

## UEAPME<sup>1</sup> Position

# European legal migration policies and revision of the Blue Card

### Introduction

In the 'European Agenda on Migration' of May 2015, the Commission has announced a renewed approach on legal migration, including an initiative to improve the Blue Card Directive<sup>2</sup>. It has been confirmed in its Work Programme for 2016 and the new Agenda should be presented in March 2016.

### Key messages

- UEAPME welcomes EU initiatives to improve legal migration policies and the Blue Card Directive. **The potential of the Blue Card is insufficiently tapped, thus hampering innovation, growth, and competitiveness of European companies.**
- **Attracting foreign talents cannot be a pretext for postponing necessary reforms to improve labour market functioning within the EU**, and tackling high unemployment rates, skills mismatch and low intra-EU mobility.
- **SMEs ask for demand driven policies for skills migration**, which take into account the European labour market characteristics.
- **SMEs request a more attractive Blue Card scheme**, creating a level playing field beneficial for all, **not limited to highly skilled** but including medium skilled people.
- Attractiveness will be achieved by **removing the salary threshold** and by **granting additional rights and perks in comparison with regular work permits**.
- UEAPME favours an **“expression of interest” scheme** with a point-based system, **while the qualification should remain the fundamental starting point for admission**.
- **Policies to attract foreign talents to the European labour market should be distinct from discussions on the integration of current flows of refugees.**

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<sup>1</sup> UEAPME subscribes to the EC's Register of Interest Representatives and to the related code of conduct as requested by the European Transparency Initiative. Our ID number is 55820581197-35

<sup>2</sup> Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, see <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009L0050&from=EN>

## I – Skills needs

**Several developments in Europe currently require a strong boost of legal migration policies.** European companies, including SMEs, increasingly report lack of skills available for their production processes. 4 out of 10 companies report difficulties in finding the right staff. Technological developments and changing societies are rapidly increasing the demand for other and new types of talents, notably in the digital field. In particular, **skills are increasingly needed in ICT-related professions, but also in many skilled craft sectors.** Identification of skills needs on the national, regional and sectoral level is of crucial and increasing importance for the economy and UEAPME supports efforts facilitating this process.

## II – Europe's challenges

Crafts and SMEs are confronted with manifold challenges including an ageing population which will have a major impact on the need for new qualified workers. These developments will be potentially detrimental for Europe's ability to grow, innovate, and remain competitive.

First priority should be unlocking the potential of Europe's current under-skilled population. **UEAPME insists on the need to modernise education and training systems** in view of better matching the skills needed on the labour market and thus ensuring higher employability of the European labour force. The upcoming "New Skills Agenda for Europe" will be an important step to achieve such objectives.

High unemployment rates, notably among young people, are still a real concern despite some positive trends in several Member States. **Implementing effective active labour market policies and labour market reforms** and promoting further mobility within the EU, and within Member States, would help to fill vacancies and boost Europe's competitiveness. UEAPME calls for targeted **incentives to encourage labour mobility in Europe.**

Therefore a comprehensive approach is needed to avoid fragmentation and inconsistencies in legal frameworks and actions.

## III – Blue Card challenges

The core objective of the Blue Card should be to **enable companies to attract those people who offer special added value to companies when not enough EU citizens are available for fill these vacancies.**

The fact that the current scheme is not able to deliver to this objective has to do with **the salary threshold, a lack of flexibility to adapt to the reality of national labour markets, too complex procedures for recruitment and recognition of qualifications and the lack of a robust and effective communication and information strategy.** This ends up with the Blue Card scheme being underused by employers and unattractive for skilled potential migrants. The system needs to be **as clear and attractive as possible** within the context of a diverse and plural labour market.

Companies need to be aware of such policies and, as a precondition, need to **perceive the Blue Card as a feasible option to fulfil their skills needs.** To this end, there should be a clear perspective of return on investment. Procedures should not be too complicated and talents providing the skills required by European employers need to be 'visible' and easily accessible.

For a skilled migrant weighing her or his options, the Blue Card needs to have an overall attractiveness and esteem, simple procedures, and real perspectives in terms of salary, skills development opportunities, and other 'perks' that the European labour market offers.

### III.1 Flexibility

The Blue Card scheme should be adapted to the European labour market context.

This means first of all respecting the Member States competences in the field of wage setting. Secondly, a revised **Blue Card scheme should be demand driven**, hence taking into account the diversity of the European labour markets.

The current wage setting requirements are too restrictive. **Determination of salary levels should be left to the Member States and social partners, in accordance with national practices.**

Attracting foreign talent should not be limited to highly skilled people. When the aim is to find those people who offer special added value to companies, this should also **cover medium-skilled migrants which are needed by SMEs in several sectors**. This option could be enabled by more flexible wage setting requirements, based on **identification of shortages in countries, regions, and sectors**.

