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ETUCE's views on

Public consultation on "Legal migration by non-EU citizens"

Adopted in the Bureau meeting on 13th September 2017

Context and purpose of the consultation:

The Directorate-General for Migration and Home Affairs from the European Commission launched on 19 June 2017 a public consultation on the ["EU legislation on the legal migration of non-EU citizens"](#) with the purpose to collect evidence, opinions and relevant data to support the evaluation, by the European Commission, of the existing EU legal framework for the legal entry and residence of nationals of non-EU countries to the EU Member States (legal migration).

The consultation is focused on the legal access and integration of migrants into the labour market in the EU, but it also touches upon several education issues which relate to the [ETUCE Resolution on Education Trade Unions on the Refugee Situation in Europe: Promoting Education as the Key to Integration and Inclusion](#), adopted in December 2016.

The consultation is an [online survey](#) available in all EU official languages until **18 September 2017**.

ETUCE member organisations are invited to use these ETUCE recommendations as a guidance for their reply to the questionnaire and to add relevant remarks from their own experience.

Apart from general views regarding the legal framework for the entry and stay of non-EU citizens in the EU (questions 1 – 14), part V (questions 103 – 107) addresses, among other organisations, trade unions. Accordingly, **these guidelines are divided into two sections focusing on the most relevant education-related questions¹**, as below-indicated:

Introduction to the questionnaire ('About you' presentation):

ETUCE member organisations should reply in their professional capacity or on behalf of their organisation (question 4) **as a trade union in the EU (question 7)**.

ETUCE member organisations are also encouraged to select their corresponding level of knowledge on the important EU Directives indicated in question 9.

I) ETUCE general views on existing migration rules for non-EU citizens (questions 10 – 14):

ETUCE welcomes this public consultations as it addresses important topics set as priorities in the ETUCE work-programme 2017 – 2020.

Question 10: It can be agreed to a very large extent that the EU is attractive to researchers and Higher Education students as internationalisation of the European Higher Education Area (EHEA) is essential for the universities, their students and staff. It is also important that

¹ For survey statements on employment in general, ETUCE, as a European Trade Union Federation will follow the contributions of ETUC – the European Trade Union Confederation.

the staff of higher education institutions get professional training in order to teach in a multicultural environment. Indeed, there should be more EU-level action to facilitate the assessment and recognition of foreign academic qualifications from outside the EU. Non-EU citizens living in the EU currently face discrimination when accessing education and vocational training compared to EU nationals; providing additional channels for legal migration (to work, study, etc.) can help reducing irregular migration. However, **it can not be agreed at all** that it is currently easy to ensure that foreign professional qualifications (skills, experience, etc.) are assessed/recognised as the *Directive of Recognition of Professional Qualifications (2005/36/EC and 2013/55/EU)* is applicable only to recognition of diplomas obtained in the EU.

Question 13: It can be agreed to a very large extent that non-EU students and researchers should be able to travel, work and study in the different EU Member States once admitted in one Member State.

Question 14: Even though integration requirements exist in some EU countries (such as language tests) as a precondition for admitting non-EU family members of non-EU citizens, these requirements should take due account of the individual's situation. Thus, **it cannot be agreed at all** that these preconditions, if applied, should be exactly the same in all EU Member States. For example, language requirements for university admission vary significantly across Member States.

II) ETUCE specific views on existing migration rules for non-EU citizens (questions 103 – 107):

Question 103: It can be agreed to a very large extent that in the absence of EU migration rules, migration could be better managed nationally, since every Member States knows best about its own migration needs; that there are big differences between EU countries in the rules on how to enter, work, study and live in these countries and that the rules on how to enter, live, study and work in EU countries are an obstacle for migrants considering legally coming to the EU. However, **it is to be agreed only to small extent** that there is currently a functioning system for matching EU labour market needs with workers recruited from outside the EU.

Question 104: The main differences in the rules between the different European countries on how to enter, live, study and work are the recognition of the worker's qualifications; the integration tests (e.g. on language requirements for studies); and the administrative procedures for identification, recognition and assessment of qualifications and skills.

Question 106: It cannot be agreed at all that non-EU workers legally staying in the EU are currently treated the same as EU nationals regarding working conditions (e.g. pay and dismissals, health and safety in the workplace), freedom to join organisations representing workers or employers, including benefits conferred by these organisations; and access to education and vocational training, and especially as regards the recognition of qualifications of those non-EU workers.

Within question 107, it is also recommended to provide with additional views or comments to the consultation, in particular, with **points 13-14 and 25-27 of the [ETUCE Resolution on 'Education Trade Unions on the Refugee Situation in Europe: Promoting Education as the Key to Integration and Inclusion'](#)** adopted in the Conference of Belgrade in December 2016.

In addition, in respect of **teachers' mobility for both EU and non-EU nationals**, it is also important to mention that it is still highly challenging to ensure the possibilities of mobility both in teacher education programmes and in the education sector in general. Indeed, ETUCE observes that **providing a qualified teacher replacement, ensuring a sound financial basis and portability of pension and security rights, recognising the experience periods abroad, maintaining a balanced teacher force are only some of the difficulties the education sector faces in the promotion of teacher mobility**. Thus, ETUCE urge EU institutions and national education authorities to address and tackle these issues with the view to reducing the administrative burden for teachers to participate in mobility programmes across the EU, as set forth in the [ETUCE Statement on "Promoting the learning mobility of young people"](#), adopted in December 2009.

ETUCE and its member organisations underline that regarding the educational integration of legal migrants in the EU, **selecting a single and uniform model would be undesirable and harmful to the large diversity of educational systems and policies in Europe**, where education is an exclusive national competence of Member States.