

III

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Opinion of the European Committee of the Regions on legal migration: Attracting skills and talent to the EU

(2023/C 79/10)

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Reference documents:	Proposal for a Directive of the European Parliament and of the Council concerning the status of third-country nationals who are long-term residents COM(2022) 650 Proposal for a Directive of the European Parliament and of the Council on 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 third-country workers legally residing in a Member State COM(2022) 655 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — Attracting skills and talent to the EU COM(2022) 657

I. RECOMMENDATIONS FOR AMENDMENTS

Proposal for a Directive of the European Parliament and of the Council concerning the status of third-country nationals who are long-term residents

COM(2022) 650

Amendment 1

Recital 8

Text proposed by the European Commission	CoR amendment
<p>To prevent the risk of abusive acquisition of EU long-term resident status, Member States should ensure that the requirement of legal and continuous residence is duly monitored for all categories of third-country nationals. This risk is particularly relevant for those third-country nationals who hold a residence permit granted on the basis of any kind of investment in a Member State, as the issue of these residence permits is not always subject to the requirement of continuous physical presence in the Member State or is merely subject to the requirement of the investors' presence in the Member State for a limited time. To prevent this risk, Member States should strengthen checks on the requirement of legal and continuous residence with particular regard to applications for EU long-term resident status submitted by third-country nationals who reside in a Member State in exchange of any kind of investment, such as capital transfers, purchase or renting of property, investment in government bonds, investment in corporate entities, donation or endowment of an activity contributing to the public good and contributions to the state budget.</p>	<p>To prevent the risk of abusive acquisition of EU long-term resident status, Member States should ensure that the requirement of legal and continuous residence is duly monitored for all categories of third-country nationals. This risk is particularly relevant for those third-country nationals who hold a residence permit granted on the basis of any kind of investment in a Member State, as the issue of these residence permits is not always subject to the requirement of continuous physical presence in the Member State or is merely subject to the requirement of the investors' presence in the Member State for a limited time. To prevent this risk, Member States, <i>in close cooperation with the competent local or regional authorities</i>, should strengthen checks on the requirement of legal and continuous residence with particular regard to applications for EU long-term resident status submitted by third-country nationals who reside in a Member State in exchange of any kind of investment, such as capital transfers, purchase or renting of property, investment in government bonds, investment in corporate entities, donation or endowment of an activity contributing to the public good and contributions to the state budget.</p>

Reason

Due to the requirement of legal and continuous residence being a component that has to be checked and monitored by local and regional authorities (e.g. by place of residence registration), any change of procedure or 'strengthening' of checks should be developed in cooperation with these authorities. This will prevent disproportionate administrative burdens and provide 'on the ground' experience.

Amendment 2

Recital 20

Text proposed by the European Commission	CoR amendment
<p>Professional qualifications acquired by a third-country national in another Member State should be recognised in the same way as those of Union citizens. Qualifications acquired in a third country should be taken into account in accordance with Directive 2005/36/EC of the European Parliament and of the Council (*). This Directive should be without prejudice to the conditions set out under national law for the exercise of regulated professions.</p>	<p>Professional qualifications acquired by a third-country national in another Member State should be recognised in the same way as those of Union citizens. Qualifications acquired in a third country should be taken into account in accordance with Directive 2005/36/EC of the European Parliament and of the Council (*), while special provisions could allow for a flexible consideration in the case of refugees, who may not be in a position to provide relevant documentary evidence and proof of qualifications. This Directive should be without prejudice to the conditions set out under national law for the exercise of regulated professions. The Member States should remain subject to the obligation to afford access for migrant minors to the educational system, regardless of their legal status, under conditions similar to those laid down for their nationals, while paying special attention to migrant girls, who are more likely to be left behind in the education system.</p>

Reason

In line with Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (OJ L 180, 29.6.2013, p. 96), Member States are to grant access to the education system to minor children of applicants and applicants who are minors, under similar conditions to those that apply to their own nationals. Therefore, this paragraph should be retained, in line with the concept that has been reiterated on several occasions whereby ensuring proper integration hinges primarily on rights, and if the migrants are to enjoy the same rights as Member State citizens, those rights must necessarily include the right to education. It is important to remember the obstacles faced by girls especially in situations of precariousness and isolation that can result from traumatic migration experiences.