**The EU Commission should manage European and national parallel schemes by recognising them and going into positive competition.** For instance, when the national schemes have a lower threshold for purposes of attracting medium skilled talents, it becomes automatically more attractive for companies to make use of these schemes. Therefore a salary threshold imposed at EU level should be revised. This means also that the EU Commission could collect data from these schemes and consider options to facilitate mobility between the parallel schemes.

### III.2 Procedures

**Simplification should be a high priority.** The complexity and duration of procedures for recruitment and recognition of qualifications is one of the main bottlenecks of the current Blue Card scheme. It hampers its attractiveness for both employers and potential migrants.

**SMEs in particular need support to deal with these procedures**, both to make it easier for them to use the Blue Card to tackle pressing skills needs and to **create a level playing field among companies in access to this talent**. Companies need to see a clear return on investment in recruiting talents from third countries. Support is needed in recruitment, in dealing with the procedures of qualifications and administrative tasks as well as in other forms of guidance.

In addition, the Commission should, in its implementation reports, **map the use of the Blue Card according to the size of companies** and identify better the bottlenecks.

## Qualifications

The qualification should remain the fundamental starting point for admission. However in order to enhance flexibility of the Blue Card scheme, UEAPME is **open to loosening the link between formal qualifications and the work contract**. This is already a reality in the European Union today, where people are not always hired for their exact field of studies but increasingly for their level of qualification and/or transversal competences. **However, the requirement of a link between the levels of qualification and the job offer should remain.**

UEAPME supports a **common EU methodology** for the recognition of qualifications to facilitate the recruitment of migrant workers. It would potentially reduce bureaucracy and make the system much more attractive for foreign talents. **A platform for the recognition of qualifications would be a step too far.** National education and training systems are Member States' competences, and this should be fully respected.

## III.3 Communication and information campaigns

An attractive Blue Card scheme needs to be supported by **effective information and recruitment campaigns**. Information on legal migration schemes is essential for SMEs. It should be easy to understand, clear for business owners, and if necessary supported by business organisations and/or experts dealing with migration and recruitment. Simple and clear procedures will contribute to creating an attractive scheme for potential migrants.

A **“one-stop shop” information point and a unified portal could be established to overcome the language barriers for migrants and potential employers**. This could be combined with support for application procedures. In order to avoid the multiplication of platforms, the revamped EURES network could fulfil this function in the future.

To be attractive for migrants, **the Blue Card needs to acquire a certain esteem to compete with comparable systems in other parts of the world**. This esteem should be built on the strengths and advantages that the European labour market has to offer, such as a diverse labour market, an innovative economy, different working environments and opportunities for continuous education, export, and for generating new business.

Efforts to gain this esteem should be underpinned by **effective communication and information campaigns in third countries, universities, and excellent Higher Vocational Education and Training schools**. The Commission should invest in building relationships of trust with third countries for this purpose.

Where it brings added value, attractiveness can also be achieved by **granting additional rights and perks in comparison with regular work permits**, such as intra-EU mobility after e.g. a certain period of time.

## IV. Expression of interest system

To achieve an attractive Blue Card scheme built on a high esteem, simple and clear procedures, UEAPME is in favour of an **“expression of interest” system**. Such a system, that could be based on points awarded to these talents for their levels of qualification, years of experience, and knowledge of languages for instance, would create a **well-suited and efficient talent pool able to attract skilled migrants**. It could work as a portal for

both companies and foreign talents, which potentially provides clarity in a highly diverse European labour market.

This system could be based on existing models in other countries, taking into account the diversity of the European labour market when designing the point-based system. Such **a system is better adapted in a situation where the distance between European administration and the national or local labour markets is still quite large**. It would help to make the Blue Card more attractive as a clearer and simpler scheme. Importantly, it would contribute to creating a **level playing field for companies and Member States** through easier recruitment procedures and access to foreign talents.

## V. Integration of refugees

**UEAPME is of the opinion that the integration of refugees arriving in Europe should be left out of the scope of revision of the Blue Card Directive.**

UEAPME is an active member of the recently launched „Dialogue on Skills and Migration“ which covers the on-going discussions on legal migration policies as well as the skills dimension of refugees in view of their integration into the labour market.

Several Member States are working intensively on facilitating integration processes. The integration of refugees in the EU labour market is a long multistakeholders' process which should start with language courses and screening of skills and competences but also needs in most cases further training, such as work-based learning before a possible integration into the labour market.

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