I welcome the Public Consultation within the scope of the Commission’s Fitness Check on Legal Migration by non-EU citizens. While migration is being streamlined into all aspects of the EU’s external and development cooperation with a view to tackle smuggling and human trafficking as well as addressing the so-called root causes of migration, remarkably little progress has been made towards the establishment of regular migration paths for non-EU citizens and to regularise current flows. Within its current thinking, the Commission fails to recognise that migration is a global phenomenon and an integral part of development - indeed EU nationals also migrate. Rather than preventing migration, emphasis should be placed on working towards migration that is freely chosen, rather than forced by circumstance.

The Commission proposals currently being negotiated regarding legal migration remain limited to “high skilled workers”. However, there is a continued and increased demand for labour from non-EU citizens, in sectors such as agriculture, construction, care and domestic work. The lack of legal paths pushes migrants to recourse to irregular channels, relying on smugglers and making them more vulnerable to human trafficking, labour exploitation and abuse. There is thus an urgent need for creating and accepting more legal pathways for migration in the low and medium wage sectors, to cover needs within the Union and to ensure safe admission. Due to changing demographics and labour demands in the Union labour market, the EU will need to establish more general rules on migration of non-EU citizens in both the short and long run.

The EU’s fragmented approach in terms of regular migration measures, offers a complex picture, difficult for administrators and applicants alike to navigate. Of particular relevance, is the relatively short-term nature of the permitted lengths of stay, with no clear pathway to people being able to settle or to come and go over a period of time. This clashes with what we know about integration (it takes two years before you start to put down your roots) and offers no way for a person to move between different migration status’. The issue is further exacerbated when Member States require an individual to apply for a post from outside the EU or lock an individual into a single employment contract.

More EU-action needs to be taken to facilitate the assessment and recognition of non-EU citizens’ qualifications or skills, as attested by evidence of higher education qualifications or higher professional skills, or evidence of specific artistic or sporting talent, as well as non-formally acquired skills. It is also important for people to be able to validate skills acquired through working in the EU.

Current rules governing family reunification are characterised by a narrow view of what constitutes family members. There is a need for establishing 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.

Further efforts need to be made towards preventing discrimination and avoiding labour exploitation. Non-EU citizens residing regularly in the EU should be guaranteed equal treatment with nationals and other EU-citizens with regard to working conditions, pay, health, safety and social security (including family and health benefits). There is also a need to inform non-EU citizens about their rights and to ensure access to justice and support if facing any kind of discrimination, including in the labour market, by applying the principles and safeguards referred to in Council Directive 2000/43/EC and Council Directive 2000/78/EC.
The Commission should also promote direct access to AMIF for local and regional authorities in order to promote better integration of migrants in the host societies.

Finally, further efforts should be made towards harnessing the positive effects of migration for countries of origin, including through facilitating cheaper, faster and safer remittance transfers, engaging diaspora communities and social partners, making information on regular migration pathways available for potential migrants in third countries, and supporting the migration related targets within the Sustainable Development Goals in the 2030 Agenda.

I would welcome another exchange of views, following a share of information on behalf of the Commission regarding the outcomes of the Fitness Check.

Jean Lambert MEP