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From: Presidency

To: Delegations

Subject: State of play of legal migration issues: overview of pilot projects developed by Member States and at European level and prospective assessment of Member States' priorities in the field of legal migration

Delegations will find in Annex a **courtesy translation** of doc. 7273/22 INIT.

The Commission's communication on the Pact on Migration and Asylum of 23 September 2020 stressed the importance of the global approach to migration for the European Union and therefore recalled the need to develop legal migration in order to attract highly qualified third-country nationals. The communication insisted on the need for Member States to define an effective framework to match the skills available in the countries of origin with the needs identified on the labour market of the different Member States.

Following the adoption of the new "EU Blue Card" directive, the Commission announced a communication on the "Skills and Talent Package" for 27 April 2022, along with a recast of the "long-term residents" directive and the "single permit" directive. The discussions that the Member States will undertake on these two legislative files, particularly with regard to their scope and the possibilities for intra-EU mobility for the groups concerned, will have to be linked to the objective of attracting highly qualified third-country nationals and take into account the conditions of access to the labour market in each Member State.

Non-legislative initiatives have also been announced, such as the implementation of a talent pool. A reflection on partnerships aimed at attracting talent was launched at the SCIFA meeting of 26 May 2021, then at the ministerial conference on 11 June 2021 under the Portuguese Presidency. The general guidelines given by the Commission and the Member States should lead to the integration of talent partnerships into a global and balanced approach between the development of legal migration and the fight against illegal immigration, as well as cooperation with third countries on return and readmission.

Talent partnerships should be seen as flexible tools for close cooperation between countries of origin and host countries, integrated into the EU's broader relations with these third countries. They would build on the bilateral cooperation schemes that have existed for many years between member states and third countries, as well as on the experience gained from European pilot projects, particularly those managed by the Migration Partnership Facility (MPF) since 2017 and the THAMM project (Towards a Holistic Approach to Labour Migration Governance and Labour Mobility in North Africa) launched in 2019.

In addition, the European Union (EU) - African Union (AU) summit, held on 17 and 18 February 2022, recalled the need to continue to develop legal migration channels between the two continents, implemented in accordance with the national competencies of the Member States and taking into account both the needs of partner countries and the need to limit the "brain drain".

Ahead of the Commission presentation of the "Skills and Talent Package", the Presidency is proposing a reflection on the means available to Member States to strengthen the attractiveness of the European Union for talent, with a view to improve broader cooperation with several third countries. It plans to draw conclusions from the pilot projects developed at European level that could be conducive to the development of talent partnerships and to conduct a prospective analysis of the Member States' priorities in the area of legal migration, in the context of a global and balanced approach to migration.

I. Assessment of the pilot projects developed at the European level

Several pilot projects¹, co-financed by EU funds and based on both geographical and sectoral approaches, have been launched in recent years. Based on the observation that these projects enable Member States and their partners to derive mutual benefits by matching the supply of skills with the labour market needs, the Presidency proposes to draw conclusions from these initiatives.

Some initiatives established at the European level mobilise a number of actors, such as the THAMM project ("Towards a holistic approach to labour migration governance and labour mobility in North Africa") and the PALIM project ("Pilot program addressing labour shortages through innovative labour migration models"). The identification of successful initiatives and good practices must be based on evaluation mechanisms that are both quantitative (number of migrant workers and employers, financial resources committed, etc.) and qualitative (sectors of activity concerned, skills developed, actors involved, etc.).

¹ For example, the following projects: HOMère (« *High Opportunity for Mediterranean Executive Recruitment* »), « *Young generation as change agent* », MATCH (« *Migration of African Talents through Capacity building and Hiring* »), PALIM (Pilot program addressing labour shortage through innovative labour migration models).

The Presidency also invites the Member States to consider the mechanisms in order to increase the flexibility and smooth running of legal migration projects and their scaling up. The latter should take better account of the respective needs of the Member States and their partners, while adapting to changing circumstances such as the recent migration crises or the sanitary crisis linked to Covid-19.

The role that the Commission could play either at the time of their implementation or in the follow-up of these projects and with regard to their flexibility should be specified.

Finally, the question of financing talent partnerships will have to be examined in a concrete manner in order to provide guarantees to member states. In this respect, it is necessary to reflect on the origin of the funds that could be mobilized, for example via the Neighbourhood, Development and international cooperation instrument (NDICI) aimed at financing the EU's external action or the Justice and Home Affairs (JHA) funds such as the Asylum, Migration and Integration Fund (AMIF). The opportunity to mobilize member states' own funds could also be explored, in the spirit of the Team Europe Initiatives. Effective coordination is necessary in the planning of resources and activities.

In this perspective, the Presidency invites the delegations to consider the following points :

- ***Which actors do the Commission and the Member States wish to include in the implementation of future mobility projects and talent partnerships? If so, specify the role of each.***
- ***What room for improvement do the Commission and the Member States identify, in order to allow future mobility projects to become more efficient and talent partnerships to become part of a longer-term migration management perspective ?***
- ***What good practices have been put in place and/or identified by Member States and the Commission to improve governance in the field of legal migration ?***
- ***What kind of funding should be mobilized to support mobility projects ?***

II. Prospective analysis of Member States' priorities for legal migration

Each Member State has specific needs in connection with its national labour market. Most member states have developed migration projects aimed at strengthening the attractiveness of their territory, either according to an approach based on "human capital", the aim of which is to attract young graduates and highly qualified workers, or in a demand-oriented approach aimed at facilitating the entry conditions of migrants seeking employment in "shortage occupations"². This was already the objective of the Blue Card directive revised in May 2021 under the Portuguese Presidency, which must be transposed by Member States before 18 November 2023.

Thus, Member States are invited to involve private or public structures (professional organizations, employers' organizations, private companies, employment agencies, chambers of commerce, etc.) in labour mobility projects.

A precise mapping should enable Member States to propose their own definition of the concept of "talents" in future partnerships, and to identify their joint interests in developing labour migration in this context. Talent partnerships would thus be a key tool to strategically engage key third countries in migration management.

One of the key elements for the success of these projects is the mutual benefits that European states and countries of origin should gain. In this respect, several models are possible, ranging from long-term migration schemes, accompanied by training in "shortage" employment areas, to circular migration schemes, providing for reintegration projects in the country of origin and limiting the "brain drain" for partner third countries.

² Report of the EMN focused study 2015 on *"Determining labour shortages and the need for labour migration from third countries"*.

In this perspective, the Presidency invites delegations to consider the following points:

- *What are the specific needs of the labour market in your Member State?*
 - *Which legal migration models do Member States wish to promote? Do you identify specific sectors with labour shortages where legal migration can provide added value?*
 - *Could Member States identify instruments to welcome highly skilled workers and describe regulatory measures introduced to address the needs of sectors or professions with shortages (exemption from labour market screening, exemption from quotas, relaxation of minimum income threshold criteria, etc.) ?*
 - *Have you already established bilateral partnerships on legal migration with some third countries ?*
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