: Were you able to apply online?

<sup>50</sup> Question 42: Were you able to apply from your country of residence, outside the EU?, Question 43: If you applied from outside the EU, was your permit issued when you were still outside the EU?

<sup>51</sup> Question 44: Was it easy to receive the visa to travel to the EU country, to apply there?

<sup>52</sup> Question 45: To apply, how many authorities did you have to contact?

<sup>53</sup> Question 46: Who submitted your application for a residence permit?

<sup>54</sup> Question 49: Was your application initially rejected?

<sup>55</sup> Question 50: Why?

<sup>56</sup> Question 51: To what extent do you agree with this statement?

<sup>57</sup> Question 52: Were you able to appeal the rejection decision?

<sup>58</sup> Question 75: Do you have any views that you would like to share in the consultation?

difficulties to obtain relevant information about intra-EU mobility, the right to family reunification, and the eligibility criteria to obtain a Blue Card.

Half of the respondents (n=189) suggested that they encountered problems in the procedures when applying for a residence permit. The most common issue identified by respondents was the long procedure (83%, n=94), followed by high costs of permit and many documents required (57%), needing the employer to be involved in the application (30%) and other issues (29%). Fewer respondents suggested that getting their qualifications recognised (17%), having employment or an employer (15%) and the lack of a diplomatic office of their EU destination country in their home country (5%) were problems in the procedures.

### 4.3.2 Change of status

#### **Profile 2: Non-EU citizens residing or having resided in the EU**

The stakeholders within Profile 2 were also asked about their experience when changing status from one permit to another.

Respondents from this category were also asked to indicate the type of problems they encountered when renewing or replacing the residence permit<sup>59</sup>. The most common issues identified were: the long procedure (69%, n=178); insecurity due to delay in receiving new permit, after the first one had expired (64%, n=179); many documents required (63%, n=179); high costs of permit (40%, n=176); (v) loss of job (24%, n=159); getting their qualifications recognised (23%, n=164); new labour market tests (15%, n=158); and health reasons (10%, n=157).

Almost 70% of all respondents in Profile 2 (n=190) indicated that while living in the EU country, they were aware of the possibility of changing your status (e.g. from student to worker, from temporary to permanent residence)<sup>60</sup> and 47% (n=89) mentioned that they did request a change of status<sup>61</sup>. The table below provides an overview of the changes in status requested by respondents<sup>62</sup>.

*Table 7. Status changes by non-EU nationals residing or having resided in the EU*

<b>From</b>	<b>To</b>	<b>N</b>
Student	Worker	37
Student	permanent residence (national scheme)	4
Student	Researcher	4
Student	temporary residence	4
Student	blue card	3
Student	Other	3
Student	EU long-term resident	2
temporary residence	permanent residence (national scheme)	8
temporary residence	EU long-term resident	4
temporary residence	worker	2
temporary residence	blue card	1

<sup>59</sup> Question 53. When renewing or replacing your residence permit, did you encounter any of the following problems?

<sup>60</sup> Question 54. While living in the EU country, were you aware of the possibility of changing your status (e.g. from student to worker, from temporary to permanent residence)?

<sup>61</sup> Question 55. Did you ever request a change of status?

<sup>62</sup> Question 56. Please indicate from which to which status.

From	To	N
temporary residence	other	1
temporary residence	student	1
worker	permanent residence (national scheme)	4
worker	other	1
EU blue card	permanent residence (national scheme)	2
EU blue card	EU long-term resident	2
other	worker	2
other	student	1
researcher	permanent residence (national scheme)	1
researcher	student	1

*n*=88

The respondents provided contracting answers with regard to the process of changing a permit. While approximately one third (34%, *n*=88) of these respondents agree to a (very) large extent that obtaining a change of status was easy, 36% do not agree at all with this statement, and 30% agree to a small extent<sup>63</sup>. At the same time 60% (*n*=88) of respondents said that they encountered problems in the procedures when applying for a change of status<sup>64</sup>. The most common problems, as indicated by respondents were<sup>65</sup>:

- a) the long procedure (92%, *n*=51);
- b) insecurity due to delay in receiving new permit, after the first one had expired (83%, *n*=46);
- c) many documents required (74%, *n*=46);
- d) the high costs of permit (54%, *n*=46);
- e) getting their qualifications recognised (36%, *n*=42);
- f) new labour market tests (24%, *n*=37);
- g) loss of job (22%, *n*=37);
- h) not being possible to apply from within the country (13%, *n*=39); and
- i) health reasons (12%, *n*=34).

The respondents were further asked about their experience with acquiring EU long-term residence<sup>66</sup>. 63% (*n*=188) of respondents from this category indicated that while living in the EU country, they were aware they could obtain EU long-term residence status. 19% (*n*=118) of these respondents said that they applied for EU long-term residence status<sup>67</sup>. Out of these who applied, 74% (*n*=23) obtained the status<sup>68</sup>. When asked whether obtaining EU long-term residence status in the EU country was easy, only 16 responses were received, out of which 10 agree a (very) large extent, while 3 agree to a small extent and the same number of respondents do not agree at all<sup>69</sup>. Those who did not

<sup>63</sup> Question 57. To what extent do you agree with this statement?

<sup>64</sup> Question 58. Have you encountered any problems in the procedures when applying for a change of status?

<sup>65</sup> Question 59. Which ones?

<sup>66</sup> Question 60. While living in the EU country, were you aware you could obtain EU long-term residence status? (After 5 years of legal and continuous residence in the EU, a citizen can qualify for EU long-term residence status (if all conditions apply). This status is different from national permanent residence status)

<sup>67</sup> 61. Did you apply for EU long-term residence status?

<sup>68</sup> 62. Did you obtain this status?

<sup>69</sup> 63. To what extent do you agree with this statement?

obtain an EU long- term residence status (n=6) were asked to provide the reasons for the rejection<sup>70</sup>. One of them said that it was difficulty proving five years of continuous and legal residence, another one mentioned reasons related to the documents presented and four respondents mentioned 'other' reasons, including the lack of uniformity in the rules applied across Member States, the non-recognition of the years spent in another EU Member State, and the lack of clear information about the procedures to follow.

Finally, the respondents were asked whether they obtained citizenship of the EU country they resided in<sup>71</sup>. Out of the total number respondents (n=179), only 1% of them said that while living in the EU country, they obtained citizenship of that country. Two of them agree only to a small extent that obtaining citizenship of the EU country was easy, while one agrees to a large extent (n=3)<sup>72</sup>.

### **4.3.3 Equal treatment and Transfer of social security benefits**

#### ***Profile 2: Non-EU citizens residing or having resided in the EU***

Respondents were asked to indicate the extent to which they have been treated differently to nationals of the EU country in different respects. As presented in the figure below, the majority of respondents suggested that they had never been treated differently. However, respondents' opinion vary according to the different situation (see Figure 12).

Over 70% of respondents indicated that they had never been treated differently when it came to: tax benefits, if resident for tax purposes in the EU country, freedom to join organisations representing workers or employers, including benefits conferred by these organisations or advice services provided by employment offices.

More than 60% of respondents also said that they had never been treated differently in regards to access to education and vocational training, access to goods and services or recognition of qualifications.

A lower share of respondents said the same about access to social security benefits (e.g. family benefit, healthcare, old-age pension, invalidity, etc.) (56%) and working conditions (pay and dismissal, health and safety at the workplace, etc.) (51%).

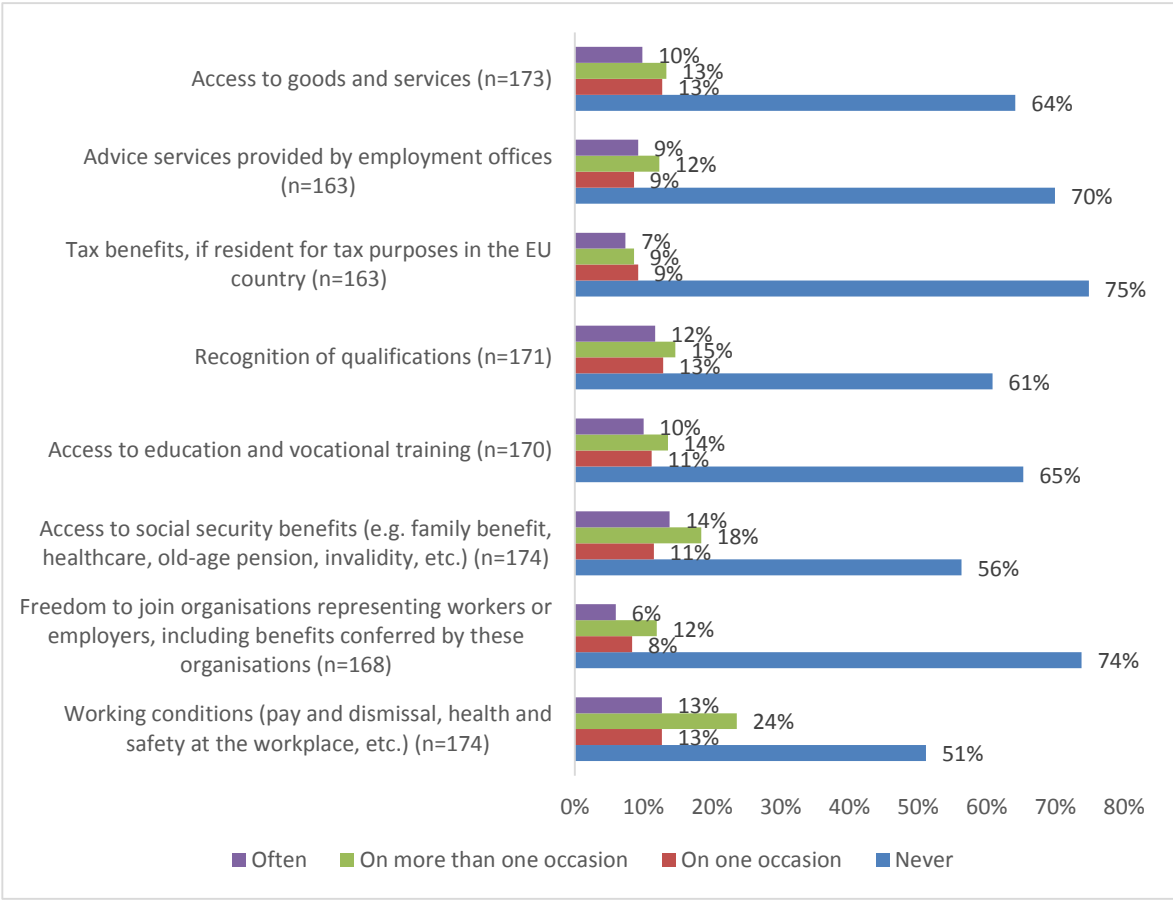
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<sup>70</sup> Question 64. Why was your application rejected?

<sup>71</sup> Question 65. While living in the EU country, did you obtain citizenship of that country?

<sup>72</sup> Question 66. To what extent do you agree with this statement?

Figure 12. Question 67: To what extent have you been treated differently to nationals of the EU country, in the following respects?



**Profile 5: Other respondents**

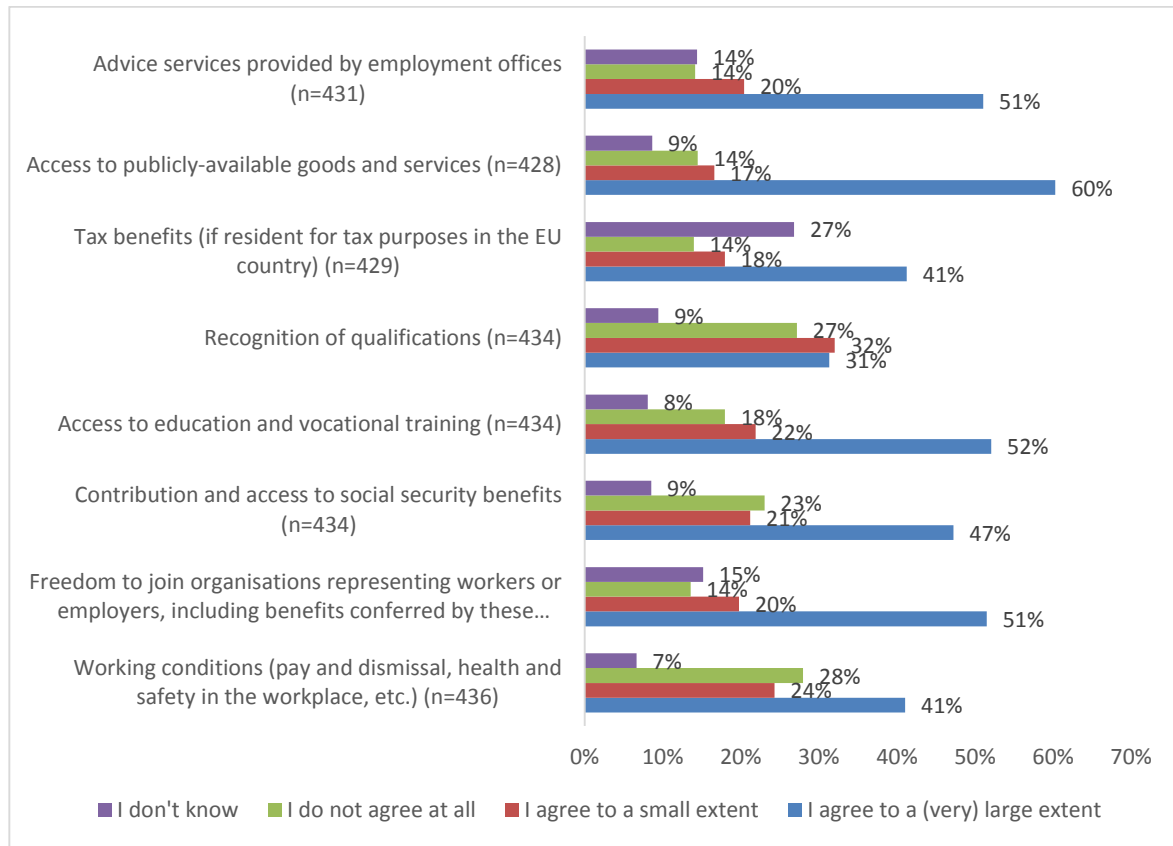
Other respondents were also asked to provide their opinion about different situations in which non-EU workers legally staying in the EU are treated the same as EU nationals (see Figure 13).

Overall, over half of respondents believe that non-EU workers are treated the same as EU nationals when it comes to access to publicly-available goods and services, access to education and vocational training, advice services provided by employment offices and freedom to join organisations representing workers or employers, including benefits conferred by these organisations.

Overall, over 40% of respondents also think that non-EU workers are treated the same when it comes to contribution and access to social security benefits, tax benefits and working conditions.

Less respondents (31%) believe that non-EU workers are treated the same as EU nationals regarding recognition of qualifications.

Figure 13. Question 106: To what extent do you agree with the following statements? Non-EU workers legally staying in the EU are treated the same as EU nationals regarding:



#### 4.3.4 Ability to move from one EU country to another, for temporary or permanent residence and transfer of social security benefits

##### **Profile 2: Non-EU citizens residing or having resided in the EU**

Around a third (32%, n=123) of respondents indicated that if they had lived, or had tried to live, in more than one EU country, they encountered certain problems in getting a residence permit in the second country<sup>73</sup>. The most common issues identified by respondents were<sup>74</sup>:

- many documents required (85%, n=34);
- insecurity due to delay in receiving new permit, after the first one had expired (83%, n=36);
- high costs of permit (74%, n=34);
- getting the qualifications recognised (66%, n=32);
- finding employment or an employer in the second country (66%, n=35);
- the long procedure (58%, n=53).

Other issues concern the responsible authorities, the waiting times, and the requisite to obtain a pre-authorisation for employment.

<sup>73</sup> Question 68. If you have lived, or tried to live, in more than one EU country, did you encounter any problems in getting a residence permit in the second country?

<sup>74</sup> Question 69. Did you encounter any of the following problems getting a residence permit in the second country?

The respondents were further asked to specify difficulties encountered when trying to transfer social security benefits. Only a limited number of respondents (11 out of 96) had transferred or had tried to transfer the social security benefits (e.g. pension rights) they had built up in the first EU country to a second<sup>75</sup>. Only five respondents mentioned that they had encountered difficulties doing this<sup>76</sup>.

Further, only 8 respondents (n=80) mentioned that if they had permanently left one EU country to go to a non-EU country, they had transferred or tried to transfer the social security benefits (e.g. pension rights) they had built up in the EU country to their new country of residence<sup>77</sup>. Out of these (n=8), 6 mentioned that they encountered difficulties in doing so. The main issues mentioned were the lack of information about the procedures for transferring benefits as well as limited knowledge of administrative workers about the transfer<sup>78</sup>.

#### 4.4 Efficiency

The aim of this section is to analyse the costs and problems associated with obtaining permits for non-EU nationals across the different profiles. The table below shows all the questions addressed under this sub-section.

Table 8. Questions per profile of respondents analysed as part of the efficiency sub-section

Profile	Questions analysed
Profile 1: Non-EU citizens looking to migrate to the EU	19. Which of the following are problems to entry, residence and/or working in EU countries 20. Have you already had an application to come to the EU rejected? 21. If yes – why? 22. Did you have the opportunity to appeal the rejection?
Profile 2: Non-EU citizens residing or having resided in the EU	<b>Cost and Time Incurred in Applying</b> 28. To what extent do you agree with this statement? 29. How much did it cost you to prepare and submit your application (including application fees, costs to obtain/translate documents, certification, etc.)? 30. If applicable, how much did it cost you to obtain recognition of your qualifications? 31. Can you estimate how much time you needed to prepare your application, including getting all supporting documents? 32. Was it easy to arrange an appointment at the relevant EU consulate/authority? 33. From the moment you submitted your application, how long did you have to wait for an answer (either positive or negative)? 34. Which documents did you need to provide in the application process? <b>Application procedures</b> 47. Have you encountered any problems in the procedures when

<sup>75</sup> Question 71. If you have left one EU country to go to a second, did you (try to) transfer the social security benefits (e.g. pension rights) you had built up in the first?

<sup>76</sup> Question 72. Did you encounter any difficulties doing this?

<sup>77</sup> Question 73. If you permanently left one EU country to go to a non-EU country, did you (try to) transfer the social security benefits (e.g. pension rights) you had built up in the EU country to your new country of residence?

<sup>78</sup> Question 74. Did you encounter any difficulties doing this?

