

UEAPME comments for the Fitness check on EU legislation on the legal migration of non-EU citizens

Further to its reply to the Public Consultation related to the Fitness check on EU legislation on the legal migration of non-EU citizens, UEAPME wishes to clarify its priorities and positions taken with the following written comments.

- Legal migration of non-EU citizens is a necessity for competitiveness, growth, and job creation, as well as innovation of SMEs in Europe. Effective schemes are needed to satisfy labour demand in the Member States. The importance depends heavily however on sectors, types of businesses, and demand per Member State. Schemes need therefore to be flexible enough.
- As a disclaimer, attracting foreign talents to alleviate skills shortages cannot be a pretext for postponing necessary reforms of the labour market and education and training systems for tackling high unemployment rates, skills mismatches, and low rates of intra-EU mobility.
- For attracting foreign talent to Europe, it is necessary to build robust migration schemes that offer significant advantages to the non-EU nationals. Such perks should build on the advantages and strengths of the European labour market. Of particular importance are the right to bring spouses and dependent children with them, under clear but fair family reunification rules, and a right for mobility on the European labour market after a reasonable amount of time. Non-EU nationals who are already on European soil for work, study, or research purposes, and who are therefore open to labour migration and familiar with the European labour market, should be particularly addressed.
- To tackle many of the challenges of the current legal migration rules, and to build a modern, effective EU legal migration system, UEAPME strongly favours an EU-wide expression of interest system. Such a partly centralised system would facilitate different types of legal migration and do right to the diversity of the EU labour market. This scheme, shaped for instance by a talent pool with a point-based system awarding points to potential migrants for their levels of qualification, years of experience, and knowledge of languages, would be very efficient and highly esteemed, and is well-suited for a diverse European labour market. Importantly, it would contribute to creating a level playing field for enterprises and Member States through easier recruitment procedures and a level playing field in access to foreign talent. In addition, such a talent pool would fit well to a demand-driven approach, and allows for addressing the need for medium-skilled workers who are highly in demand in certain sectors and Member States.
- In addition to a robust migration scheme, effective information and recruitment campaigns are necessary to attract foreign talent outside the EU, but also for employers notably of small businesses within the EU, to create awareness of and an interest in the opportunities. Access to the pool of potential migrants by SMEs is currently still too limited, due also to practical obstacles.

- Particular challenges in the current EU legislation on legal migration for small businesses pertain amongst others to vast bureaucracy, e.g. related to the recognition of qualifications, the duration of related procedures (such as visa), fees, and indirect costs. SMEs rely heavily on the support of business organisations for using such schemes. To remain attractive for legal migration, it is of utmost importance that the structures and administrative procedures of national authorities are up-to date and well-functioning. Highly bureaucratic systems, for instance for issuing permits and other procedures, are currently hindering smooth procedures for attracting and integrating skilled migrants, and make it particularly burdensome for both migrants and businesses.
- Further problems relate to inflexibility/rigidity in the rules and their application. In the case of the Blue Card for instance, it was assessed that the strict salary threshold was a huge obstacle for addressing the real skills needs on the labour market. Labour market tests can be an additional obstacle when hindering efficient recruitment for instance of low-skilled labour that cannot be found on the European labour market. Such labour market tests should be reduced to a minimum.
- Finally, UEAPME fully understands the intertwining of this discussion with the need to facilitate legal migration pathways in order to control migration flows to Europe. At the same time, policies to attract foreign talent to the European labour market should be as much as possible distinguished from those on asylum seekers and refugees, since these groups don't necessarily overlap and different issues are at stake.

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