

Task force on EU Labour Migration Governance Concept Note

In the framework of a joint project on labour migration governance in Europe called LAB-MIG-GOV^{*}, the EPC, in cooperation with FIERI, is committed to setting up a task force with EPC members and relevant stakeholders in order to exchange views on the way the EU should design - or not - a labour migration policy.

Context

Since 1999, the EU is competent to adopt rules in the field of migration and has adopted an impressive number of regulations and directives. However, legislative as well as operational action at EU level has primarily and principally focussed on security-related issues. Border management, visa policy, irregular migration and readmission agreements have taken precedence in the joint actions of Member States.

More than 10 years after the entry into force of the Amsterdam treaty, legal migration remains the "poor child" of the policy. In one respect, Member States have accepted to tackle family reunification and the status of long term residents at EU level in directives that have implications for the better integration of migrants. On the other hand, they have been very reluctant to adopt common rules regarding admission of migrants. This reluctance was clearly demonstrated by Member States when they rejected the Commission's 2001 proposal to establish common rules regarding admission of third country nationals for work and self-employed purposes.

Member States have preferred to follow a selective and sectoral approach. For instance, certain directives defining rules regarding entry and stay of students, researchers and highly skilled migrants have been adopted in the last couple of years. Currently on the table, a directive on intra-corporate transferees and a contentious directive on seasonal migrants are in the process of negotiation.

Prospects

The entry into force of the Lisbon treaty offers new possibilities for EU-level labour migration governance, and new thinking is needed in particular on the issue of admission of migrant workers. The treaty announces that "the Union shall develop a common immigration policy". This means that the EU is not only responsible for tackling security related issues but also for ensuring "the efficient management of migration flows, [and] fair treatment of third-country nationals residing legally in Member States". The treaty also modifies the procedures as, from now on, legal migration issues now fall within the scope of the co-decision procedure.

^{*} The full title of the project, which has been launched at the beginning of 2011, is "Which labour migration governance for a more dynamic and inclusive Europe?". LAB-MIG-GOV is coordinated by the Turin-based research institute FIERI (www.fieri.it) and it benefits from the support of the "Europe and Global Challenges" Programme promoted by Compagnia di San Paolo, Riksbankens Jubileumsfond and VolkswagenStiftung.

Furthermore, the Commission's action plan to implement and the Stockholm programme states how it plans "to develop a genuine common migration policy consisting of new and flexible frameworks for the admission of legal immigrants". Such a policy should enable the Union "to adapt to increasing mobility and to the needs of national labour markets, while respecting Member State competences in this area". The Commission also underlines in the action plan its intention to propose in 2013 an Immigration code i.e. a consolidation of legislation in the area of legal immigration taking into account the evaluation of the existing legislation, needs for simplification and, where necessary, an extension of the existing provisions to categories of workers currently not covered by EU legislation.

With these political and legal considerations in mind, certain societal challenges call for further investigating the need to define a common policy at EU level regarding admission of migrant workers, which are:

- Demographic shrinking
- Ageing societies
- Skills and labour shortages

All of these challenges are intertwined. The demographic shrinking goes hand in hand with the ageing society and both have effect on labour/skills shortages. Indeed, persons who retire need to be replaced. At the same time, and as ageing persons, they create new needs to be satisfied, particularly in areas related to personal care and assistance. The combination of these factors has an impact on existing and forthcoming labour and skills shortages in the EU Member States.

Currently, it is the responsibility of Member States, and not the EU, to try and address these challenges. Would a common EU policy on admission of migrants help to provide solutions? There are three principle reasons why this question should be explored. First, the entry and residence of migrant workers should not be disconnected from the objective to establish an area of freedom of movement and a single labour market. Second, this cannot be disentangled from the current discourse of putting the concept of mobility at the cornerstone of EU policies. Finally, the economic crisis has had an impact on labour migration to and within Member States.

At a moment when "mobility" – internal and external – is becoming EU's institutions and actors new "mantra" and demography, ageing society and labour/skills shortages are redefining the landscape of movement of persons in Europe, a complete and new assessment of EU's action and ways of actions is becoming more than necessary. Such an assessment must also take into account the ongoing repercussions of the economic crisis.

The LAB-MIG-GOV Task Force on EU Labour Migration Governance, jointly coordinated by EPC and FIERI, aims at defining the need(s) and design for a common EU labour migration policy. Following a series of three workshops focusing on defining the needs, shaping the model(s) and developing relations with third countries, the multi-stakeholder task force will produce a set of recommendations on the future governance of labour migration at EU level.

Timeline

The project proposal foresees three workshops, organised as follows:

- **Workshop 1: defining the needs** 24 Nov 2011 10.30 – 16.00 timing tbc
- **Workshop 2: shaping the models** Feb 2012 10.30 – 16.00 timing tbc
- **Workshop 3: developing external relations** May 2012 10.30 – 16.00 timing tbc

Summer 2012 – Finalise the set of recommendations (via email etc.)

Autumn 2012 – A working paper which outlines a set of recommendations