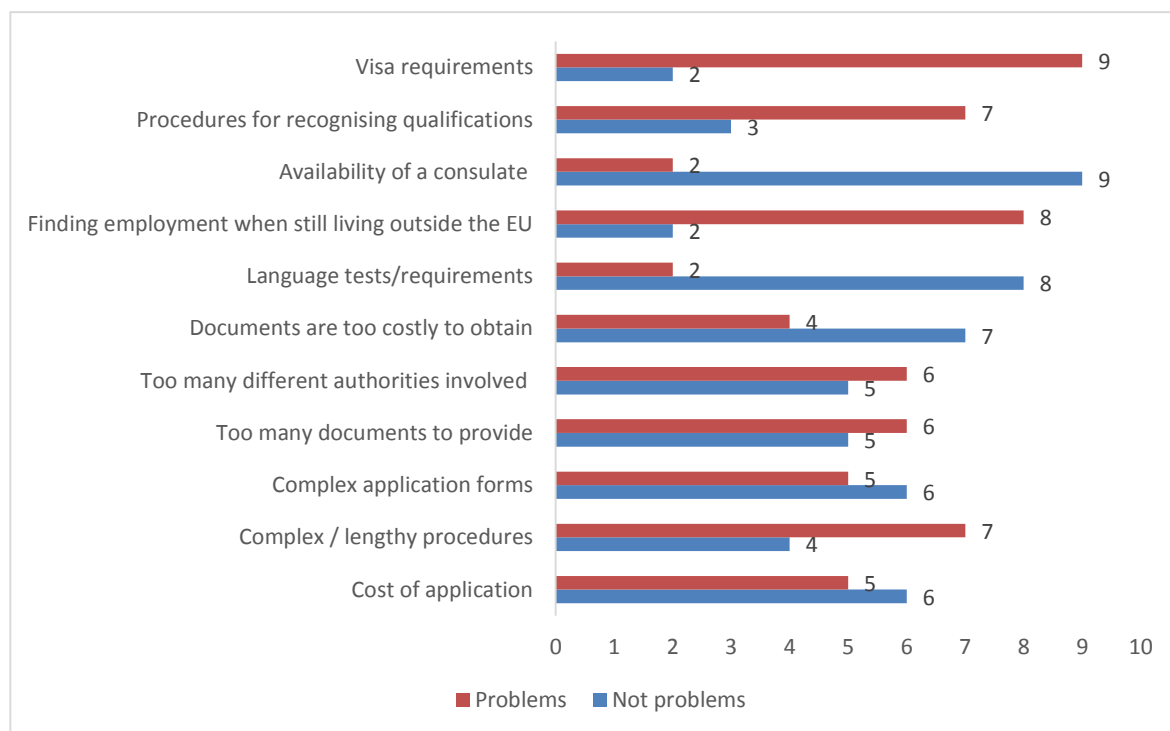
	applying for a residence permit? 48. Please specify the what these problems were:
Profile 3: Employers, non-EU service providers and private recruitment agencies	79. Did you use a third party to help with the immigration procedures? (e.g. a lawyer or specialised firm) 80. If yes, which type? 81. Which of the following were problems you encountered when hiring non-EU workers (select all that apply)? 86. Have you tried to transfer any staff members from outside the EU to an EU country? 87 Did you use a third party to help with the immigration procedures? 88. If you used a third party, how best would you describe it? (select the most relevant option) 89. Which (if any) of the following were problems you encountered when seeking to transfer staff into the EU? 90. If your staff has engaged in business activities in multiple EU countries, were there any differences or problems? (select all that apply)
Profile 4: Authorities in EU countries	96. Which of the directives have proved challenging to apply in practice?
Profile 5: Other respondents	105. Please indicate the main problems to entering/working/living in EU countries:

#### 4.4.1 Profile 1: Non-EU citizens looking to migrate to the EU

Non-EU citizens looking to migrate to the EU were asked to identify problems to entry, residence and/or working in EU countries. The elements that were identified by most respondents were: visa requirements, finding employment or an employer when still living outside the EU, procedures for recognising qualifications and complex / lengthy procedures. One respondent cited requirements on health/travel insurance. The figure below provides a detailed overview of the responses received.



Figure 14. Question 19: Which of the following are problems to entry, residence and/or working in EU countries:



*n*=11

The respondents were further asked whether they had an application to come to the EU rejected<sup>79</sup>. Out of the total number of respondents (*n*=32), only two indicated that their application was rejected and both of them mentioned that they were notified in writing. One of the respondents had the application rejected because the documents presented did not provide the required evidence. They suggested that reasons for the rejection were not at all clearly explained, but they had the opportunity to appeal the rejection. The other respondents had the application rejected because they did not fulfil conditions for admission related to a specific category (student/researcher/worker/family member etc.) and the documents presented did not provide the required evidence. They specified that the reasons for the rejection were clearly explained, but they did not have the opportunity to appeal the rejection<sup>80</sup>.

#### 4.4.2 Profile 2: Non-EU citizens residing or having resided in the EU

Non-EU citizens residing or having resided the EU were asked to specify whether the cost and time incurred in applying for entry and residence in the EU are reasonable. Almost 60% (*n*=191) agree to a small extent or do not agree at all that the costs of current immigration and residence procedures in the EU are reasonable, while around 40% of the respondents from this category said that they agreed to a (very) large extent<sup>81</sup>.

With regard to cost of submitting an application, the average cost is around 700 Euro (*n*=160)<sup>82</sup> the cost to obtain recognition of qualifications is on average 350 Euro (*n*=88)<sup>83</sup>.

With regard to time it took for applying, for 38% of respondents (*n*=190) it took from one to four weeks to prepare their application and for further 33% it took from one to

<sup>79</sup> Question 20. Have you already had an application to come to the EU rejected?

<sup>80</sup> Question 21. If yes – why?; Question 22. Did you have the opportunity to appeal the rejection?

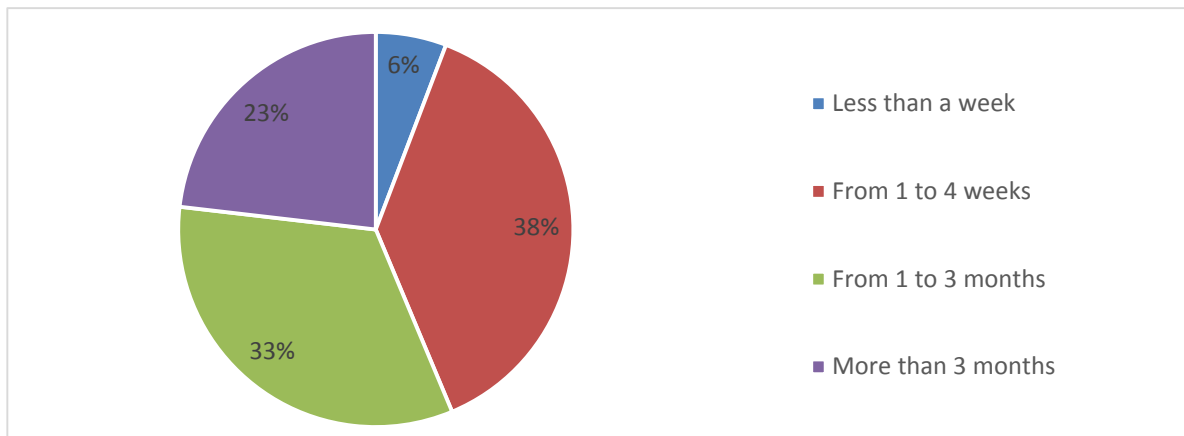
<sup>81</sup> Question 28. To what extent do you agree with this statement?

<sup>82</sup> Question 29. How much did it cost you to prepare and submit your application (including application fees, costs to obtain/translate documents, certification, etc.)?

<sup>83</sup> Question 30. If applicable, how much did it cost you to obtain recognition of your qualifications?

three months. Around 20% needed more than three months and only 6% prepared their application in less than a week.

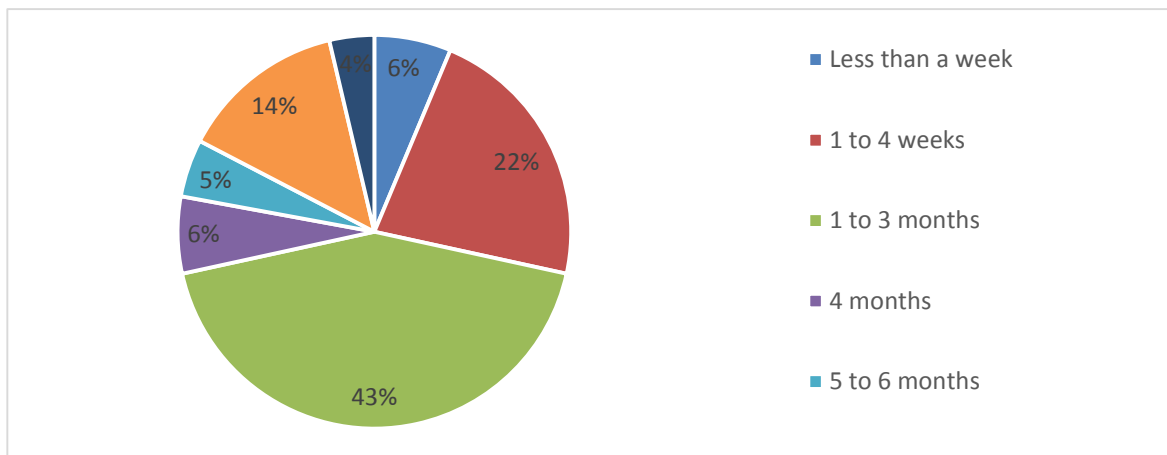
Figure 15. Question 31: Can you estimate how much time you needed to prepare your application, including getting all supporting documents?



$n=190$

When asked about the difficulties in arranging an appointment, 61% ( $n=190$ ) of respondents indicated that it was it easy to arrange an appointment at the relevant EU consulate/authority. The waiting time for answer after submitting an application is usually between one and three months for over 40% of respondents. Only 23% received an answer within four weeks. The figure below provides a detailed overview of the waiting time.

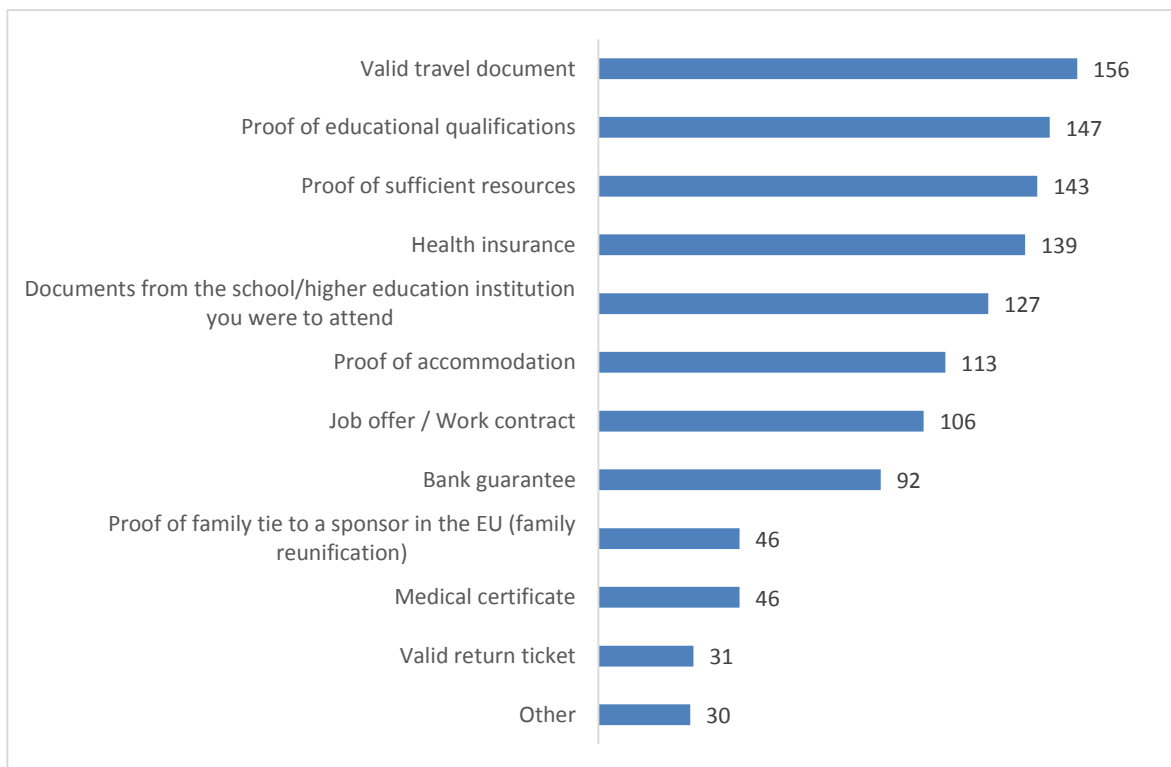
Figure 16. Question 33: From the moment you submitted your application, how long did you have to wait for an answer (either positive or negative)?



$n=190$

The respondents were further asked to list the documents requested in the application process (see Figure 17). The most common documents that respondents ( $n=191$ ) had to provide were: a valid travel document (82% of respondents), proof of educational qualifications (77%), proof of sufficient resources (75%), health insurance (73%), documents from the school/higher education institution they were to attend (66%), proof of accommodation (59%), job offer / work contract (55%) and bank guarantee (48%).

Figure 17. Question 34: Which documents did you need to provide in the application process?



*n=191, Multiple answers possible.*

Additional documents mentioned, include birth certificates, certificates of criminal records and payslips.

#### 4.4.3 Profile 3: Employers, non-EU service providers and private recruitment agencies

With regard to problems encountered when trying to employ or transfer non-EU staff, Profile 3 respondents ( $n=23$ ) were asked whether they employ non-EU nationals. 14 respondents who said that they employ non-EU workers mentioned that they used a third party to help with the immigration procedures<sup>84</sup>. The third parties used by respondents were: immigration lawyers or advisers (4 respondents), a public employment service in your EU country (4), a private recruitment agency (3), a public employment service in the worker's country of origin (3), informal networks (families, friends) (3) and professional networks or education/training institutions<sup>85</sup>.

The following elements were problems they encountered when hiring non-EU workers: long application procedure (14 respondents), many documents required (14), getting the worker's qualifications recognised (13), strict labour market tests by authorities in your country (9), high costs of permit (4) and other costs (e.g. pre-authorisation for employment) (4)<sup>86</sup>.

Similarly, those that tried to transfer staff members in the EU used a third party to help with the procedure. Only 12 respondents suggested that they had tried to transfer staff members from outside the EU to an EU country<sup>87</sup> and eight of them used a third party to

<sup>84</sup> Question 79. Did you use a third party to help with the immigration procedures? (e.g. a lawyer or specialised firm)

<sup>85</sup> Question 80. If yes, which type?

<sup>86</sup> Question 81. Which of the following were problems you encountered when hiring non-EU workers (select all that apply)?

<sup>87</sup> 86. Have you tried to transfer any staff members from outside the EU to an EU country?

help with the immigration procedures<sup>88</sup>. The third parties used by respondents were the same as for those that try to employ non-EU nationals<sup>89</sup>. Furthermore, the problems encountered were similar, including long applications procedures and the amount of documents required<sup>90</sup>.

Respondents indicated that if their staff has 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 further 9 respondents indicated the need to leave the EU to re-apply for a visa or permit as being an issue<sup>91</sup>.

#### **4.4.4 Profile 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 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 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 in practice the Directive on intra-corporate transfers and the Directive on seasonal workers. A detailed overview of the responses received is presented in the figure below.

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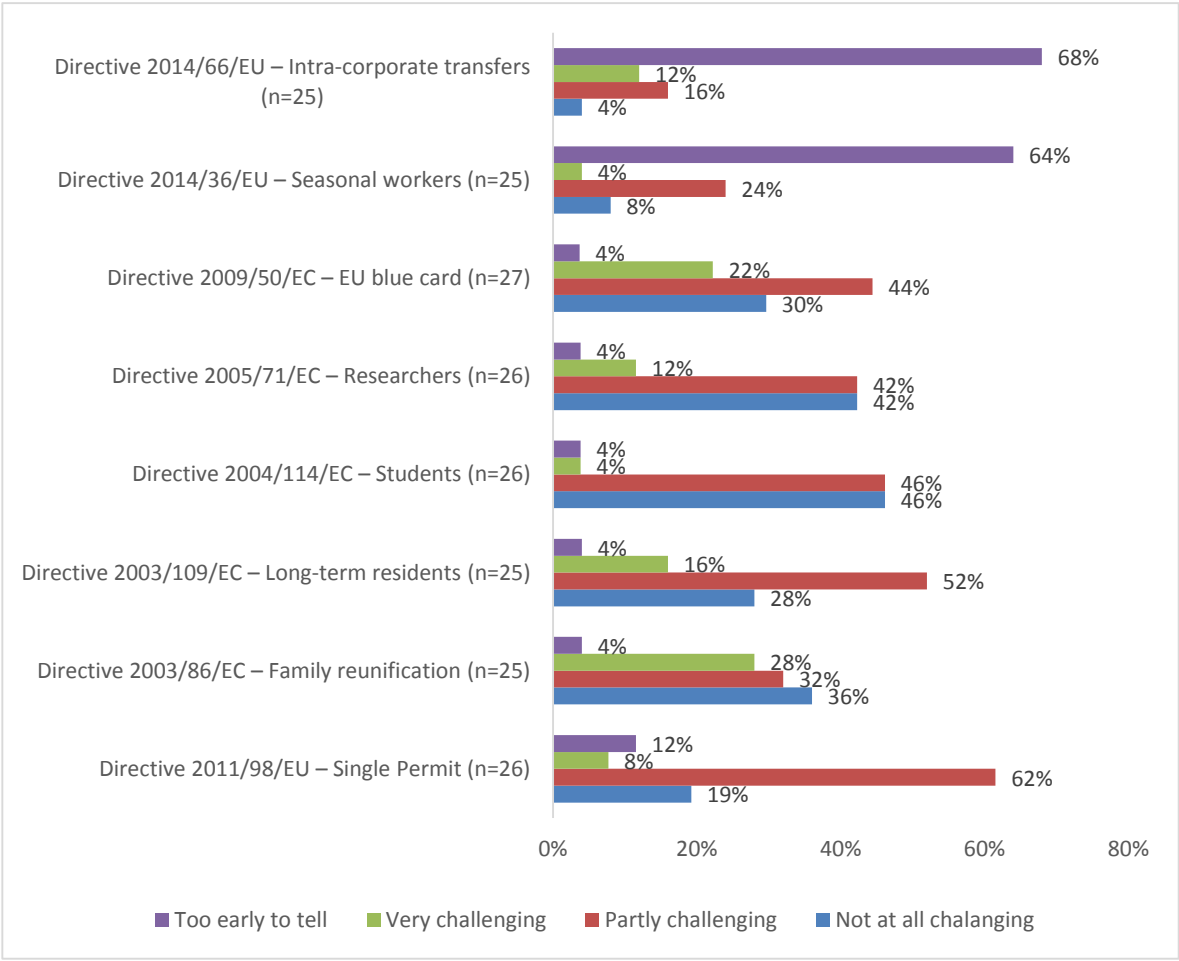
<sup>88</sup> 87 Did you use a third party to help with the immigration procedures?

<sup>89</sup> 88. If you used a third party, how best would you describe it? (select the most relevant option)

<sup>90</sup> 89. Which (if any) of the following were problems you encountered when seeking to transfer staff into the EU?

<sup>91</sup> 90. If your staff has engaged in business activities in multiple EU countries, were there any differences or problems? (select all that apply)

Figure 18. Question 96: Which of the Directives have proved challenging to apply in practice?



**4.4.5 Profile 5: Other respondents**

Respondents were asked to indicate the main problems to entering/working/living in EU countries. The issues identified by the respondents were similarly to the other respondents<sup>92</sup>:

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

**4.5 EU Added Value**

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. Further, specifically views from Profile 4 respondents regarding the EU added value of the legal migration Directives

<sup>92</sup> Question 105. Please indicate the main problems to entering/working/living in EU countries:

for their Member State were considered. The table below shows all the questions addressed under this sub-section.

*Table 9. Questions per profile of respondents analysed as part of the EU added value sub-section*

<b>Profile</b>	<b>Questions analysed</b>
General Questions	10. To what extent do you agree with these statements? 12. To what extent do you agree with these statements? 13. To what extent do you agree with these statements?
Profile 4: Authorities in EU countries	93. To what extent do you agree with these statements?

#### **4.5.1 Stakeholders views on EU Added Value**

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<sup>93</sup>. The detailed answers to these and additional statements are given in Annex 5 by statement and type of respondent.

Overall, more than half of the respondents (58%) agree that targeted immigration of workers from countries outside the EU is one of the solutions to fill existing job openings that are currently not filled by EU workers (n=860). However, opinions vary across the different types of respondents. While the large majority of non-EU citizens looking to migrate or temporarily move to the EU (87%), non-EU citizens residing or previously residing in the EU (86%) and representatives of authorities in the EU Member States (71%) agree to a (very) large extent with this statement, approximately half of employers; non-EU service providers and private recruitment agencies (50%) and other respondents (52%) agree to a small extend or do not agree at all.

Regarding the attractiveness of the EU, over 70% of the respondents agree that the EU is attractive for students and researchers (n=843), but only 36% agree that it is attractive to those non-EU citizens looking to start a business (n=834).

