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Legal Migration Policy and Law

European Added Value Assessment

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1 June 2022



EPRS work and «European Added Value» Assessments



- The EPRS is the internal research service of the European Parliament
- European Added Value Unit
 - Cost of non-Europe reports
 - European Added Value Assessments
- 2021 Resolution on legal migration policy and law
 - Drafted by Committee on Civil Liberties, Justice and Home Affairs
 - Voted in Plenary in November 2021

Steps of a European Added Value Assessment

- Step 1: What is the status quo?
 - › Key problems, issues and challenges
 - › Generated impacts
- Step 2: Can the EU act?
 - › Legal basis
 - › Subsidiarity/proportionality
 - › «Enabling factors»
- Step 3: How can the EU act?
 - › Policy options
 - › Potential impacts of the policy options (qualitative and quantitative analysis)

Step 1a: What are the key issues in legal migration policy and law?

- Lack of legal pathways
- Barriers to equal treatment and poor protection of workers' rights
- Lack of pathways for integration and social mobility
- Fragmentation of current framework
- Lack of a holistic approach

Step 1b: What are the impacts of the status quo?

- Discrimination in the labour market and risk of exploitative situations
- Structural needs of EU economy are not met
- Lost productivity, innovation and tax revenues
- Gaps in the protection of fundamental rights
- Missed cooperation and solidarity with third countries

Three key considerations

- Migrants are disproportionately represented among essential and vulnerable workers
- Systematic overqualification of migrant workers in the EU
- Labour migration receives comparatively less attention in EU policies and funds

Step 3a: Possible EU-level policy options

| Policy option | Policy sub-options |
|--|---|
| 1. Promote the recognition of professional qualifications | |
| 2. Facilitate access to regular work for TCNs already present in the EU | 2a. Students |
| | 2b. Family members |
| | 2c. Asylum seekers and refugees |
| 3. Introduce new legal channels for migrants to enter into the EU | 3a. Mobility schemes for entrepreneurs |
| | 3b. Skilled refugees' mobility scheme |
| | 3c. Support skill mobility partnerships |
| | 3d. Promote youth mobility schemes |
| | Complementary instrument: EU Talent Pool |
| 4. Improve worker rights and work conditions for TCNs | 4a. Align rights of TCNs with EU nationals |
| | 4b. Strengthen enforcement of TCN workers' rights |
| | 4c. Reduce uncertainty with respect to obtaining long-term residence status |

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Supporting skill mobility partnerships

- Defined as migration pathways that connect migration and training programs
- We focus on a specifically promising model: Global Skill Partnerships
 - Legal migration channel
 - Strong training component and skill development: vocational training in the countries of origin, not only for people who want to migrate, but also for potential workers who plan to stay in the country
 - Different skill levels, not only focus on high skilled

Step 3b: Assessment of EU added value: benefits

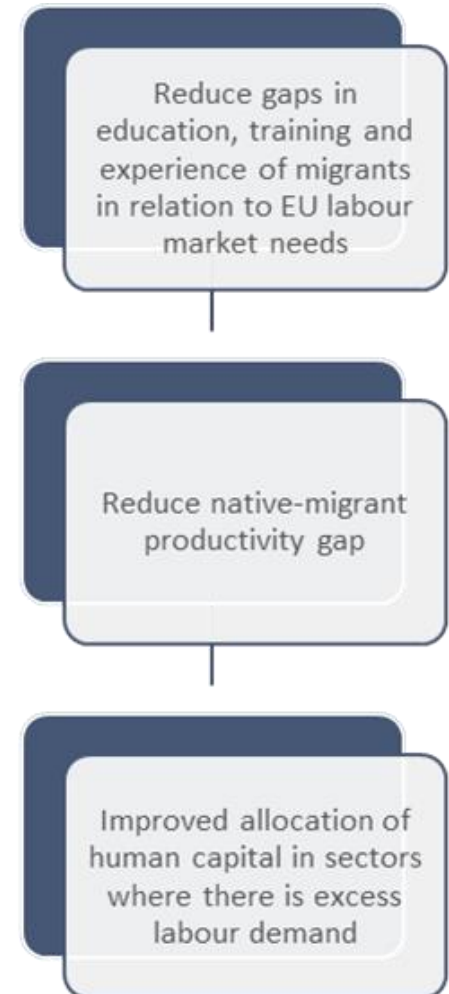
- Improve legal pathways for different skill levels
 - by this, could reduce irregular migration
- Via skill enhancement, possible improvement of fair treatment
- Could help address the structural needs of the EU economy
- Could offer a more balanced approach to migration management
 - by this, improve relationships with Third Countries

