



# EMN INFORM

## Developments in Legal Migration and Mobility in 2011

Complementing the [Commission's 3<sup>rd</sup> Annual Report on Immigration and Asylum](#), this EMN Inform summarises the main developments in 2011 in legal migration and mobility. Topics addressed are: [Statistics](#) (Section 1); [Promoting legal migration channels](#) (Section 2); [Economic migration](#) (Section 3); [Family Reunification](#) (Section 4); and [Integration](#) (Section 5). Information on national developments also comes from EMN [National Annual Policy Reports 2011](#), with contributions from 25 EMN NCPs.<sup>1</sup>

### 1. Key statistics

More than 1.93 million first residence permits to third-country nationals were issued in 2011 (excl. BE, CY, PL which amounted to some 188 400 in 2010), a like-for-like decrease of 15.2% compared to 2010. In 2011, most residence permits were issued by IT (331 100) and FR (193 400). Member States issuing permits mainly for family reasons were EL (57.1% of all permits), LT (46%) and PT (45.2%). The highest proportions issued for the purpose of education were by MT (32.4%), HU (31.4%) and DE (31.0%). Those who issued permits mostly for remunerated activities were CY (72.6%), PL (49.7%) and LT (38.9%).

### 2. Promoting legal migration channels

At EU level, an '[EU Immigration Portal](#),' was launched in November 2011, providing hands-on information for migrants interested in moving to the EU. The site is also directed at already legally residing migrants who would like to move from one Member State to another. It provides specific information about migration procedures in all 27 Member States, plus links to their national immigration websites.

At national level, almost all Member States and Norway provided information on the possibilities and conditions of legal migration. Such information was mainly made available on the official websites of Ministries and/or employment agencies (AT, BE, CZ, CY, DE, EE, EL, ES, FI, FR, IT, LT, LU, NL, PL, PT, SE, SI, SK, UK). A growing number (including [AT](#), [DE](#), [FI](#), [SI](#)) have launched a “one-stop shop”, integrating all their online information on legal migration into one single site. Several Member States have published brochures or leaflets on administrative procedures and the rights and obligations of third country workers in different languages (ES, IT, LU, LV, PL, PT, UK) or will do so ([CY](#)).

### 3. Economic migration

At EU level, the [Single Permit Directive](#) was finally adopted in December 2011. The new legislation provides for a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for legally residing third-country national workers. Negotiations continued on the proposals for Directives on

<sup>1</sup> AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HU, IT, LT, LU, LV, MT, NL, PL, PT, SE, SI, SK, UK and NO. The Commission's Annual Report includes contributions from all 27 Member States.

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the conditions of entry and residence of third-country nationals for the purposes of seasonal employment and on conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer. An evaluation report on the Long term Residents' Directive (2003/109/EC) was presented in September 2011. Infringement procedures for non-communication of national measures transposing the "EU Blue Card" Directive were launched in 2011 in respect of DE, IT,<sup>2</sup> MT, PL, PT and SE, with only the case against MT closed by December 2011, and in 2012 a second set of infringement procedures were launched in respect of AT, CY, EL, FI and SI.

A new Mobility Partnership between the EU, involving 10 EU Member States, and Armenia was signed in October 2011, and the EU started a process of negotiating new Mobility Partnerships with other countries, including Tunisia and Morocco. In the context of the Communication on a new Global Approach to Migration and Mobility (GAMM), the Commission highlighted (among other things) the need to integrate the EU's external migration policy with internal policies, such as economic, employment, education and social policies. It also systematically addressed the issue of "brain drain" in third countries.

At national level, a number of Member States introduced new policies for labour migration or introduced legislation to implement policies for labour migration. These developments included the adoption of strategic policy documents which made the promotion of economic migration a strategic objective (CZ, PL, RO, SK), and the adoption of a new points-based migration model primarily for qualified and highly qualified third-country nationals (AT). In the context of transposing the Employer Sanctions Directive, a number of Member States introduced measures to prevent the abuse of workers in service industries (LT, SI, SK).

Several Member States took steps to facilitate access to the labour market for different categories of third-country nationals: BE introduced a decree exempting family members of EU citizens from the labour card obligation; LV introduced a new residence permit for "commercial activity", thus removing the need for third country nationals to apply for a new work permit each time they change jobs; PT adopted measures to "flexibilise" their labour markets by opening up more opportunities for temporary work, including among migrant workers and supports entrepreneurial activities undertaken by immigrants.