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) (see Figure 45). Here, around half of the respondents agree that it should be governed at EU level. However, again many differences between the stakeholders are visible. While Profile 1 and Profile 2 respondents overwhelmingly (over 70%) agree that the legal migration should be governed at EU level, only around 40% of the remaining respondents believe the same.

Similarly, when asked whether all EU countries should have the same conditions for admitting non-EU citizens to the EU (n=854) (see Figure 46), 75% of Profile 2 and over 65% of Profile 1 agreed, whereas around 50% of the remaining profiles agreed. A similar pattern emerged when stakeholders were asked whether they agree that EU countries should have the same type of application procedures and harmonised entry and residence procedures (over 70% of Profile 1 and over 85% of Profile 2 respondents agreed, compared to around half of the other profiles).

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) (see Figure 52). Overall more than half (58%) of stakeholders agree that there should be more EU-level

<sup>93</sup> Question 10. To what extent do you agree with these statements?

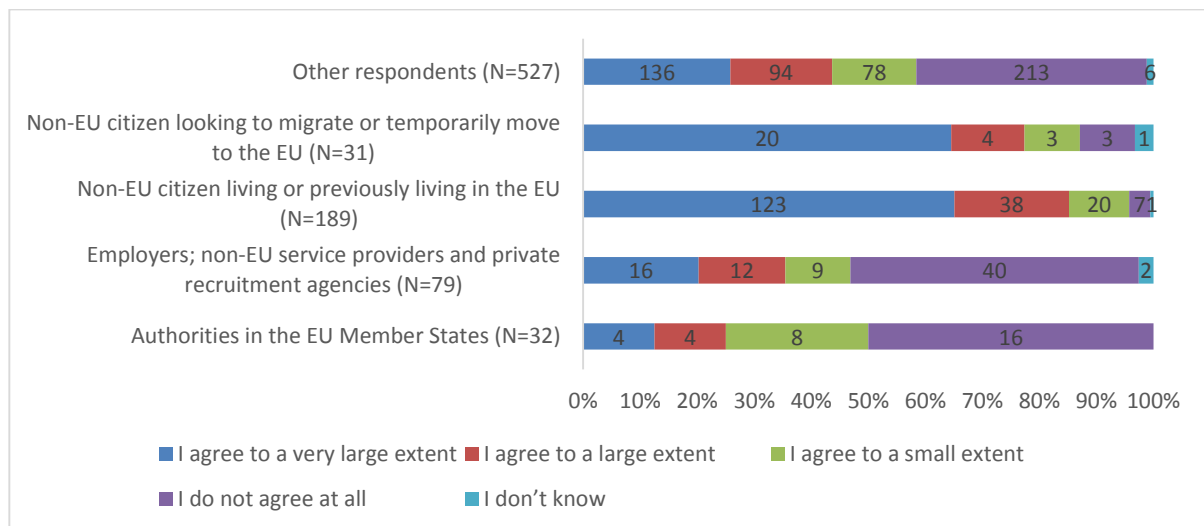
action to facilitate the assessment and recognition of these qualifications (n=854) (see Figure 51).

A large majority (see Figure 53) 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).

A slight majority (see Figure 59) also believes that providing additional channels for legal migration (to work, study, etc.) can help reducing irregular migration (58%, n=858).

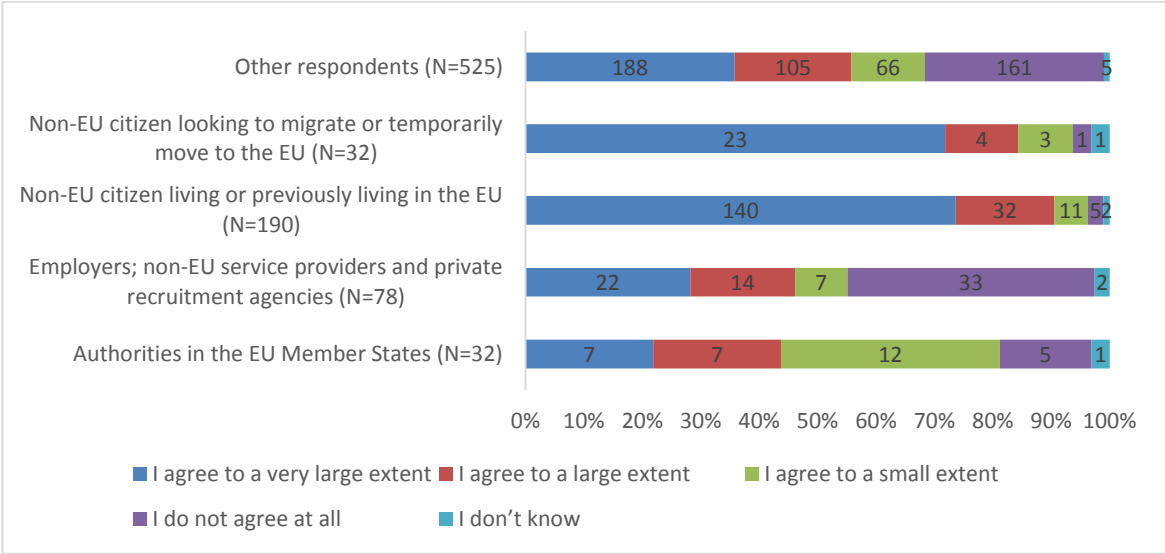
Further, the respondents were asked to give their opinion on intra-EU mobility. Overall, 53% of respondents believe that non-EU workers should be able to travel and work in different EU countries once admitted in one country. Considerable differences of opinion can be observed across the different types of respondents. While the large majority of non-EU citizens residing or previously residing in the EU (85%) and those looking to migrate or temporarily move to the EU (77%) agree to a (very) large extent with this statement, only 44% of 'other' respondents, 35% of employers, non-EU service providers and private recruitment agencies and 25% of representatives of authorities in the EU Member States indicated the same.

Figure 19. 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?



Respondents were further asked to indicate the extent to which they agree that non-EU students and researchers should be able to travel, work and study in the different EU Member States once admitted in one Member State. While the majority of respondents from Profiles 1 and 2 (84% and 91% respectively) agree with this statement to a (very) large extent less than half of respondents from profiles 3 and 4 said the same (44% and 46% respectively). A share of 56% of respondents from profile 5 also agree to a (very) large extent. The figure below provides a detailed overview.

Figure 20. Question 13: To what extent do you agree that Non-EU students and researchers should be able to travel, work and study in the different EU Member States once admitted in one Member State



**4.5.2 Profile 4: Authorities in EU countries**

In order to assess the opinion regarding EU added value of the legal migration Directives, respondents were asked to provide their opinion on several statements with regard to the EU legislation<sup>94</sup>. Out of the total number of respondents within this profile (n=33), 73% agree to a (very) large extent that common rules at EU level help non-EU citizens move around the EU (to study, research or work). Further 16% agree with this statement to a small extent and 3% do not agree at all.

Similarly, 73% (n=30) of respondents agree to a (very) large extent that it is positive that all EU countries have comparable admission conditions and procedures for non-EU citizens. 20% agree to a small extent and 3% not at all.

61% (n=28) of respondents also agree to a (very) large extent that EU legislation offers a channel for sharing information with other EU countries. 18% agree to a small extent and 4% do not agree at all.

Over half of respondents also agree to a (very) large extent that EU legislation has helped address specific groups of non-EU citizens who were not previously covered by national migration rules. 24% agree to a small extent and 17% not at all.

45% (n=29) of respondents agree to a (very) large extent that EU legislation has helped improve national rules on migration of non-EU citizens. 41% agree to a small extent and 7% do not agree at all.

Less agreement is expressed regarding the fact that lessons learnt from implementing EU legislation have been applied elsewhere in national migration rules, only 29% (n=28) agreeing to a (very) large extent 43% agreeing to a small extent and 21% not at all.

**4.6 Overview of the results of the written input**

**4.6.1 Overview of the responses by type of stakeholder**

The documents submitted by **individual non-EU citizens** focus on their personal situation and any issues they have had in relation to legal migration. While these documents are an interesting insight into particular issues that migrants may encounter

<sup>94</sup> Question 93. To what extent do you agree with these statements?



and alert to implementation issues in Member States, they don't necessarily represent a substantial contribution to answering the questions raised as part of the current study.

The contributions provided by **employers and employer organisations** were in the form of official position papers and as such well written. The content was relevant in terms of identifying issues that exist in relation to specific fields of employment.

**Authorities in the EU Member States** submitted position papers, setting out their stance in relation to certain issues. Statements from political entities express their support or lack thereof for a particular policy but without necessarily addressing the study questions. One contribution provided detailed analysis on how the proposed wording of a reformed version of Regulation (EC) 883/2004 may influence the work of social insurance bodies. The contribution does not raise any issues linked to the wider legal migration acquis.

Other categories of respondent that also chose to contribute to the OPC with additional documentation include **NGOs/IGOs, academia, immigration lawyers, EU-level organisations, sector specific associations, trade unions and (EU) individuals with personal interest**. The latter group provided personal opinions on both the quality of the questionnaire and the future of legal migration to Europe which, while remaining relevant opinions, provide no important input to the development of the study. The majority of documents submitted by **academics** tend to be academic papers already published and covering very specific issues that do not provide a particularly useful contribution to the study. There are however also two papers which provide an interesting overview of the wider issues connected to migration, such as the effects of personality traits on migratory choices and the importance of language courses in assisting integration. One paper focuses specifically on the Seasonal Workers Directive and the principle of equal treatment. **NGOs and IGOs** submitted the largest number of documents, generally focusing on a theme which the organisation is particularly familiar with (such as family reunification, workers' rights, equality and so forth) but on occasion also focusing on the topic of migration more widely. The quality of the documents varies in terms of length and relevance to the study. Some are simply papers calling for the respect of a given human right (such as the right to family life) or for the removal of a given policy (such as the waiting period for refugees and those benefitting from subsidiary protection to access family reunification in Germany). Other papers are more detailed and touch upon specific issues linked to the study, while other provide more MS level recommendations. **Immigration lawyers** submitted two statements present overall quite general arguments. There are specific issues connected to the Directives that are touched upon however these are considered only in relation to the Belgian and Dutch contexts.

Two documents were also submitted by **stakeholders at EU-level**: one by one Agency and one by a Member of the European Parliament. The latter provides a brief opinion on the current state of legal migration in terms of family reunification, while the agency focus on the issue of recognition of qualifications and raises the issue of needing to update the Blue Card directive to bring it up to speed with education qualification levels.

Additional documentation was also submitted by various **associations**. One was submitted by an **association representing small businesses**, which presents the issues it considers relevant for the positive development of legal migration in the EU. These are both general and focused on the needs of small businesses. An **association representing aviation staff** also submitted a document focusing on the specific needs of aircraft crews in terms of mobility. The document submitted by a **network of academic bodies**, provides additional commentary on a select number of sections in the OPC. One document was submitted by an individual representing an association and provided general commentary on the topic of legal migration.

#### 4.6.2 Main issues raised by type of stakeholder

##### ***Non-EU citizens residing or having resided in the EU***

The issues raised by this category focus on issues that have affected them personally as legal migrants to the EU. There were several cases related to Sweden and two to Belgium, although other Member States were also referred. The main purpose of these contributions appears to be to denounce what appears in their eyes to be an injustice resulting from either lack of information and expediency (delays, strict interpretation of rules, etc) at Member State level in dealing with applications or from administrative peculiarities that have put the regularity of their stay at risk.

The issues raised were the following:

- No employers are interested in the respondent as he/she requires a work permit and this entails costs for the employer.
- The self-employed (including freelancers) should be taken into consideration as a category that may migrate.
- Lack of information in what regards the status of Long-term resident.
- In the case of Sweden, administrative peculiarities were underlined, related to rules/practices that unfairly put responsibility on the TCN for employers' actions and put well integrated TCN at risk of deportation, according to three respondents:
  - The job was not advertised in the right media
  - Employer hasn't raised salary as per collective agreement
  - Working during holidays/not taking sufficient amount of holidays
  - 
  - Employer doesn't pay the "state insurance".

##### ***Employers/non-EU service providers***

One company/employer and seven employer organisations provided written feedback..

The additional document provided by the one employer addressed relevance issues of the legal migration Directives and focused on intra corporate transfers (ICT). **The issue raised was that the implementation of the Directive has varied according to MS,** in particular with regards to allowing companies to position employees to work at client sites, allowed in some countries and not allowed in others.

Two sectoral **employer organisations** focused on the specific needs of those employed by the sector in which they operate and thus addressing relevance issues of the Directives. One employer organisation raised the issue that **certain groups of legal migrant fall outside of the scope of the Directives.** This issue was raised in particular by the music and performing arts industry, the needs of which are not suited by the current Directives. The nature of the work of those working in this industry is short in duration and foresees a lot of travelling and as such requires specific attention within the Directives. While there is legislation at MS level dealing with the specificities of the performing arts sector, **this is fragmented and inconsistent.** The respondent lamented the lack of a common EU-wide approach, which would be needed in order to be able to travel (on tour for example) either between Schengen states or in and out of Schengen for short periods of time (shorter than 90 days). Similar issues arise more generally for the self-employed as they may also be involved for short periods (e.g. a specific project) and need to travel in a similar way. The same employer also lamented the fact that the Road Map does not include artists as a category for further investigation. The other sectoral employers' association focused on the situation of the social, socio-medical and hygiene sector, underlining the shortage of skilled workers in these sectors and the difficulties regarding the recognition of qualifications. They argue that integration of migrants could be more efficient if they were allowed to engage in employment during the vetting of their permit application. Their inclusion in the labour market would be enhanced if the recognition of education qualifications were facilitated.

There were replies by two organisations representing multinational companies that use qualified TCN to respond to specific needs. Both focused on the aspects that are more relevant, in their perspectives, to attract talent to the EU: improving application procedures, allowing family reunification and access of family members to employment and provide better information to applicants, at national and/or EU level. One of the associations defended that flexible national schemes should not be scrapped and that evaluation of qualifications should be trusted upon the employers. It also supported a balanced approach to the definition of new categories of migrants and supporting the intra-EU mobility provisions of the ICT Directive and of the Blue Card proposal. The document further supports a re-interpretation of the definition of family members to include registered/long term partners. The paper also advocates for the right to work of family members as a way of fostering integration. The other association expressed concern by the fact that the Commission's new Blue Card proposals includes a possible labour market check for family members.

The opinions provided by the horizontal, EU-level **employers' organisation** were quite descriptive in nature yet ultimately presented suggestions for reform at EU-level. The following topics were addressed:

- **Labour market access for family members:** Differences between the provisions in the Blue Card Directive and the ICT Directive were mentioned and greater coherence advocated for. In this respect, the organisation suggested that "consideration should be given to applying the provision for the immediate issuing of the residence permit for family members of Blue Card holders and ICTs" and that "[family members] should be able to access the labour market of the host member state without restriction".
- **Intra-EU mobility of highly skilled third country nationals:** Worker mobility should be extended to highly skilled TCNs and welcomes the possibility of facilitated intra-EU mobility of Blue Card holders included in the 2016 proposal for the revision of the Blue Card Directive. Furthermore, it is suggested that consideration could also be given to enlarging the scope of the ICT directive by including medium-skilled personnel in the scope of the Directive and including the possibility for the movement of skilled personnel between Member States and third countries.
- Confirming that business continues to need highly skilled workers and that "this may need broaden to people of all skill levels", the association recognised the **relevance** of the EU-level policy on migration and suggested **new initiatives** (e.g. "talent pool", improve matching, more data/information on shortages). However, the association also defended that national schemes should be maintained and that national competence on terms and volumes of admissions are to be respected.

One EU-level employers' organisation representing crafts and small businesses submitted documentation elaborating its position in relation to the current fitness check. The paper offers general suggestions, such as an EU-wide talent pool for TCNs interested in migrating to the EU with a points-based system awarding points to potential migrants for their levels of qualification, years of experience, and knowledge of languages. Specific challenges pertaining to the needs of small businesses were also mentioned. These include in particular the delays linked to what are defined as 'highly bureaucratic systems'. The delays mentioned refer to the time it takes to obtain a visa or to have one's qualifications recognised.

Finally, the organisations representing employers at national and regional level in one Member State, identified the removal of barriers to intra-EU mobility as important for future reform. The respondents suggested that this could be for example through the promotion of language capacity, recognition of professional qualifications or easier and more targeted information for employees and employers, as well as underlining the importance and sensitivity of family reunification for attracting qualified workers.

Furthermore, these organisations reminded that there is need to consider the national specificities of Member States, given that there is no EU-level labour market (they gave the example of the difficulties to address the situation of low and medium-skilled workers as a unique reality, given that some professions are regulated in some Member States and not in others).

As a horizontal comment, there is a widespread support for the EU action, for equal treatment and for intra-EU mobility among those that provided written comments.

### ***Authorities in the EU Member States***

Five agencies/authorities of Member States and one Ministry from a third country also provided written input.

One authority focused very much on the specific wording of Regulation EC 833/2004 on the coordination of social security systems. The issues raised by the authority are in relation to the possible effects that the proposed wording might have in terms of clarity for social security organisations. Although this legal framework applies also to TCN the concerns of the authority are not related to the focus of the current consultation.

One local **authority** invited the European Commission to take into consideration the issue of gender equality as part of its review. The authority requests that particular attention be paid to "the extent to which women and men are affected differently by the relevant directives, and whether the implementation of these legal instruments supports, restricts or violates the human rights of migrant women from third countries." The authority explains that this requires, in particular, "a focus on the equal access of third-country women and girls to education, work, social services and health care, as well as adequate protection against violence, regardless of their residence status."

One national **authority** wished to clarify and confirm the position it expressed in the OPC. The Ministry supports the provisions on intra-EU mobility included in the current Directives as well as in the revised Blue Card Directive which is currently being negotiated. The authority considers that "the current legal framework has a relatively good coverage and more importantly, many directives have been in force for a limited period of time or are only being implemented now". As such, it considers it premature to consider any new EU legislation in this area before more experience and insight into the functioning of the current acquis has been gathered.

Finally, one regional agency provided a detailed position paper with relevant analysis regarding the coherence of legal migration Directives with the Return Directive and the effectiveness of the procedures in EU level legislation, underlining the "unnecessary complexity". The agency also underlined the specific issues related to the relevant regional and Member State's rules and procedures, focusing on proportionality of administrative fees and of integration measures and the limited possibilities of TCN to be heard by the authorities, indicating the interest of a harmonized approach to some of these issues.

The Ministry from a third country provided a position paper underlining the need for legal channels for migration to the EU, requesting a more flexible approach, notably in what regards family reunification, the mobility of students and researchers and of entrepreneurs from developing countries. The Ministry also defends the EU action transfer of social rights, fight against racism and discrimination and migrants' integration.

### ***Other stakeholders***

29 written statements were received by other stakeholders, including lawyers (2), academia (5), NGOs (9), one International Organisation (UNHCR), 3 from individuals with personal interest, 2 from institutions/bodies of the European Union, 3 from associations and 3 from trade unions. The main points are summarised below.

## ***Immigration lawyers***

The input provided by immigration lawyers addresses mainly relevance issues of the legal migration Directives.

According to one immigration lawyer from the Netherlands, the limitation of the scope of the ICT Directive to trainees with a university degree is “disappointing, as education is organised differently across different countries with certain courses followed abroad not necessarily being recognised in the Netherlands”.

## ***Academia***

The issues addressed by these stakeholders focus principally on relevance issues of the Directives, addressing the movement of seasonal workers. One article<sup>95</sup> addresses the issue of discrimination of TCN migrants in the EU labour market however, this provides little input for the current study although it does mention the importance of language courses in the integration of migrants. Three contributions are short texts sent by authors, generic in nature. They focus on the following issues:

### Contribution 1:

- Horizontal legislation summarising and systematising the European acquis, while clarifying and specifying some key concepts, such as ‘worker’ in order to provide for greater harmonisation and, above all, to simplify the system for better awareness, better interpretation and, therefore, better application of the arrangements, would be desirable.
- A better policy for the integration of migrants would also be desirable.