Step 3: Assessment of EU added value: costs

- Costs of implementation
 - fixed costs of setting up the program
 - variable costs for training
- Possible risks
 - Risk of excessive power of sponsor companies on workers
 - Risk of conditional use of mobility partnerships

Step 3: Macroeconomic assessment of net benefits

- Net positive effect of 0.02% of EU GDP or €2.78 billion per year
- Positive effect on real wage of native and migrant workers (0.03% and 0.05%, respectively)
- NB: this estimate incorporates the costs



How could the EU **support and scale-up** SMPs?

- Sharing of information and good practices through networks and reflection groups
- Identify sectors and professions in which SMPs would be especially beneficial
- Provide financing
- Support the 'europeanization' of the schemes and promote economies of scale
- Promote multilateral rather than bilateral partnerships

What EU could do to **monitor risks** that could hinder SMPs?

- Avoid weak position of migrants on the labour market
 - Enforce strong wage and labour standards
 - Facilitate the involvement of diaspora organizations and trade unions in the development of the programs
- Avoid conditionality on other aspects of the migration agenda
 - increase the potential of Skill Mobility Partnerships to improve fundamental rights protection, lead to economic benefits and build a holistic approach

EU action on SMPs could be complementary and reinforced by other policy options

- Policy option 1: Promotion of the recognition of qualifications
 - Need for a fair assessment of skills, competences, previous learning achievements
 - Promote optimal skills-job matching and reduce overqualification
- Policy option 4: Improve worker rights and work conditions for third-country nationals
 - To promote equal treatment
 - To monitor against risks of exploitation

Possible EU-level policy options

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Recognition of qualifications and impacts on migrants

- Beneficial for TCNs overall as well as for SMP beneficiaries
- *Evidence from Germany*: migrants were 25 % more likely to be in employment and earned 20 % higher wages after having their professional qualifications recognized (Brucker et al, 2021)
- Possible EU actions:
 - Develop common rules - on a sectoral basis - for the recognition of qualifications, education and skills.
 - Extend the Directive on professional qualifications to migrants.
 - Establish a system led by the European Training Foundation and supported by a network of national bodies to facilitate 'certificates of equivalency'

Overall benefits of the policy options

- Important benefits net of the costs
- gains are substantially larger when several barriers are addressed, i.e. several policy options are jointly implemented.
- Aggregate long-run GDP gains
 - up to 0,53% (€74.0 billion) per year in the case of supply-side frictions
 - up to 0,27% (€37.55 billion) per year in the case of demand-side barriers
- The impact on wages of both migrant and native workers is also positive.
- Greater fundamental rights protection, coherence with EU goals and international standards
- more balanced relation with Third Countries

Main sources

- Navarra C., Fernandes M., Legal migration policy and law. European added value assessment. EPRS, European Parliament, 2021
- 2 annexes to the European Added Value Assessment:
 - CEPS, 2021, Added value of EU legislation in the area of legal migration policy and law' (legal and labour market analysis)
 - Kancs d., Navarra C., Fernandes M., 2021, European legal migration policy and law: An assessment of the potential macro-economic impacts of EU-level policy options, EPRS and JRC.
- W. van Ballegooij and E. Thirion, The Cost of non-Europe in the Area of Legal Migration, EPRS, European Parliament, 2019.

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