A number of Member States (DE, CY, IE, IT, LT, NL, PT, SI) and NO adopted measures to facilitate the recognition of skills and qualifications acquired abroad. Several Member States also took steps to simplify procedures for students to enter and stay on their territory (AT, DE, ES, FR, IE, LT, LV, PL, PT, SE, SK) while others have set entry quotas for students and vocational training (IT). The UK made changes to Tier 4 (student tier) of the Points-Based System to tackle abuse, including by increasing the level of English language proficiency and imposing additional requirements on educational institutions. Legislative instruments were introduced in ES and FR in order to facilitate the applications for researchers wishing to enter these countries, and measures in this direction were envisaged in other countries (DE, LT, LU, SK).

Many Member States (AT, BE, CZ, DE, DK, EE, ES, FR, IT, LU, LV, NL, SI, SE, SK, UK) took steps to increase the attractiveness of the EU for highly qualified workers. These steps were often taken within the framework of the transposition of the "EU Blue Card" Directive. These steps included, among others, the exemption of highly qualified workers from the quota system (AT), the lowering of the annual salary threshold (DE), tax incentives for highly qualified people (LU), and special provisions for workers staying for less than three months (NL). In addition, some Member States adopted specific measures to facilitate access to particular professions within the highly qualified workers category (DE, DK) or migrants who would generate wealth or become leaders in their field (UK). At the same time, the UK introduced more restrictive measures for other types of

<sup>2</sup> IT has subsequently transposed the Directive through Law Decree n. 109 of 16th July 2012.

highly qualified workers, requiring those wishing to obtain highly skilled employment to apply through Tier 2 of the Points-Based System, where they need to have a job from a licensed employer prior to arrival.

Continued efforts have been made to enhance the selectivity of migration policies in order to respond to labour market needs. For some countries, this has involved increases to annual quotas ([EE](#)); in others, the fixing of an upper numerical limit for workers admitted to fill skilled and higher skilled jobs ([UK](#)); the fixing of seasonal entry quotas for certain sectors ([IT](#)); or plans to establish a new quota ([LV](#)). Changes have also been made in a number of Member States to the list of occupations or sectors where labour shortages exist, often under the influence of the economic crisis. In [DE](#) and [DK](#), new shortage occupations have appeared, whereas in [ES](#), [CY](#), [FR](#) and the [UK](#), there have been marked reductions in the number of occupations on these shortage lists. In the [UK](#), requirements based on the salary level were also increased for graduate jobs (Tier 2-Intra Company Transfers).

The results of labour market forecasts made in different Member States in 2011 varied considerably, with some countries (e.g. [IE](#)) reporting that no labour shortages existed except for certain niche areas, while other countries (e.g. [LT](#) and [LV](#)) predicting that labour demand would not be met in the foreseeable future. Improvements to the methods and tools used to conduct labour market forecasts were made, or envisaged, in a number of Member States. In [LU](#), the reform of the Employment Office included the introduction of an Observatory of the Labour Market and [PL](#) announced plans to set up a skills forecasting system in 2012. [NO](#) is also undertaking analyses of the national economy's needs and the benefits of economic migrants in this context and [SK](#) announced plans in this regard in its newly adopted migration policy.

Besides the above-mentioned new Mobility Partnership with Armenia, a number of Member States were involved in establishing new mobility partnerships with other countries and several Member States adopted or were in the process of negotiating bilateral agreements, providing simplified access to the citizens of certain third countries ([BE](#), [ES](#), [FI](#), [FR](#), [HU](#), [IT](#), [LV](#), [NL](#), [SE](#), [SK](#)). At the same time, several Member States reported on ongoing actions to prevent or not aggravate "brain drain" ([DE](#), [ES](#), [IE](#), [NL](#), [PT](#), [SE](#)). A number of Member States undertook actions or introduced legislation to favour temporary and circular migration ([CZ](#), [ES](#), [FR](#), [SE](#)), while other Member States planned future actions in this regard ([CZ](#), [IT](#), [SK](#), [UK](#)).