### Contribution 2:

- The European regime governing family reunification is complicated and should be simplified.

### Contribution 3:

- The ICT Directive is too complicated and not implemented consistently enough.
- Too much scope for interpretation is left to MS.

One article<sup>96</sup>, focusing on **equal treatment**, raised the issue of the limited personal and substantial scope of the Seasonal Workers Directive. According to the author, as it stands, the Directive will not be sufficient to address the rights gap between the different groups of third-country national migrant workers in the EU, let alone the rights gap between third-country nationals and EU citizens. The introduction of the principle of equal treatment is nonetheless received positively.

The issue of seasonal workers mobility was further addressed by this article<sup>97</sup>, according to which it would be beneficial to provide internal mobility for seasonal workers as this would allow migrants to go where labour shortages exist – even if those shortages are seasonal. Providing for intra-EU mobility for seasonal workers, therefore, would **both serve the objective of sustaining the EU’s development policy** as it would allow the seasonal workers to earn an income that would be sufficient for a whole year, **and at the same time, it would provide employers in the different seasonal sectors with the required workforce**. It was noted nonetheless that the introduction of intra-EU

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<sup>95</sup> Dr. Neli Demireva and Dr. Wouter Zwysen of Growth, Equal Opportunities, Migration and Markets (GEMM).

<sup>96</sup> Margarite Helena Zoetewij-Turhan (2017) *The Seasonal Workers Directive: ‘... but some are more equal than others’*, European Labour Law Journal. Vol. 8(1) 28–44.

<sup>97</sup> *Ibid.*

mobility for unskilled workers may conflict with the Member States' wish to control first admissions of this type of labour migrant to their territory.

In terms of employment, the recognition of formal qualifications was also considered important. According to one contribution, a third of migrants are in fact over qualified for the jobs they do and this could be considered a waste of human capital for the EU.

### **NGOs/IGOs**

The main issues addressed by contributions submitted by these stakeholders are linked to family reunification and the possibility of family members to access employment.

An issue raised by one United Nations Agency is that of the **exclusion of certain categories from family reunification**. For example, reunification with unmarried partners and parents and grandparents of refugees over the age of 18 is not guaranteed. The point raised is that there is nonetheless a relationship of dependency and that this should be taken into consideration. Young adults who are also heads of households in their country of origin were also identified as a category excluded from being reunited with siblings who were dependent on them. Overall, it was considered to be very difficult to reunite unaccompanied minors with persons other than their parents, even though the Directive provides for this, due to strict requirements regarding proving previous custody or recognized legal guardianship<sup>98</sup>.

One faith-based organisation has thus suggested that the **definition of beneficiary be extended** to include dependent relatives regardless of their age, "de facto" family members<sup>99</sup> and all dependents up to the age of 21. Two other NGOs also call for more clarity with regard to the definition of family members and for less discretion in this regard at MS level. One of these, also raises issues linked to labour exploitation, gaps in current EU legislation on labour migration is the absence of an overall framework for the admission of labour migrants, a point raised also by the Salvation Army. According to other NGO, the fact that a partner is entitled to an autonomous residence permit only after five years of residence is can lead to dependency on abusive partners.

Respondents from the referred faith-based organisation have furthermore suggested that the differences between refugees and those guaranteed subsidiary protection be ended as far as family reunification is concerned. It's suggested that uncertainty regarding the future of family members can hinder the integration process and as such the abolition of such differences would be beneficial to the hosting country as well. In fact, some EU Member States already apply the same favourable provisions to beneficiaries of subsidiary protection, however since 2015 this is being increasingly limited.

One NGO raised the issue that "family members" as well as the concept of "dependency" are defined too narrowly and that there are **differences in interpretation between Member States**. It was mentioned that very few EU Member States provide for reunification between siblings on the basis of the concept of dependency.

Most documents also provide more generic suggestions in addition to any specific comments. One of the referred NGO calls on EU action to be in line with the EU Action Plan on Human Rights and Democracy and international treaties such as the Universal Declaration of Human Rights, the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights. Similarly, other NGO argues that at Member State level, political change is required in order to ensure the human rights of migrants, in particular of unaccompanied minors. The organisation also advocates for the employment of a greater number of case workers and volunteers in sensitive countries such as Greece and for a more child-friendly asylum system which focuses on child-safe reception centres, well-trained frontline officers, an immediate appointment of legal guardian for unaccompanied minors and the need for early identification for victims.

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<sup>98</sup> Although some of the contributions address issues of family reunification of refugees, they are included in this overview as these issues might also be relevant for other categories of non-EU nationals.

<sup>99</sup> Such as children who have been living in a family without having been formally adopted.

Other transnational networks called for prioritising a humanitarian approach to legal migration. This would entail broadening legal channels to the EU for people in need of international protection, ensuring a strong rights-based labour migration framework and promoting a protection-oriented approach to family reunification.

### ***Individuals with personal interest***

The additional input provided by this category is of limited relevance to the current study. The three contributions provide personal opinions regarding generic changes that could be made to the way the EU approaches legal migration.

One contribution provides an overall commentary on the OPC, containing interpretations of how the EU should implement legal migration policy and beyond.

The second contribution provides an opinion on how to further European prosperity, academic research and international competitiveness. This would require the establishment of a central EU institution dedicated to the migration of highly educated individuals.

The third contribution focuses on the perceived negative impact of the asylum policy of the EU and its implementation, and refers to the limited use of humanitarian visas. It also considers that the legal framework for family reunification is inadequate to the needs of asylum seekers.

### ***EU level bodies/institutions***

The 2 submissions at EU-level focus on two different topics. One submission focuses on the need to update and broaden the scope of highly skilled workers beyond higher education while the other focuses on the rules governing family reunification.

- According to one EU agency, the Blue Card Directive could broaden the scope of highly qualified workers beyond higher education to extend also to higher VET qualifications. This would entail an update of the references to qualification levels mentioned in the Directives. More broadly, use of the European Qualifications Framework (EQF) could be encouraged in the implementation of Directives in the Member States – as many of the sending countries already have NQFs; in some cases, non-Member States have referenced their NQFs to the EQF and so can benefit from this comparison tool. The new EQF Recommendation, adopted in May 2017, provides for third country comparison with the EQF, making it likely that even more countries outside the EU will refer to the EQF. So references to using the EQF could be inserted in the Directives.
- The second submission was from a Member of the European Parliament for the Green Party which is within the Group of the Greens/European Free Alliance. The MEP mentioned that the “current rules governing family reunification are characterised by a narrow view of what constitutes family members”. The respondent suggested that there is a need for a more “flexible approach” that includes reunification for dependent family members and relatives, whether economically or otherwise, and unmarried registered partners – in all EU MS.

### ***Associations and trade unions***

One document submitted by an association presents a general call for a different interpretation of the free movement of workers, one that would involve TCNs and the self-employed alike. This, it is mentioned, would improve the functioning of the European labour market and the status of the millions of migrants living and working in Europe.

One EU-level trade union representing aviation personnel submitted a document that is very much focused on the need to provide a specific regime tailored to the needs of aircrew workers governing movements into the EU as well as in between MS. The issue raised is that the rules governing TCNs working on board EU-registered aircraft are fragmented across MS and as such do not provide a coherent system. According to the association, such fragmented rules result in the abuse of the possibility to enter the EU by subsequently engaging in illegal work patterns.

The document submitted by the trade union representing undocumented migrants in one Member State focuses on the following two aspects related to dependency on employers:

- Equal treatment. The Union first sets the context of its argument whereby long-term residents, in order to enjoy equal treatment in a secondary MS, must have a residence permit. The Union argues that, as employment can be used as a ground for residency in a secondary MS, equal treatment is inextricably tied to employment leaving long-term residents dependent on their employer and as such at risk of exploitation.
- Long processing times. According to the Union, processing times at the Migration Agency currently exceed the limits stipulated in the Directive and if the appointment ends at any time during this period, so will the legal ground for residence.

Other association representing professional employees in the same Member State defends a EU role in migration policy but only if the action does not entail limits to the domestic policies, in special in what regards permits (against EU-level fragmented permits, e.g. Blue card and ICT). The current situation is market by complexity and undue regulatory burden.

Finally, two associations active in two Member States provided detailed input in aspects only indirectly related to the current study: one provides a detailed contribution to the on-going debate on the need for an immigration law in the Member States where it is active. The other criticises the fact that the current study does not cover the situation of the implementation of the EU rules for family reunification of mobile EU citizens, which is covered by the free movement legislation and not the legal migration legislation. This association also provides detailed information on issues of implementation of the referred legislation in the Member State where it is active. These aspects are considered in the coherence part of the study.



## 5 Conclusion

This section presents the main points across evaluation criteria and profiles of respondents. The final sub-section presents the main points provided by respondents in the written contributions.

### 5.1 Main points across evaluation criteria and respondents

#### 5.1.1 Relevance

This section addressed the respondents' view on the extent to which the objectives of the legal migration Directives and the way they are implemented are relevant in addressing their current and future needs:

- The answers provided by 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 are Germany, followed by the Netherlands, France, Belgium, and the UK<sup>100</sup>.
- Almost half of the respondents of Profile 1 and around 40% of those responding as part of Profile 2 agree to a (very) large extent that the **current conditions** to enter, live and work in EU countries are an **obstacle** for them when migrating to the EU. They refer in special the lengthy and cumbersome application procedures and the labour market test.
- Specifically Profile 3 respondents were asked whether they employ non-EU workers and **only around 30% replied that they do employ these workers**. The remaining respondents did not consider employing non-EU workers, stating as main reasons the availability of EU workforce and the difficulty to assess foreign qualifications.
- Profile 4 respondents were specifically asked about lessons learned from implementing EU legislation/Directives. While only a limited number of responses was received, those that responded, indicated that **lessons learnt have been applied to revise/simplify entry procedures** and to **extend the right of equal treatment to other categories of non-EU citizens**.
- The majority of Profile 5 respondents indicate that they find big differences between the Member States' rules on how to enter, work and reside, in special the application procedures. 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
- All profiles were asked about the extent of easily available information on the legal ways to come to the EU. The majority of **Profile 1, Profile 2 and Profile 5 respondents disagreed that the information is easily available**. Around **40% of Profile 3 respondents believe that adequate information is easily available** to employers, and to potential non-EU workers. **Profile 4 respondents overwhelmingly believe that there is adequate information** on immigration rules easily available to different stakeholders, including: employment agencies in their country, local/regional/national authorities, employers in their country looking to hire non-EU citizens, and Non-EU citizens looking to come to their country.
- All profiles were further asked about the opinion on the differences between the current rules in EU countries on how to enter, live and work in these countries. Overwhelmingly, across the profiles the respondents agreed to a (very) large extent that in their experience, **there are big differences in the current rules between different EU countries**.

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<sup>100</sup> The UK is outside of the scope of the legal migration fitness check.

### 5.1.2 Coherence

This section addresses stakeholders' views on possible gaps, overlaps and inconsistencies in the EU legal migration Directives can be summarised as follows:

- **Non-EU citizens looking to migrate and those already residing in the EU** (Profiles 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, in particular they agree that people planning to launch a start-up, followed by self-employed workers more generally, 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. The other categories were much less supportive (around 40% for self-employed and start-ups, and 50% for mobile workers).
- **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 to be mandatorily covered under EU rules for family reunification.
- Profile 2 respondents were asked about **policy choices** in the management of migration in the Member State of their residence. A quarter of the respondents declared that while living in the EU they had to comply with integration conditions and measures, a large majority of these being language courses. Only 2% indicated that they had to participate in pre-departure integration activities (before entering the EU) as a prerequisite for a successful application..
- Profile 4 respondents indicated that **EU policies,** such as 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.

### 5.1.3 Effectiveness

This section addressed stakeholders' views on the effectiveness of the EU legal migration Directives and their opinion about the application procedures, change of status, equal treatment, intra-EU mobility and transfer of social security benefits summarised below:

- Overall, the experience of non-EU nationals (Profile 1 and Profile 2) with **application procedures appears to be challenging.** The majority of Profile 2 respondents have their initial application approved (6% rejected) and most had to contact a limited number of authorities (34%: 1 authority; 31%: 2 authorities). Nevertheless, half of these non-EU nationals encountered several problems in the procedures when applying for a residence permit, with long procedures being the most important issues, followed by high costs of permit and the number of supporting documents required. When renewing the residence permit, the respondents encountered similar problems, with the additional insecurity due to delay in receiving new permit, after the first one had expired . It seems that the non-EU nationals themselves, with limited involvement of employers, mainly do the submission of applications. With regard to Profile 3, only a limited number of respondents has actually tried to staff their positions with non-EU nationals. Therefore, these responses must be taken with caution. Out of those that do have experience with the staffing of non-EU nationals, most have worked with a third party (e.g. immigration lawyer) to support the application.
- With regard to **change of status,** the majority of respondents (Profile 2) indicated that they encountered **problems while changing from one permit to**

**another.** Unsurprisingly, the majority of respondents changed their status from student to worker. The main problems seem to be the long procedures, insecurity due to delay in receiving new permit, after the first one had expired and the amount of documents required. Further, over 60% of respondents are aware of the possibility to obtain an **EU long-term residence status**. However, only 19% have actually applied for this status, with the majority receiving the status upon application. With regard to obtaining **citizenship**, a very small number of respondents (3 out of 179) actually applied for citizenship, agreeing that obtaining citizenship was difficult. While the number of respondents that have actually obtained citizenship is too small to give an indication about the 'easiness' of the procedures, the fact that overwhelmingly the respondents did not apply for citizenship could indicate that the application is regarded difficult.

- With regard to **equal treatment**, over 60% of respondents (Profile 2) seem to have rather positive experiences. However, the agreement is lower with regard to access to social security benefits and working conditions, where around 50% have indicated they have been treated differently compared to nationals either on one or on several occasions. Over 50% of respondents belonging to Profile 4 (authorities in EU countries) also believe that non-EU nationals enjoy equal treatment with nationals regarding access to publicly available goods, or education and vocational training. However, the agreement is lowest (31%) with regard to equal treatment in the recognition of qualifications.
- When asked about issues encountered regarding **intra-EU mobility**, around one third of Profile 2 respondents indicated they experienced issues, mainly due to the amount of documents required, the insecurity due to delay in receiving new permit, after the first one had expired and the high costs of the permit.
- Respondents were finally asked about issues encountered when **transferring social security benefits** from one Member State to another. The results show that the take-up of transferring these benefits is very low. Only a limited number of respondents actually tried to transfer these benefits, and the majority of those experienced difficulties in the transfer, citing the lack of information about the procedures for transferring benefits as one of the main issues as well as limited knowledge by the administration in the Member States about the modalities for the transfer.

#### 5.1.4 Efficiency

This section looked at stakeholders' views on costs and problems encountered with regard to the EU legal migration Directives. The responses across the different Profiles are summarised below.

- Non-EU nationals (Profile 1 and 2) encounter the main costs in the application phase (in terms of time it takes to submit an application and), and almost 60% of Profile 2 respondents indicated that the **costs for obtaining a permit are not reasonable**. The time for submitting an application and receiving an answer from authorities was around one to three months for each of the phases for most respondents.
- For Profile 3 respondents **it seems to be challenging to employ or transfer non-EU workers**. The respondents experience the most challenges with the time it requires submitting an application as well as the amount of documentation required. Most of them utilise the services of third parties to support them in the application process. However, only a limited number of employers indicated that they employ non-EU nationals, hence those answers must be qualified as anecdotal. Contributions seem to indicate that the lengthiness and complexity of the procedures constitute an obstacle to hiring non-EU workers and to engage in business activities in multiple Member States.

- Authorities in the EU (Profile 4) indicated that they considered as very challenging the implementation of the **Single Permit Directive** (60%) and the **Long-term residents Directive** (50%), and to a lower extent the other Directives, including **Family reunification** (32%) and the **EU Blue Card Directive** (44%).
- Finally, Profile 5 respondents indicated similar **problems to entering/working/living in EU countries**, the main issues being complex/lengthy procedures (72%, n=417), the stringency of the requirements (49%, n=402) and the need to have a pre-existing job offer (47%, n=400).

### 5.1.5 EU added value

This section addressed the views of stakeholders on the EU added value of the legal migration Directives. These can be summarised as follows:

- 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**.
- Further, 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%). However this varies according to the profile of respondents, with more than two thirds Profile 1 and 2 respondents expressing support, while only 40% of the other respondents doing so.
- There is a general agreement that that there should be an EU-level action to **facilitate the assessment and recognition of foreign academic qualifications** (58%) and that non-EU citizens should enjoy equal treatment (70% - although only 45% of Profile 4 respondents).
- The stakeholders were additionally asked to provide their view on **intra-EU mobility**, and they overall (53%) agreed that non-EU workers should be able to travel and work in different EU countries once admitted in one country. For this aspect the general trend is confirmed, with 85% support of Profile 2 respondents and around 45% of others.
- 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**.

## 5.2 Main points from the written contributions

The issues raised by the different groups of stakeholders **differ substantially**.

**Non-EU citizens** residing or having resided in the EU focus mainly on issues related to relevance and effectiveness of the Directives, notably in what regards the non-coverage of self-employed workers, lack of information on the EU long-term resident status and on the implementation of rules in Member States.

**Employers** focus more on relevance, coherence and effectiveness issues. Some referred to measures that may improve the attractiveness of the EU for qualified third-country nationals, especially in what regards applications, family reunification and recognition of qualifications. There was widespread support among these respondents for EU-level action, for equal treatment principles and for intra-EU mobility.

More in detail, an employers' association further suggested **strengthening of intra-EU mobility** through more targeted information about the possibilities for employers and employees as well as enabling easier recognition of professional qualifications. Another employers' organisation addressed the more specific issues of different **labour market access for family members** in the EU Blue Card and the ICT Directive. The organisation advocated greater coherence between these two Directives and measures to enable immediate access to the labour market for family members under both. An organisation representing crafts and small businesses submitted suggestions on implementing an EU-wide talent pool for TCNs interested in migrating to the EU with a points-based system awarding points to potential migrants. Some business representatives also defended the need to preserve national migration schemes and that national competence in terms of volumes of admission is to be respected.

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

Authorities from several Member States provide 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 the 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.

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". Finally, a Ministry from a third country provided a position paper underlining the need for legal channels for migration to the EU, requesting a more flexible approach, notably in what regards family reunification, the mobility of students and researchers and of entrepreneurs from developing countries.

Contributions of respondents under Profile 5 (NGOs, international organisations, trade unions, academics, immigration lawyers and advisers, interested citizens) differ largely in terms of issues covered and suggestions made. Some elements include :

- **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).
- Input provided by **academia** focus on specific/sectorial issues of the legislation, such seasonal workers, discrimination and equal treatment issues.. Further issues addressed by academics include issues of potential labour market tests for family member of EU Blue Card holders (referring also to the proposal currently under negotiation) 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** raise issues related to the difficulties linked to the limitation of the **family reunification** rules to certain family members, issues related to **labour**

**exploitation** and the absence of an **overall EU framework for the admission of labour migrants**. Other aspects raised by NGOs refer to the insufficient protection of human rights of third-country nationals and, in special, the rights of children. .

- An **international organisation** raises, among others, issues of exclusion of beneficiaries of subsidiary protection from family reunification and the need to consider the situation of these and of refugees in the application of other legislation, notably regarding the scope of family members covered, the mobility of students and the Blue Card scheme.
- **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.
- Several **associations and trade unions** raise horizontal issues, such as the need to re-define the categories for family reunification, strengthening equal treatment of long-term residents and preserving national migration schemes/permits, but also **sectoral issues**, e.g. the specific needs of aircraft crews in terms of mobility.

## **6 Annexes**

### **6.1 Annex 1: OPC questionnaire**

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



Legal-migration-by-n  
on-EU-citizens-Public-

## 6.2 Annex 2: Overview of stakeholders' familiarity with the EU laws on legal migration

The following figures per EU Directive provide provides an overview of how familiar the different types of respondents are with EU laws on legal migration<sup>101</sup>.

Figure 21. Directive 2011/98/EU – Single application procedure /single permit and third-country workers' equal treatment

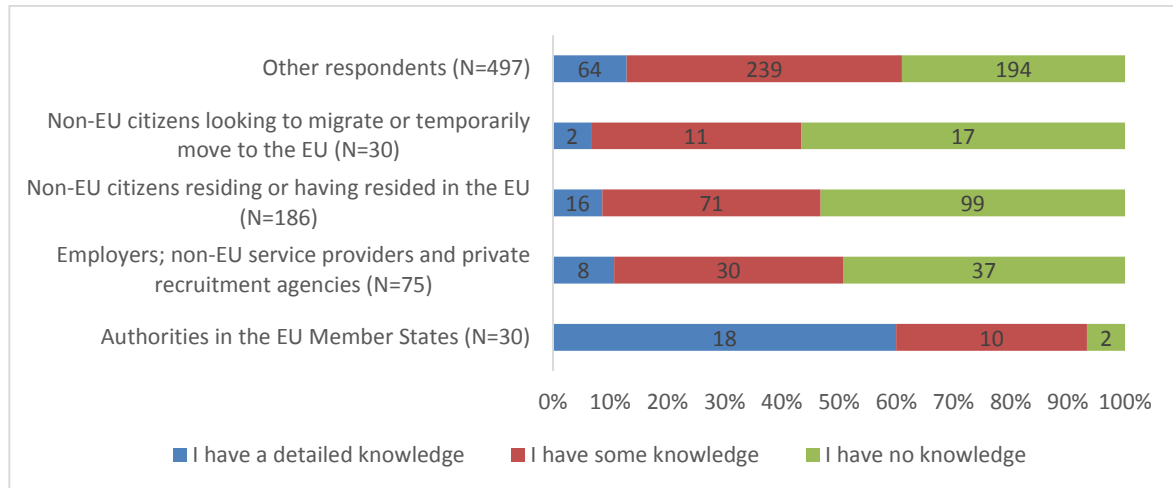
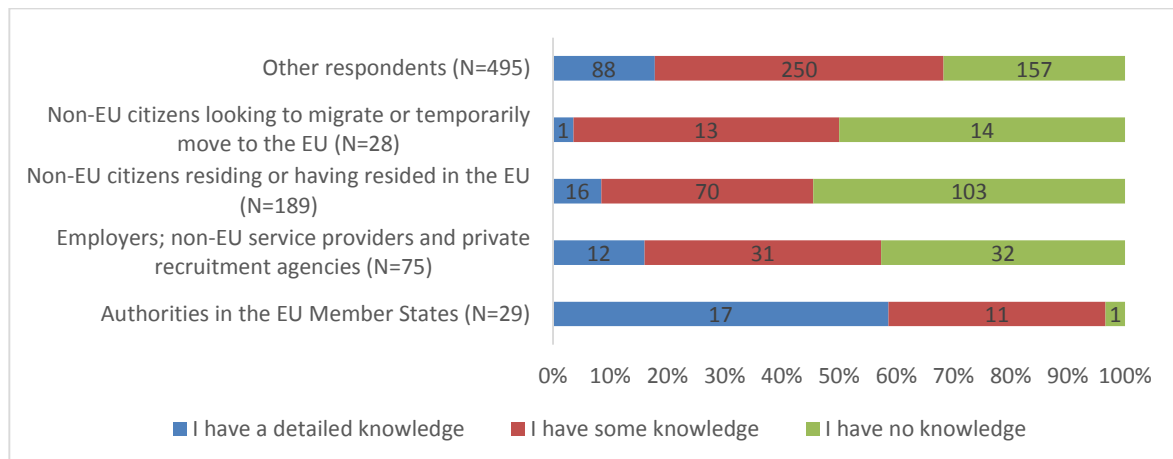


Figure 22. Directive 2003/86/EC – Family reunification



<sup>101</sup> Question 9. How familiar are you with EU laws on legal migration (i.e. the following Directives)?



Figure 23. Directive 2003/109/EC – Long-term residents

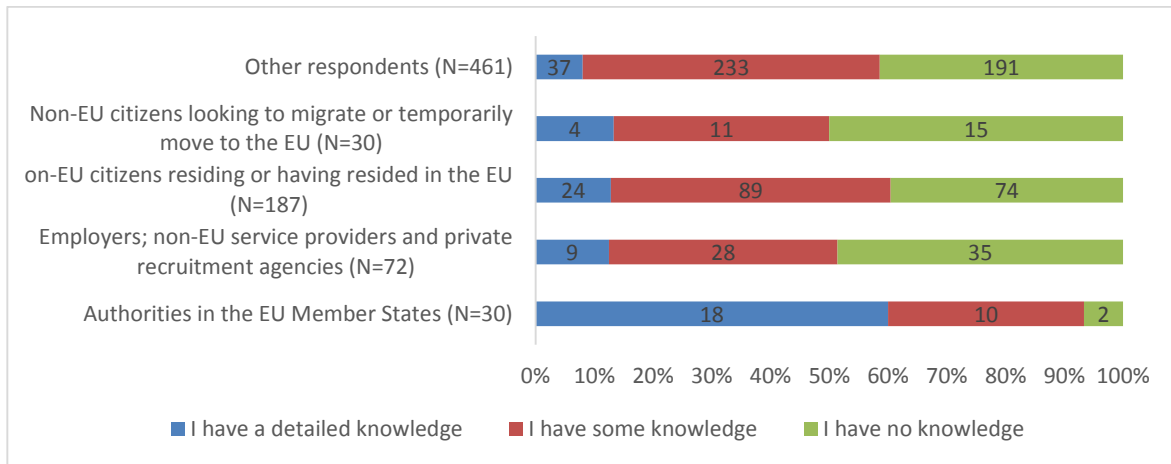


Figure 24. Directive 2004/114/EC – Students

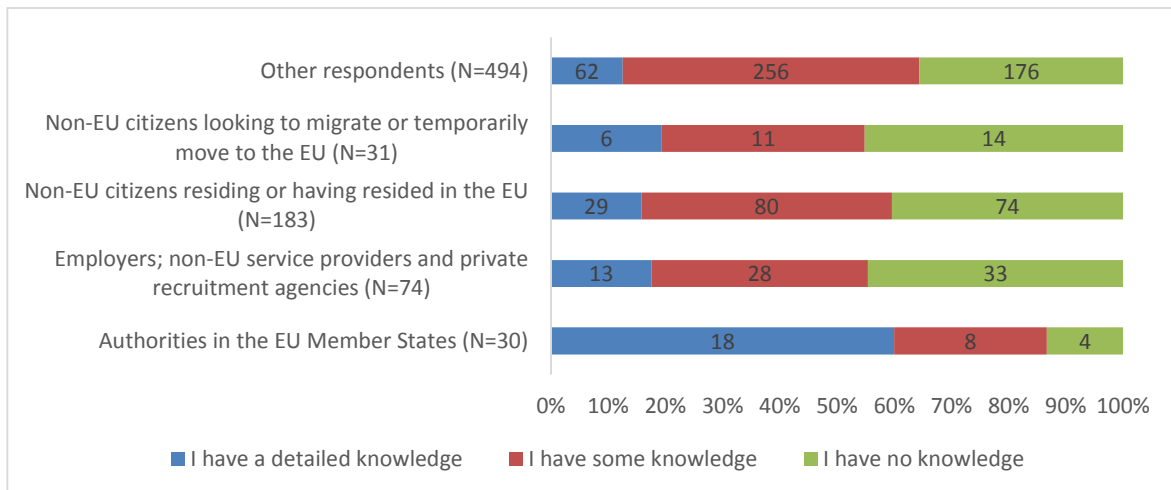


Figure 25. Directive 2005/71/EU – Researchers

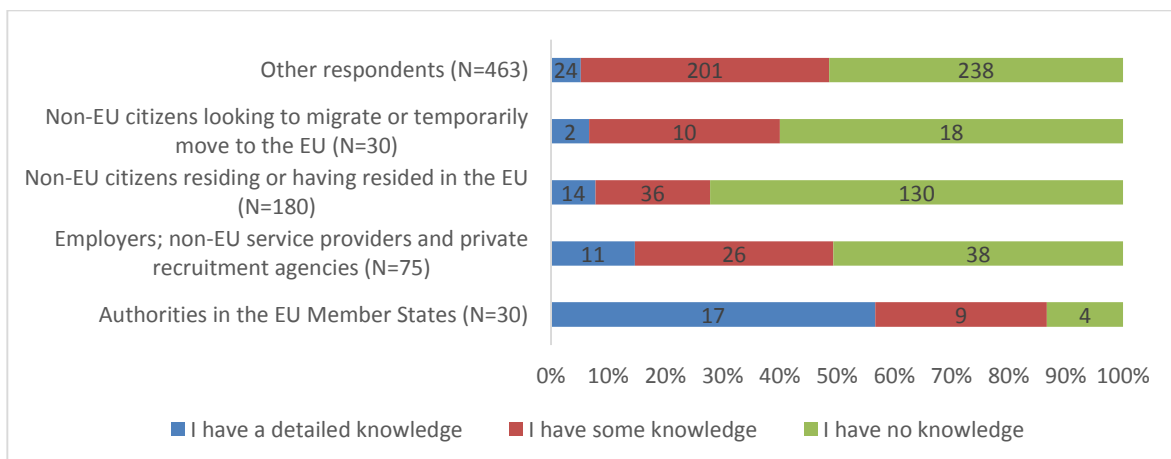


Figure 26. Directive 2009/50/EC – EU Blue Card – highly skilled workers

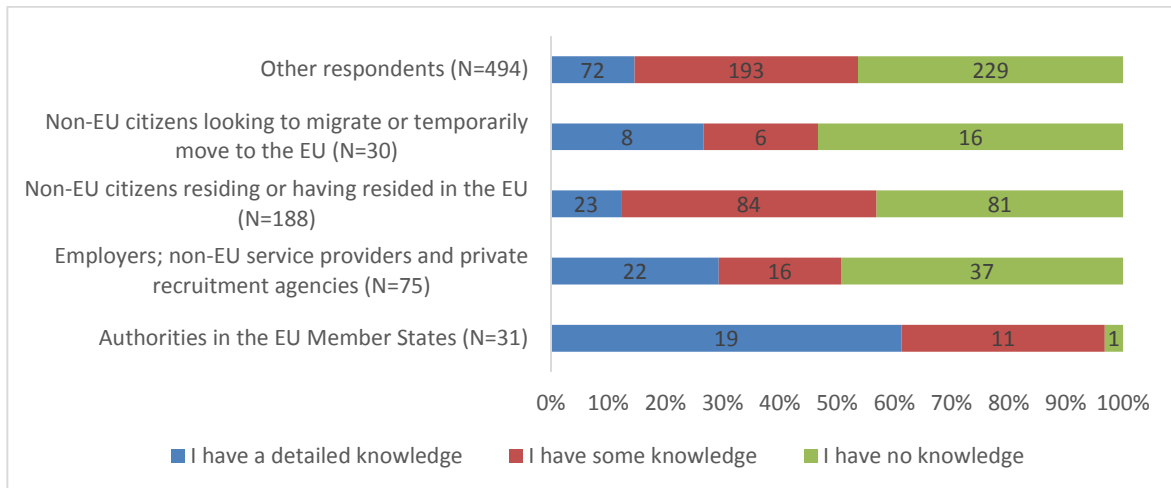


Figure 27. Directive 2014/36/EU - Seasonal workers

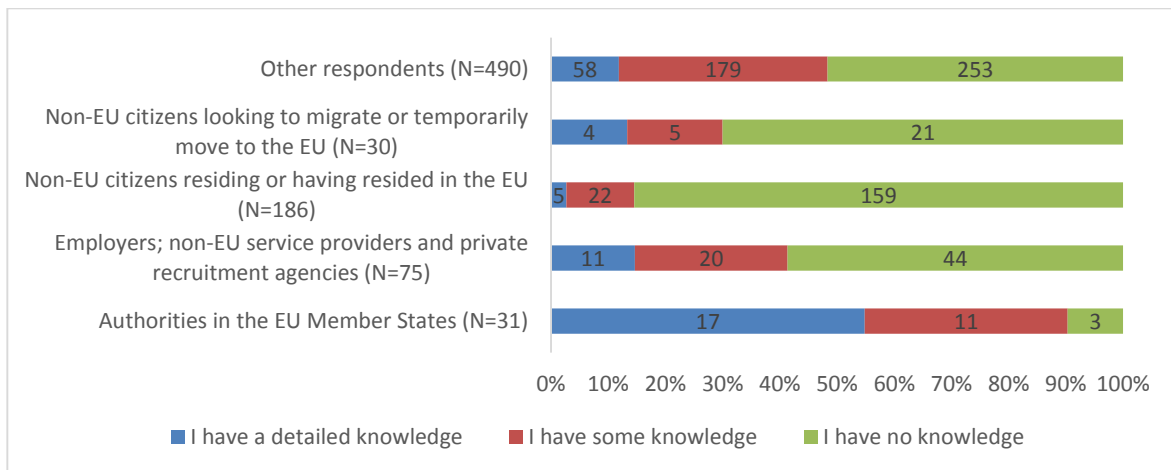


Figure 28. Directive 2014/66/EU - Intra-corporate transfers

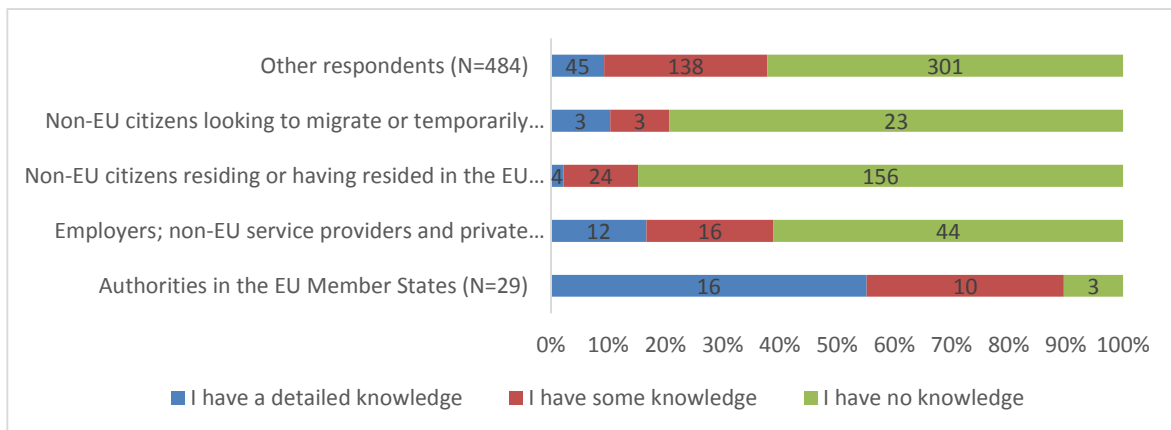
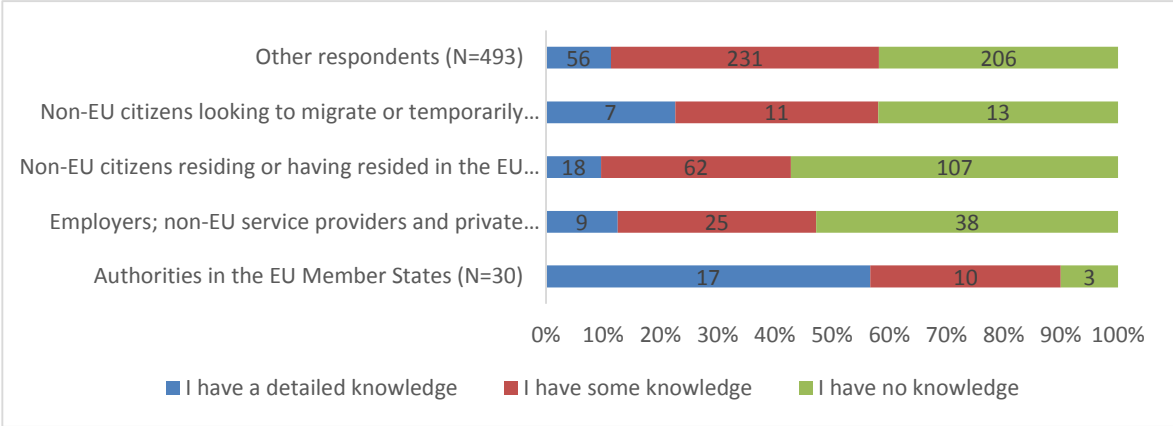


Figure 29. Directive (EU) 2016/801 - entry and residence conditions for third-country nationals, for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast of Directives 2004/114/EC on students and 2005/71/EC on researchers)



### 6.3 Annex 3: Respondents' views on including additional categories under the EU legislation

The following figures provide an overview of respondents' views on including additional categories under EU legislation<sup>102</sup>.

Figure 30. Domestic workers (care of the elderly, children, cleaning etc.)

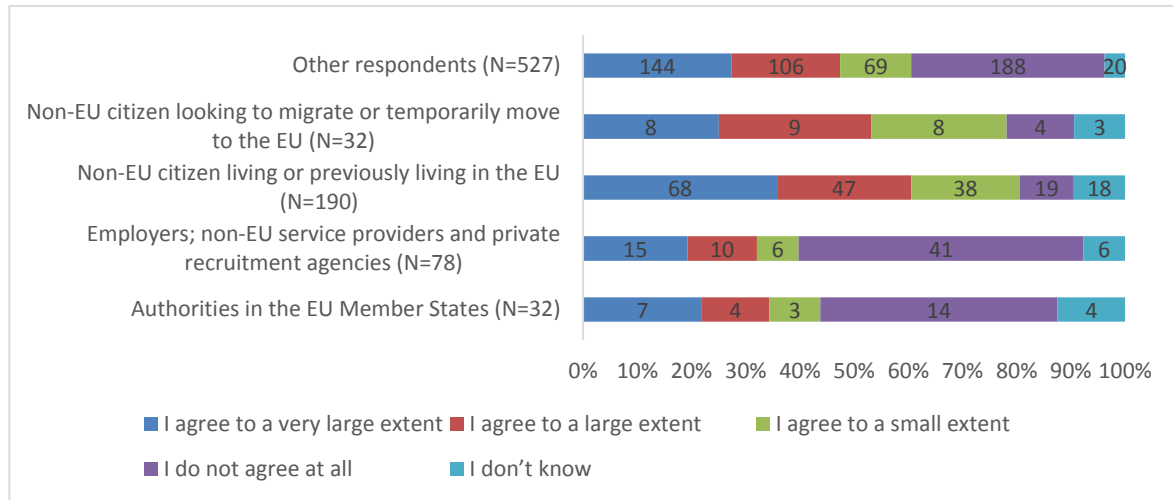
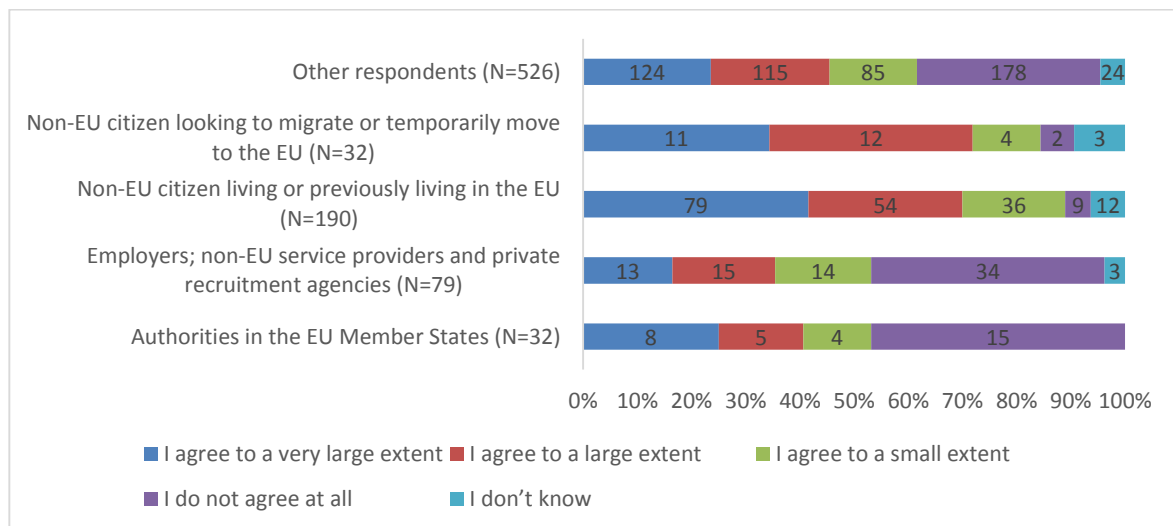


Figure 31. Self-employed workers



<sup>102</sup> Question 11. To what extent do you agree with these statements? The following categories of non-EU citizens should also be covered by common EU rules.