#### **4. Family reunification**

At EU level, the Commission launched a public debate on family reunification via a [Green Paper](#), inviting stakeholders to reflect on more effective family migration at EU level in view of problems identified in the implementation of [Council Directive 2003/86/EC](#).

At national level, many Member States ([AT](#), [BE](#), [DE](#), [DK](#), [ES](#), [FI](#), [FR](#), [HU](#), [IT](#), [LU](#), [LV](#), [NL](#), [SK](#), [UK](#)) and [NO](#) documented changes to family reunification regulations. Several Member States ([AT](#), [BE](#), [DK](#), [ES](#), [FR](#), [LT](#), [LV](#), [SK](#), [UK](#)) developed or adopted new legislation relating to the rights and conditions for family reunification. [LU](#), [LT](#), [PL](#), [SK](#) and the [UK](#) introduced new provisions that made family reunification legislation less restrictive whereas [IT](#) reported procedural changes on the appeal against the refusal of family reunification. In other countries, additional requirements for family reunification were introduced: income requirements and a longer "control period" in [BE](#); a new points-based system for family migrants in [DK](#), along with financial requirements and evidence of "attachment" to the country; and financial, housing and other requirements in [ES](#). Several Member States undertook actions to promote stronger integration of third-country nationals who migrated to the respective Member States for the purpose of family reunification ([AT](#), [BE](#), [DE](#), [ES](#), [FR](#), [HU](#), [NL](#), [UK](#)). In addition [AT](#), [DE](#), [FR](#), [IT](#), [NL](#) and [NO](#) introduced or changed language requirements for third-country nationals residing in their Member State following family

reunification, including in the context of acquiring nationality by marriage in the case of FR. FI and UK undertook assessments of their family reunification policies, with changes in their policies expected.

## **5. Integration**

At EU level, the [European Agenda for the Integration of Third-Country Nationals](#) was adopted in July 2011 in order to promote a stronger economic, social, cultural and political participation of legally resident third-country nationals in their receiving countries. The results of the first [Eurobarometer on integration](#) were published. Council Conclusions on the European Agenda for the Integration of Third-Country Nationals were adopted by the Justice and Home Affairs Council of December 2011, including the development of a non-binding coordination mechanism to improve the exchange of information on integration. The Commission's [proposal for a Regulation establishing an Asylum and Migration Fund](#) identified the specific integration needs of asylum seekers, beneficiaries of international protection, as well as vulnerable groups of migrants.

At national level, many Member States (AT, BE, CY, DK, EE, EL, ES, FI, FR, IE, IT, LU, LV, MT, PT, SI, SK, UK) and NO reported on policy developments in relation to integration. This included legislative changes (AT, FI, FR, IT, SK), the introduction of new policy documents (AT, BE, EE, EL, ES, LU, LV, PT) or an update thereof (CZ, [SK](#)) and institutional changes (AT, CY, FI, IT, SK). These developments touched on different aspects of integration, including requirements for gaining nationality ([AT](#), [FR](#)); mutual obligations between migrants and the state ([IT](#)); wide-ranging integration plans for newly arrived immigrants ([FI](#)); the right of third-country nationals to vote in municipal elections and other rights affecting political participation ([LU](#)); health education sessions ([MT](#)); and the introduction of citizenship ceremonies (IE). Many Member States (AT, CY, CZ, DE, EE, EL, IE, IT, LU, LV, NL, PL, SE, SI, SK, UK) and NO commented on measures in place to enable migrants to learn the language of the host country and to acquire knowledge of the host society's history and culture (CY, CZ, DE, EE, FR, IT, LU, LV, NL, PL, PT, SI, SK, UK and NO). Several Member States reported on measures to enhance migrants' access to employment (AT, CZ, FI, EL, ES, IE, PL, PT, SE) and public and social services (CZ, EL, ES, IE, PT). Most Member States (AT, CY, CZ, DE, EE, EL, ES, FR, HU, IE, IT, LU, LV, PL, PT, SI, SE, SK, UK) and NO reported on actions undertaken to enhance democratic values and social cohesion.

## **6. Further Information**

You may obtain further details on this EMN Inform and/or on any other aspect of the EMN, from [HOME-EMN@ec.europa.eu](mailto:HOME-EMN@ec.europa.eu).

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