Figure 32. People planning to launch a business/start-up

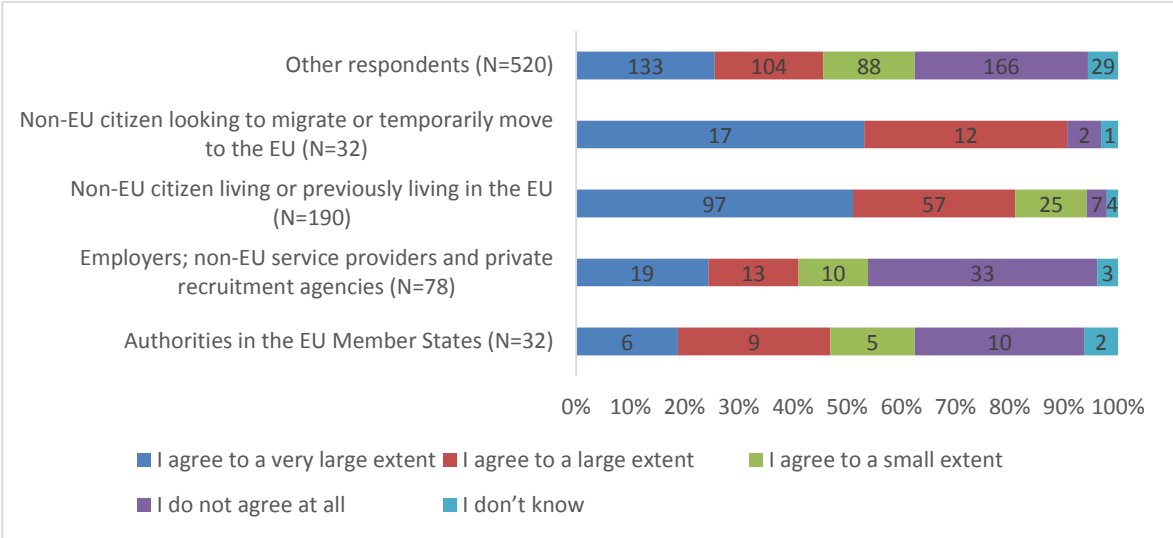


Figure 33. Touring artists

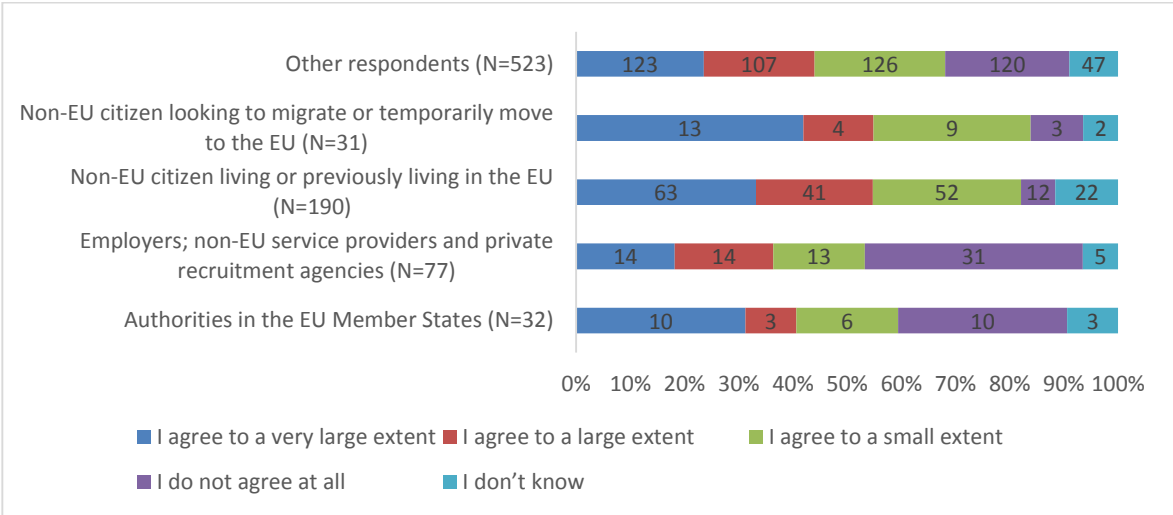


Figure 34. Mobile workers in the transport sector (aviation and road transport) who are authorised to work in the EU but do not have legal residence in an EU country

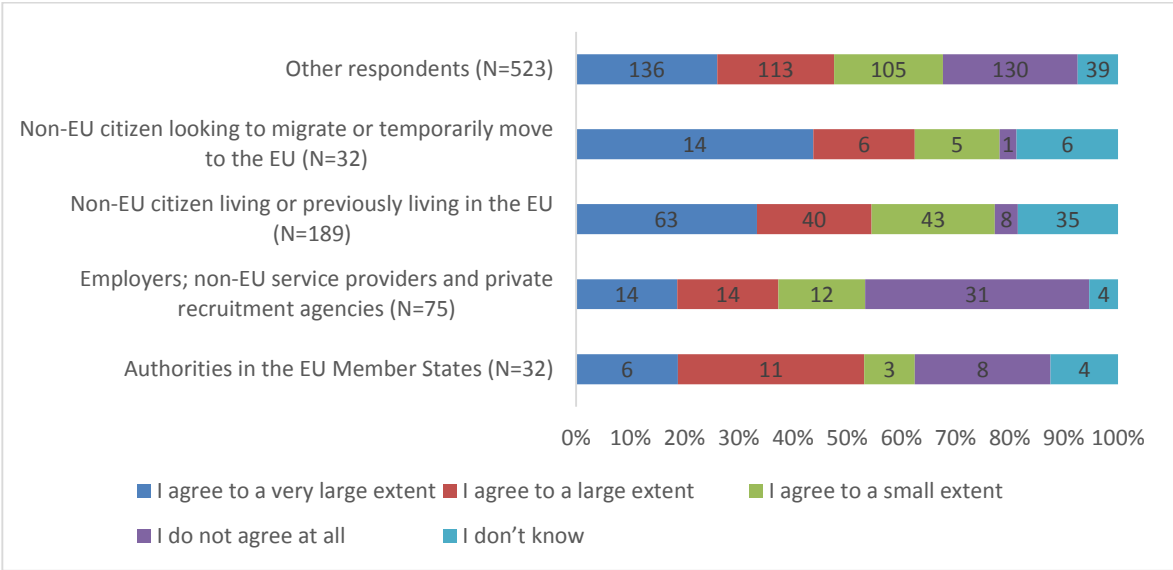
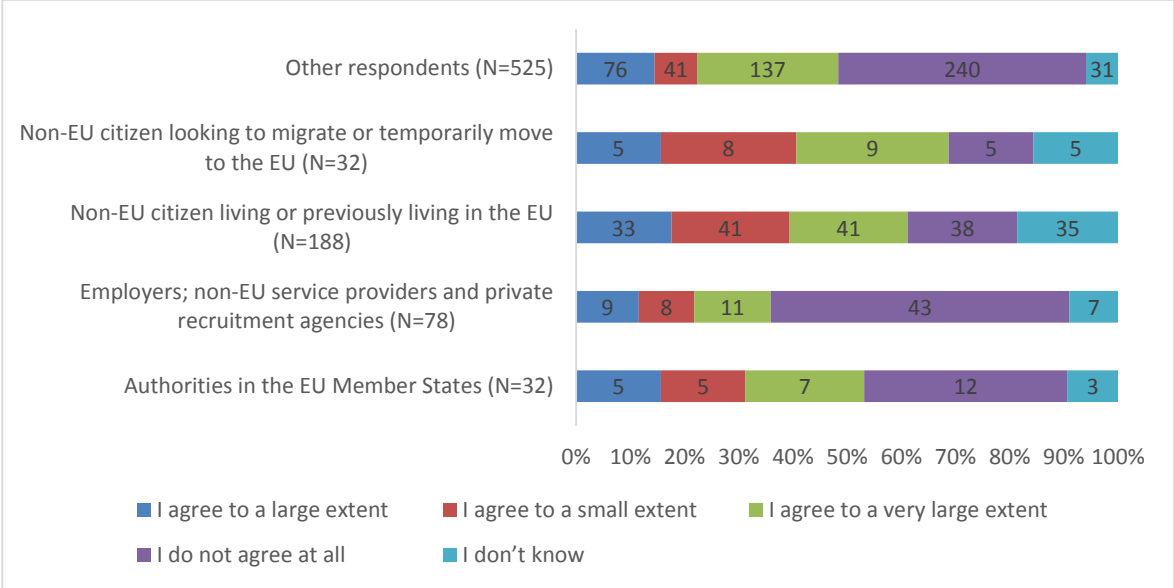


Figure 35. Irregular migrants who cannot be returned



## 6.4 Annex 4: Respondents' views on providing family reunification to additional family members

The following figures provide an overview of respondents' views on providing family reunification to additional family members<sup>103</sup>.

Figure 36. Dependent parents (economically or otherwise)

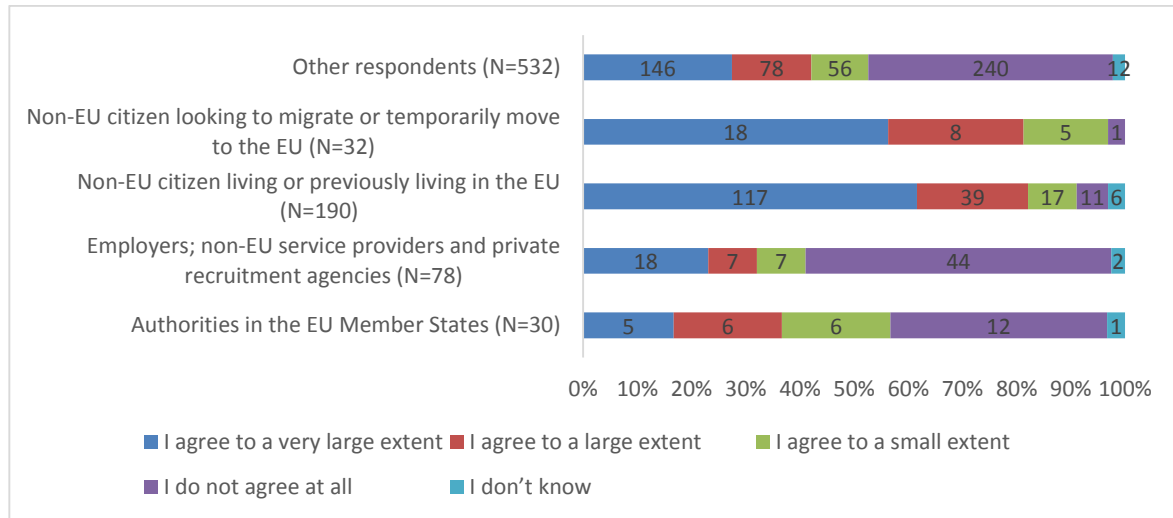
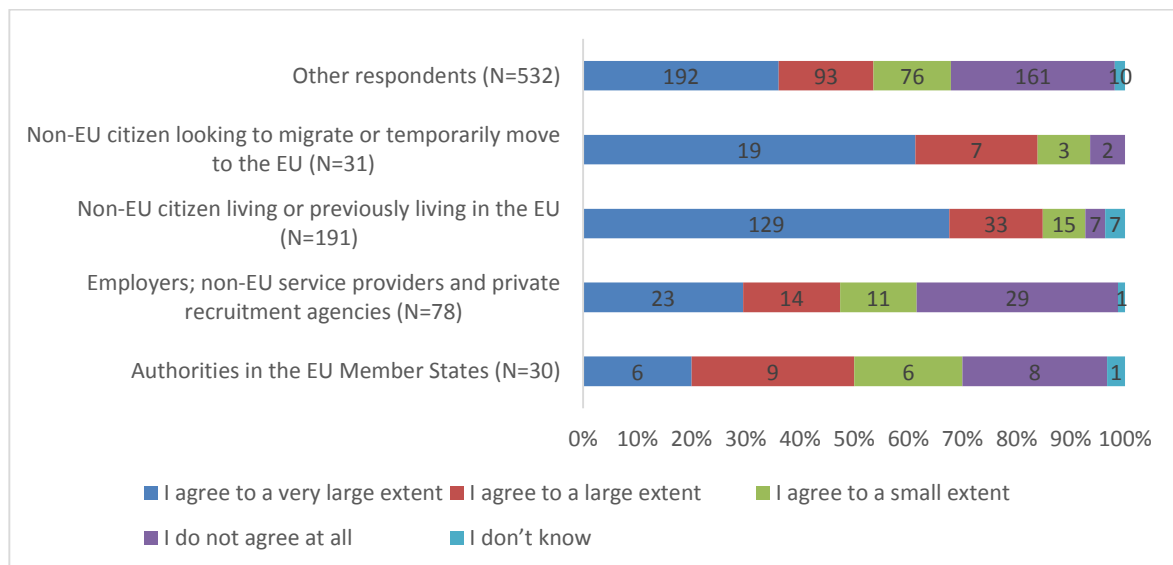


Figure 37. Dependent children who are no longer minors (e.g. if they have a disability)



<sup>103</sup> Question 14. Currently, non-EU citizens have the right to bring their immediate family (spouse and children who are minors) to the EU, under certain conditions. To what extent do you agree with these statements? (other categories of family members).

Figure 38. Economically dependent children who are no longer minors (e.g. unemployed)

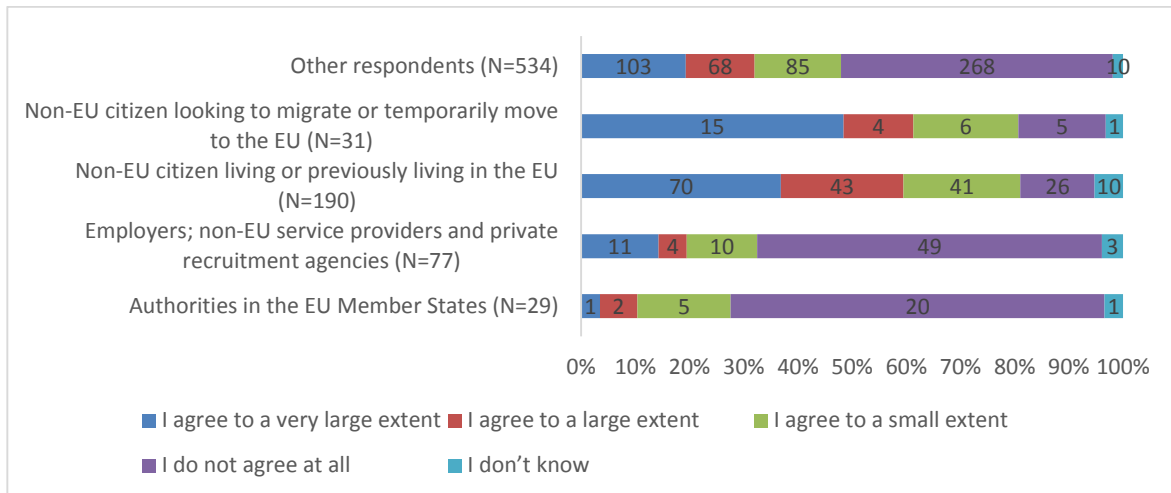


Figure 39. Children who are no longer minors

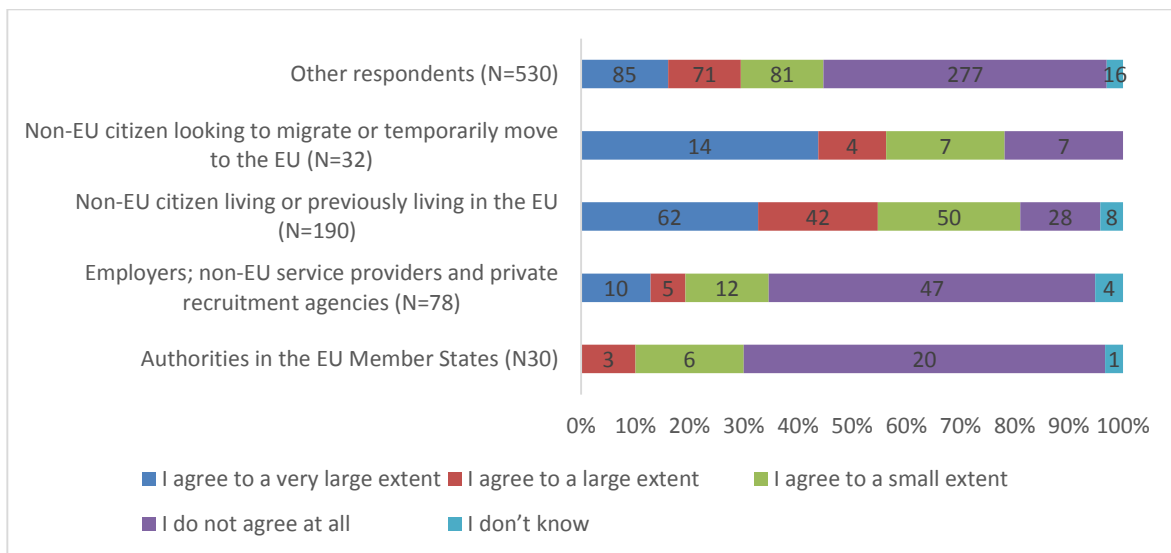
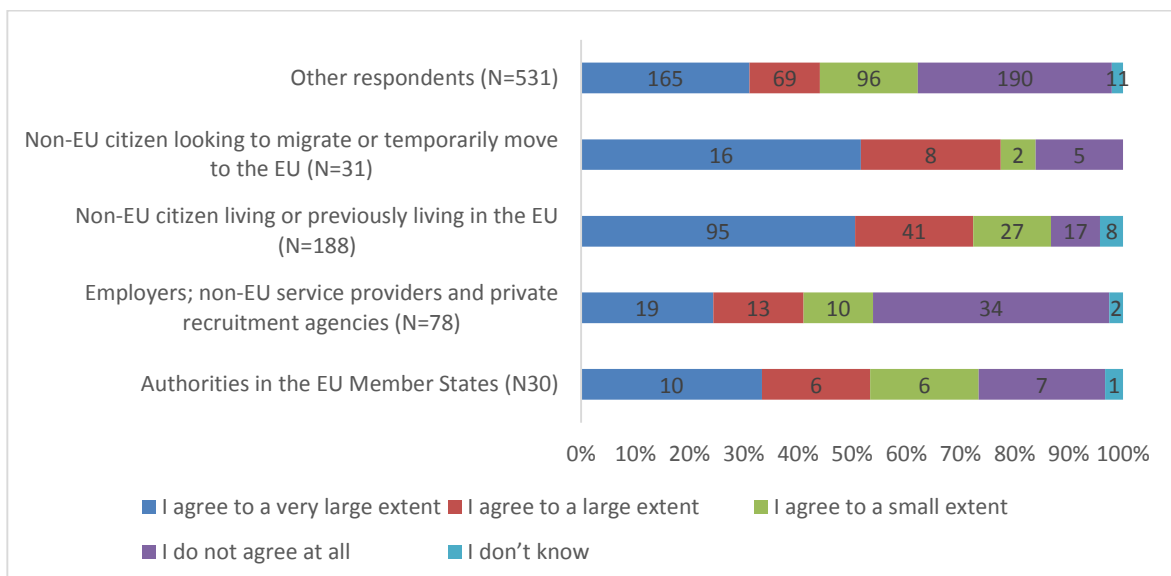


Figure 40. Registered or other long-term partners (not married)





## 6.5 Annex 5: Respondents' views on EU added value of the legal migration Directives

The following figures provide an overview of respondents' views on EU added value of the legal migration Directives<sup>104</sup>.

Figure 41. Targeted immigration of workers from countries outside the EU is one of the solutions to fill existing job openings that are currently not filled by EU workers

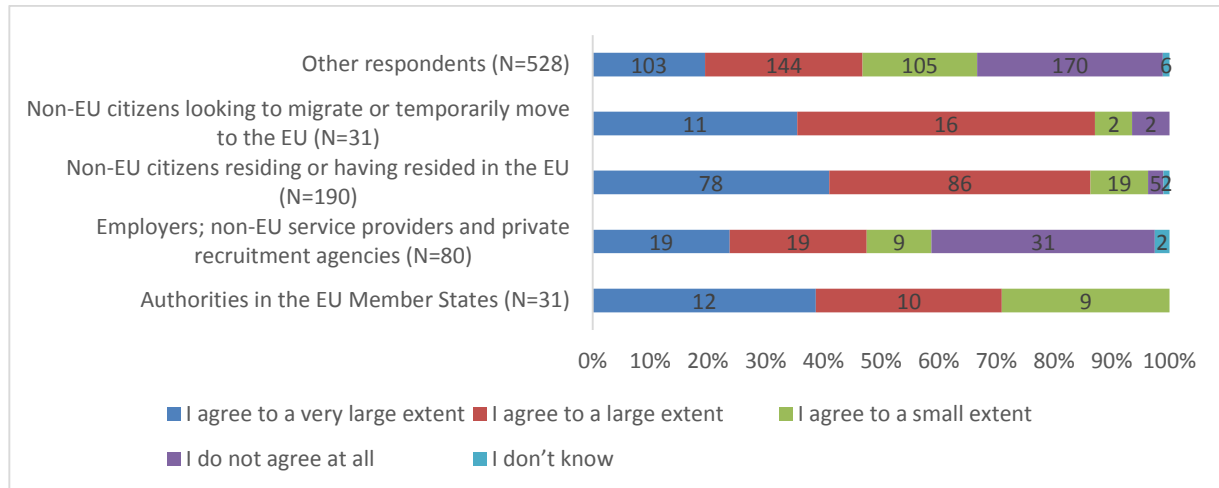
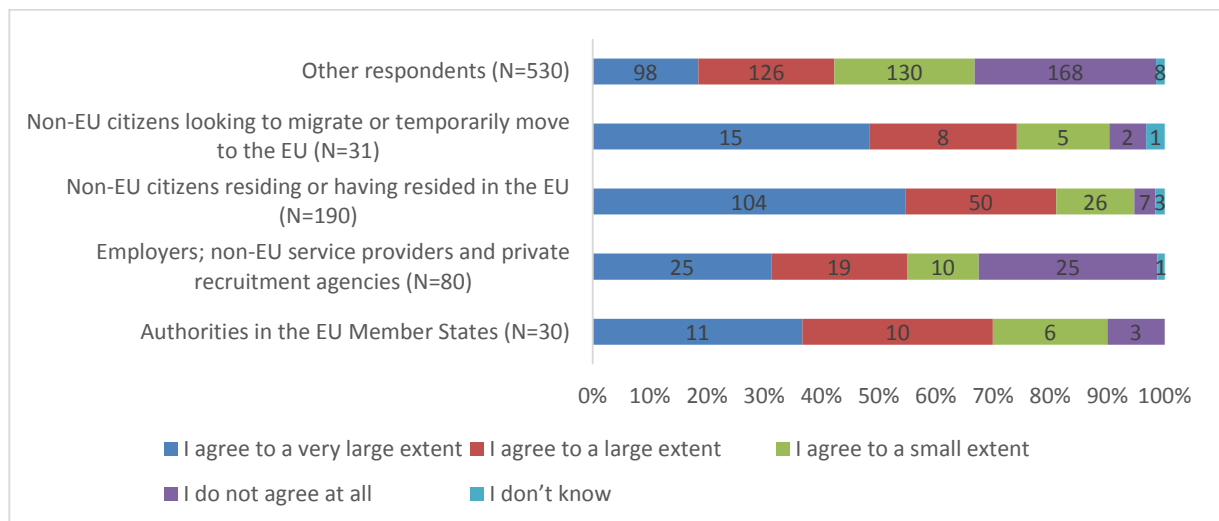


Figure 42. The EU should do more to attract highly skilled workers from countries outside the EU



<sup>104</sup> Question 10. To what extent do you agree with these statements?

Figure 43. The EU is attractive to researchers and higher education students

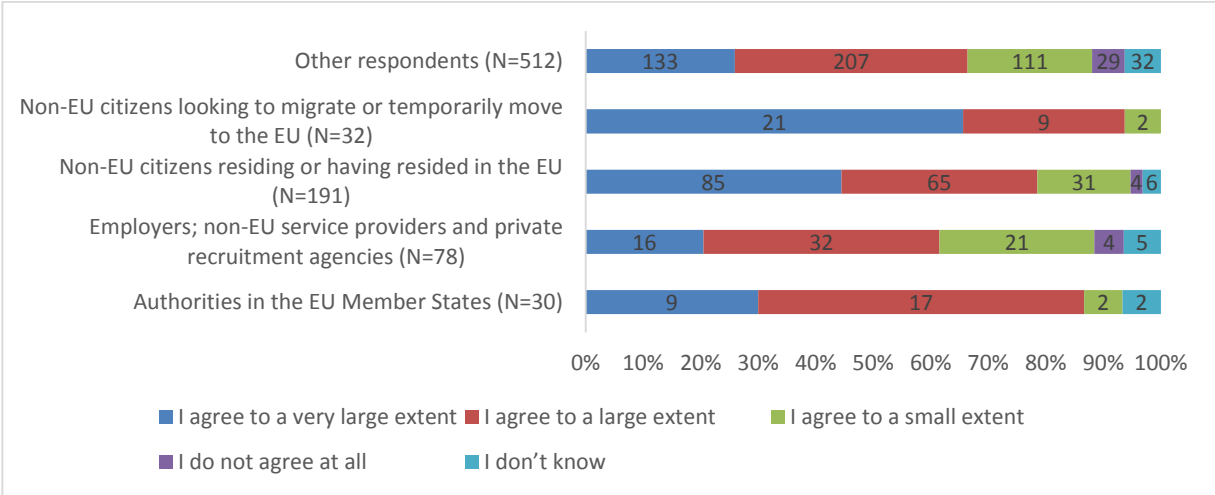


Figure 44. The EU is attractive to non-EU citizens looking to start a new business

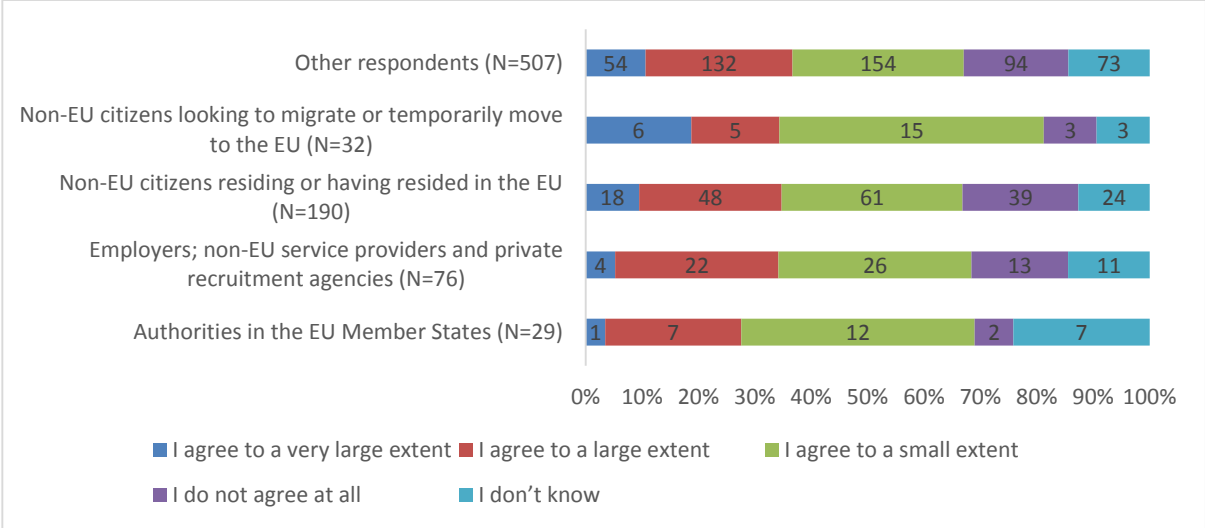


Figure 45. Rules on immigration should rather be fixed at EU than at national level

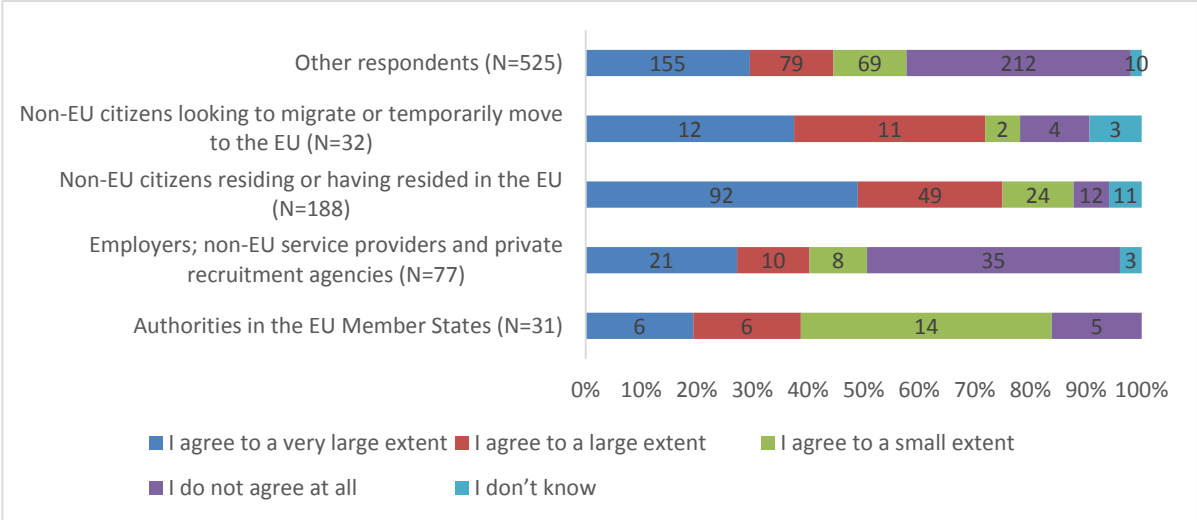


Figure 46. All EU countries should have the same conditions for admitting non-EU citizens to work, live and study in the EU

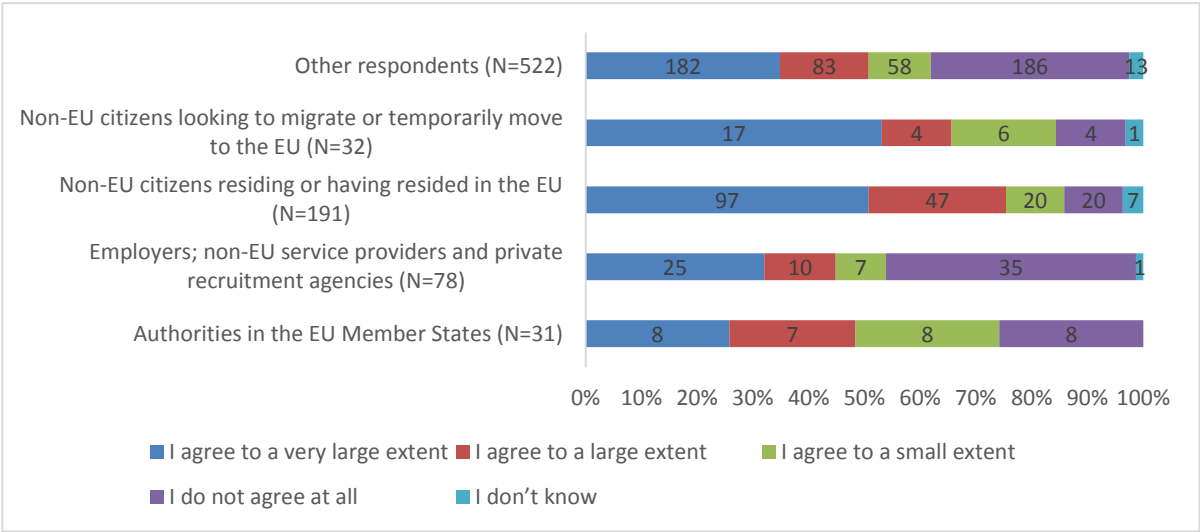


Figure 47. All EU countries should have the same type of application procedures, so that entry and residence procedures are equal in the whole EU (e.g. deadlines, procedures for renewals, safeguards in case of rejections, documents to be provided; etc.)

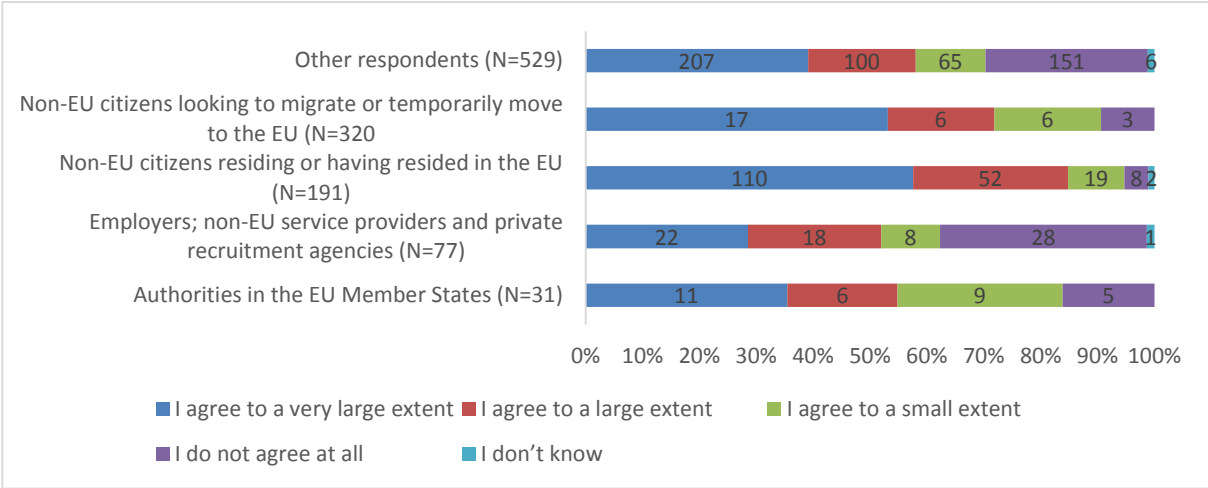


Figure 48. Application procedures should be simplified

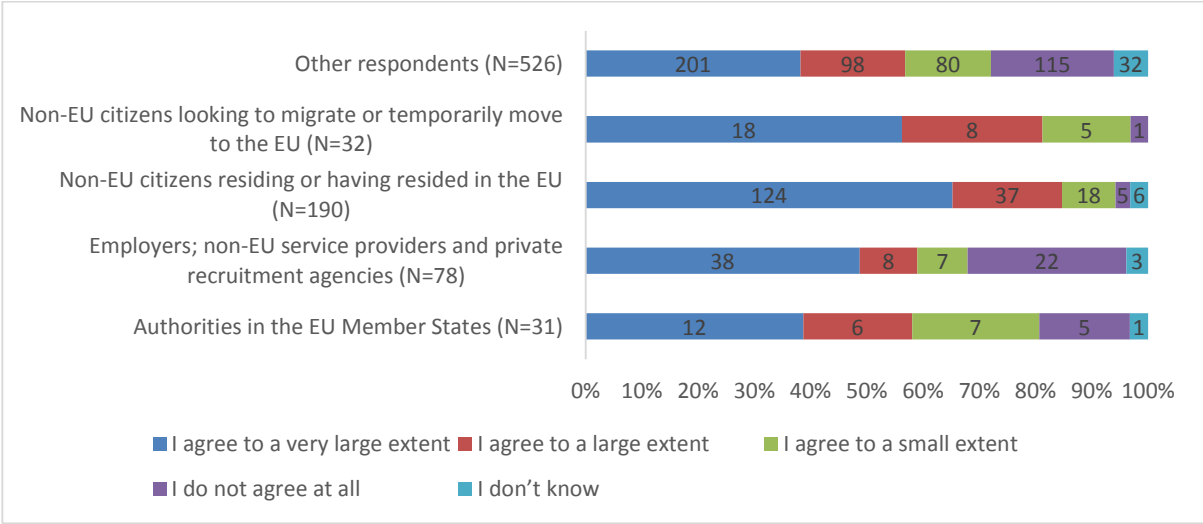


Figure 49. To facilitate legal migration, all EU countries should be represented in all non-EU countries, if needed by another EU country's embassy or consulate

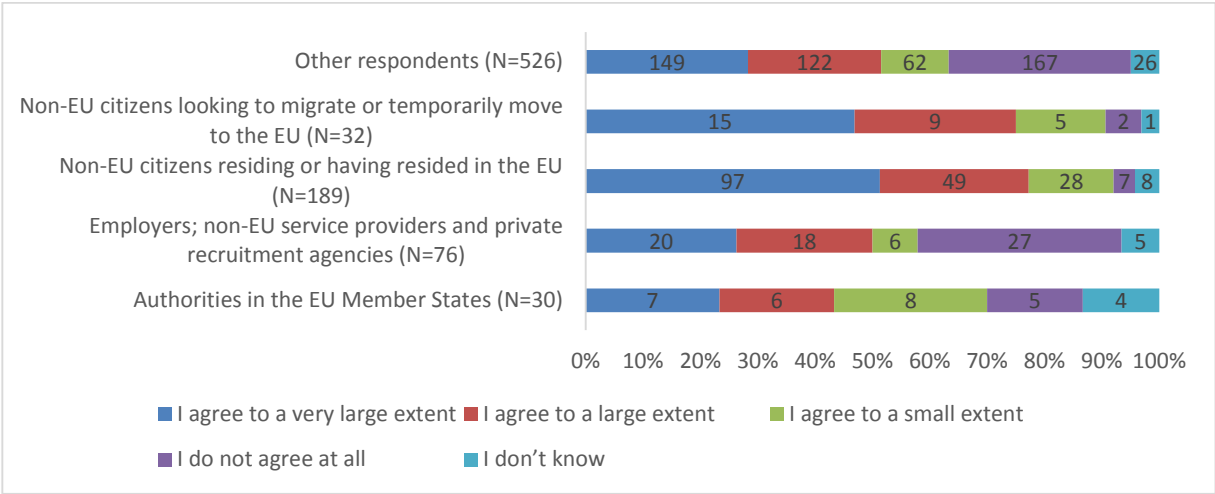


Figure 50. It is currently easy and fast to get a visa or residence permit to work in the EU (for non-EU citizens)

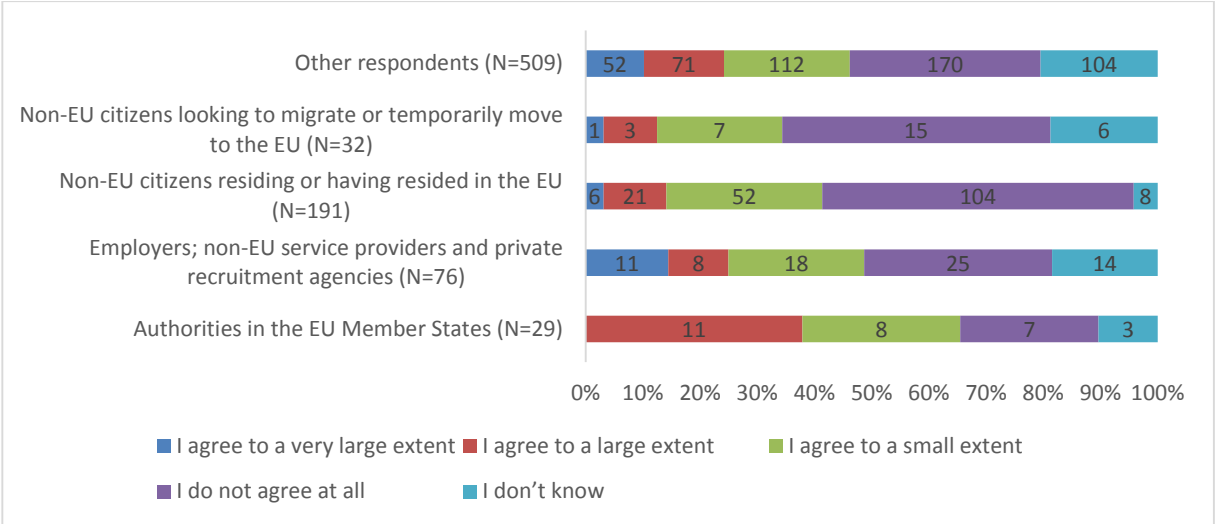


Figure 51. There should be more EU-level action to facilitate the assessment and recognition of foreign academic qualifications from outside the bloc

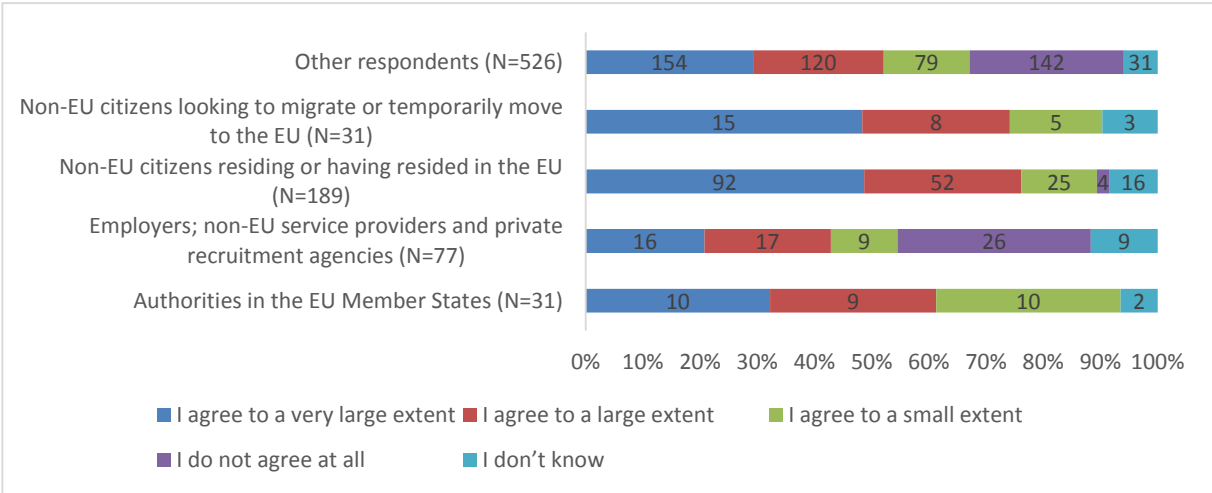
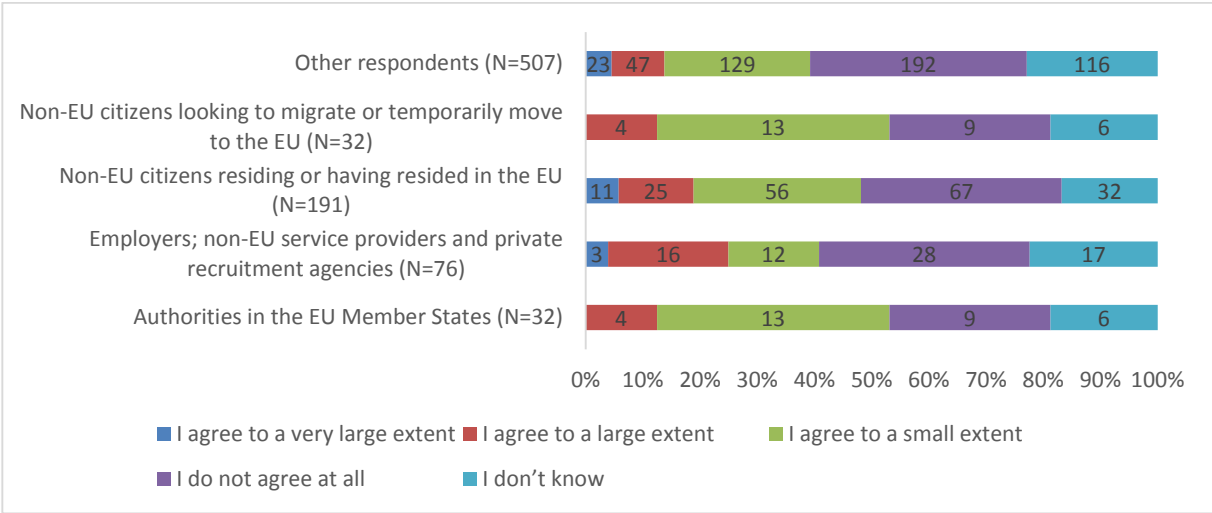
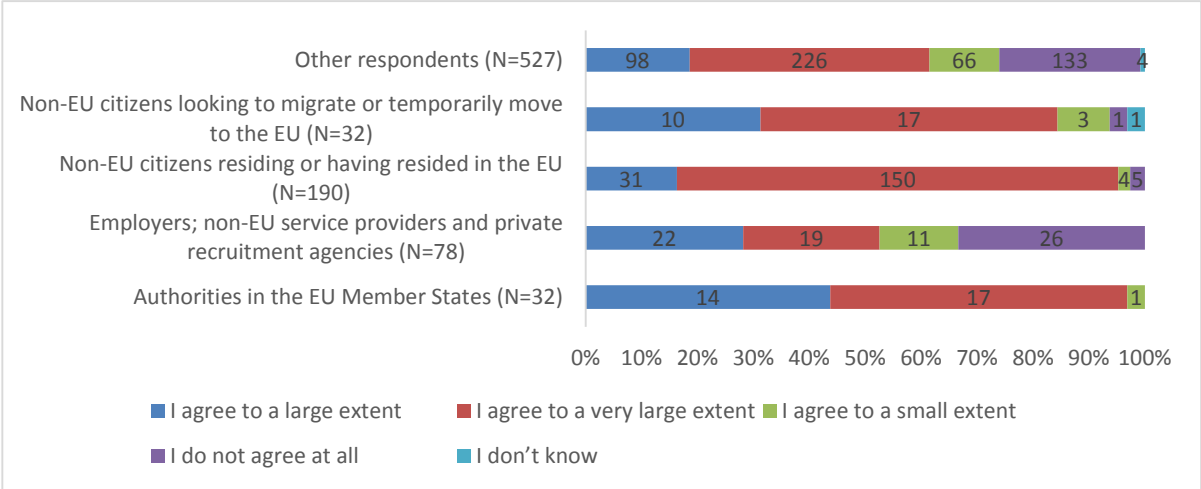


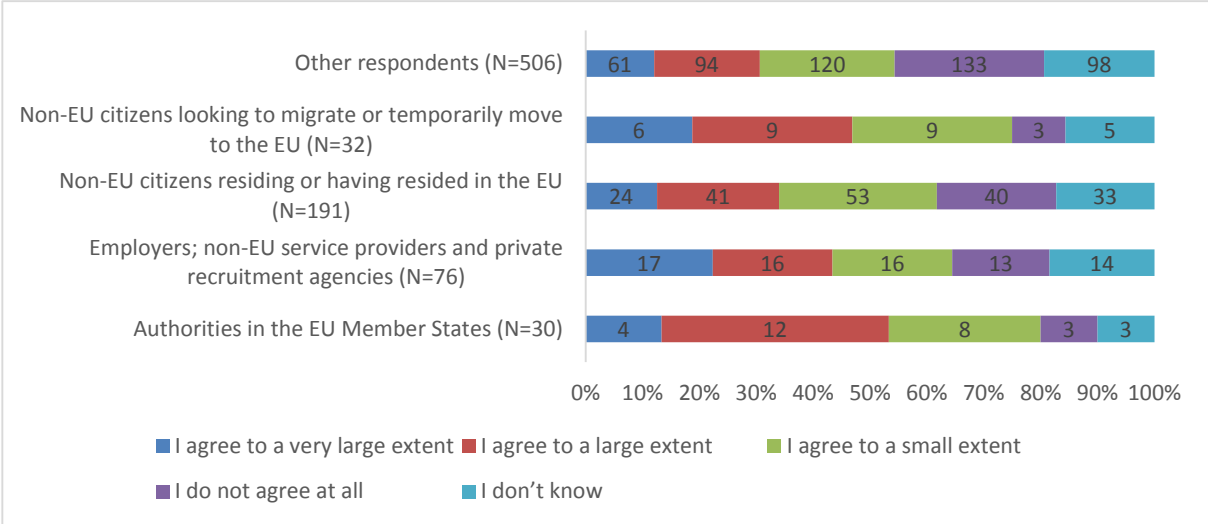
Figure 52. It is currently easy to ensure that foreign professional qualifications (skills, experience, etc.) are assessed/recognised



**Figure 53. It is important that non-EU nationals who have the right to work in the EU are guaranteed the same treatment as EU nationals, as regards working conditions, pay, health and safety, social security (including family and health benefits)**



**Figure 54. Current EU legislation on equal treatment is adequate to prevent discrimination against non-EU nationals and avoid labour exploitation**



**Figure 55. Non-EU citizens living in the EU have more difficulty finding a job here and face discrimination in their working conditions, compared to EU nationals**

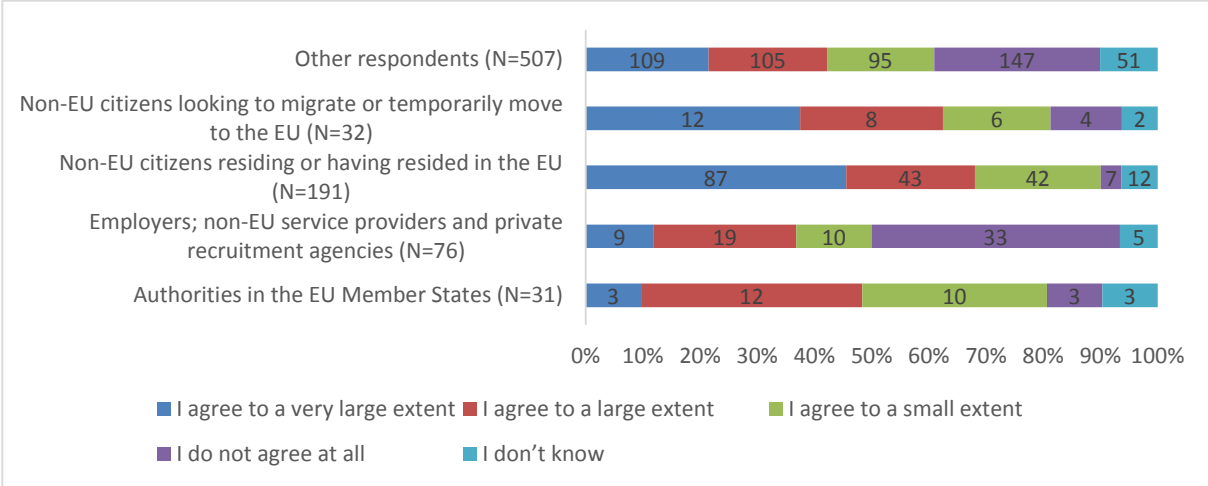


Figure 56. Protecting the rights of non-EU citizens living in the EU is a way of avoiding wage degradation in the EU

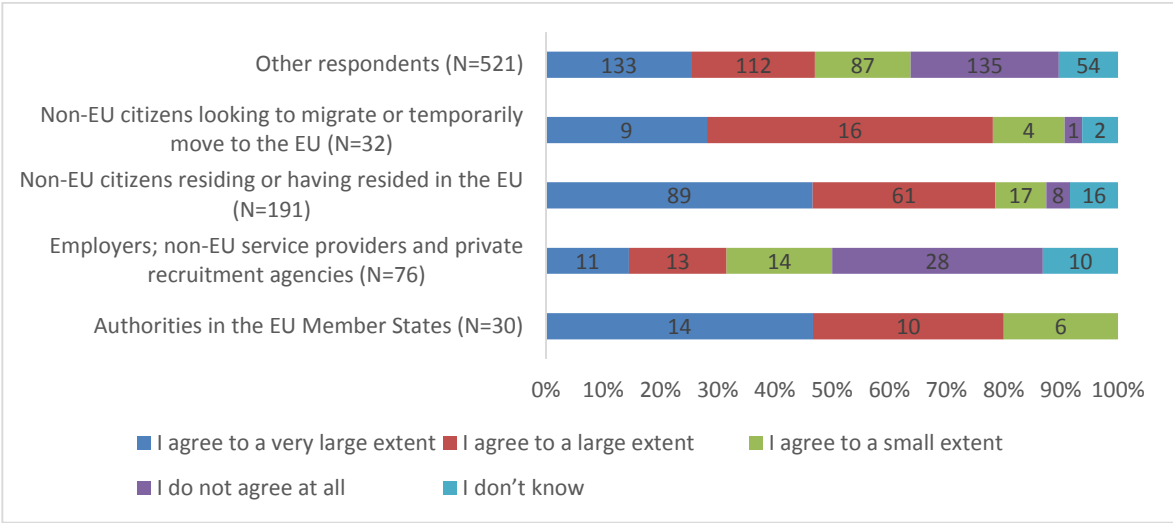


Figure 57. Non-EU citizens living in the EU currently face discrimination when accessing education and vocational training, compared to EU nationals

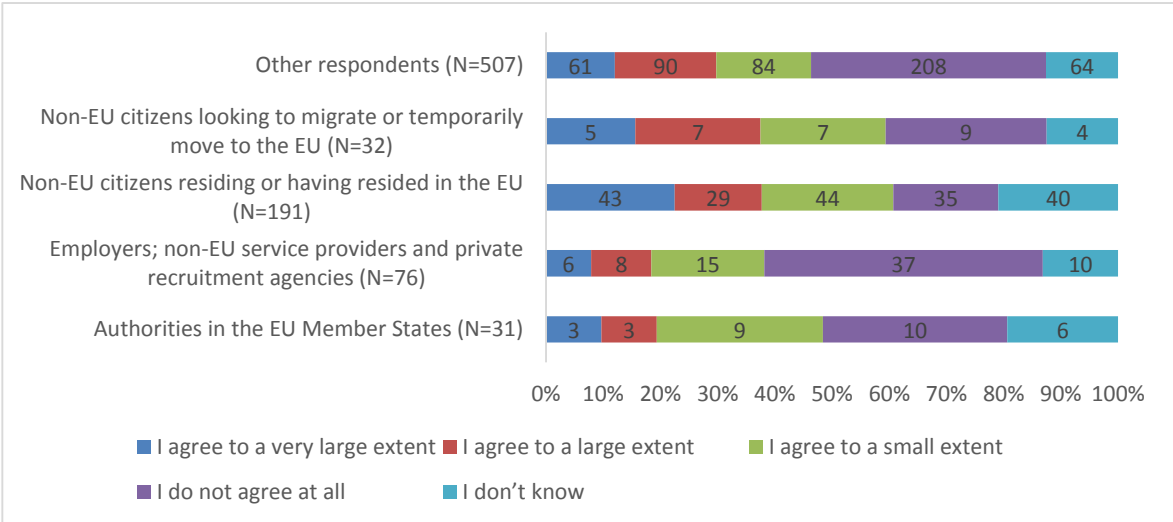


Figure 58. Non-EU citizens living in the EU currently face discrimination in accessing goods and services, compared to EU nationals

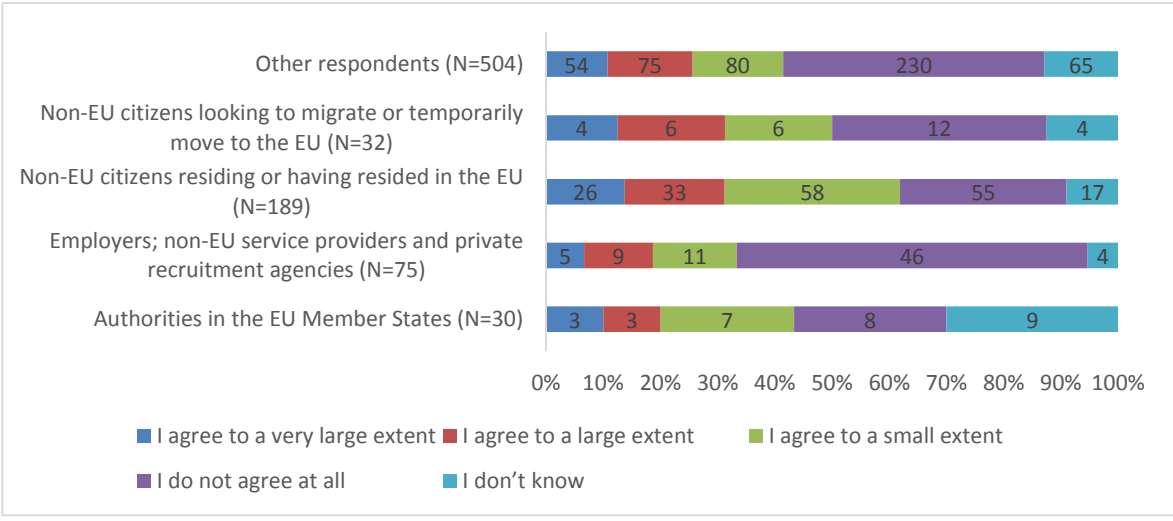
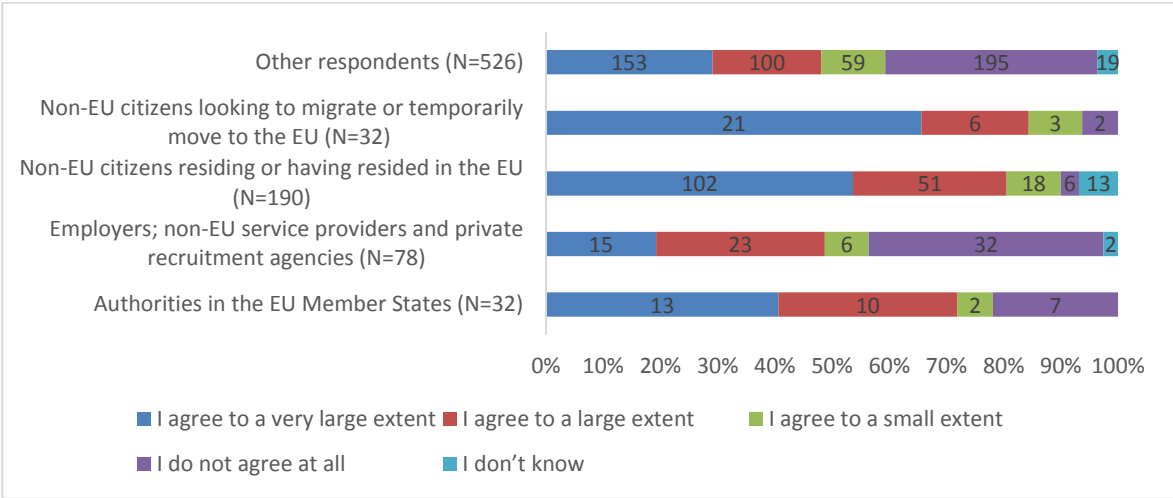


Figure 59. Providing additional channels for legal migration (to work, study, etc.) can help reducing irregular migration





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