Amendment 3

Recital 28

Text proposed by the European Commission	CoR amendment
<p>Harmonisation of the terms of acquisition of the EU long-term resident status promotes mutual confidence between Member States. However, this Directive should be without prejudice to the right of Member States to issue residence permits of permanent or unlimited validity other than the EU long-term residence permit. Such national residence permits should not confer the right to reside in other Member States.</p>	<p>Harmonisation of the terms of acquisition of the EU long-term resident status promotes mutual confidence between Member States. However, this Directive should be without prejudice to the right of Member States to issue residence permits of permanent or unlimited validity other than the EU long-term residence permit. Such national residence permits should not confer the right to reside in other Member States. A third-country national may hold both the EU long-term resident status and a national or other EU permanent residence permit.</p>

Reason

It needs to be clarified that a third-country national who already holds EU long-term residence status is entitled to a national settlement permit, since this would bring him/her additional rights. Neither the current Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (OJ L 16, 23.1.2004, p. 44) nor the recast provide that an applicant for the EU status should give up his or her national permanent residence permit. Furthermore, under Union law, third country nationals may have two different residence statuses.

Amendment 4

Article 4(2)

Text proposed by the European Commission	CoR amendment
<p>Member States shall establish appropriate control mechanisms to ensure that the requirement of legal and continuous residence is duly monitored, with particular regard to applications submitted by third-country nationals holding and/or having held a residence permit granted on the basis of any kind of investment in a Member State.</p>	<p>Member States, <i>in close cooperation with the competent local and regional authorities</i>, shall establish appropriate control mechanisms to ensure that the requirement of legal and continuous residence is duly monitored, with particular regard to applications submitted by third-country nationals holding and/or having held a residence permit granted on the basis of any kind of investment in a Member State.</p>

Reason

Due to the requirement of legal and continuous residence being a component that has to be checked and monitored by local and regional authorities (e.g. by place of residence registration), any change of procedure or 'strengthening' of checks should be developed in cooperation with these authorities. This will prevent disproportionate administrative burdens and provide 'on the ground' experience.

Amendment 5

Article 4(5)

Text proposed by the European Commission	CoR amendment
<p>Any period of residence spent as a holder of a long-stay visa or residence permit issued under Union or national law, including the cases covered in Article 3(2), points (a), (b), (c) and (e), shall be taken into account for the purposes of calculating the period referred to in paragraph 1, where the third-country national concerned has acquired a title of residence which will enable him/her to be granted EU long-term resident status.</p> <p><i>Regarding persons to whom international protection has been granted, at least half of the period between the date of the lodging of the application for international protection on the basis of which that international protection was granted and the date of the grant of the residence permit referred to in Article 24 of Directive 2011/95/EU, or the whole of that period if it exceeds 18 months, shall be taken into account in the calculation of the period referred to in paragraph 1.</i></p>	<p>Any period of residence spent as a holder of a long-stay visa or residence permit issued under Union or national law, including the cases covered in Article 3(2), points (a), (b), (c), <i>(d)</i> and (e), shall be taken into account for the purposes of calculating the period referred to in paragraph 1, where the third-country national concerned has acquired a title of residence which will enable him/her to be granted EU long-term resident status.</p>

Reason

By excluding cases under Article 3(2)(d), the proposed provision, as it stands, provides an inconsistent regime for asylum seekers. To provide for a consistent treatment of asylum-seekers, the second paragraph shall be deleted.

Amendment 6

Article 5(3)

Text proposed by the European Commission	CoR amendment
<p>Member States may require third-country nationals to comply with integration conditions, in accordance with national law.</p>	<p>Member States may require third-country nationals to comply with integration conditions, in accordance with national law. For this purpose, a multi-actor governance of migration should be strengthened. The local and/or regional authorities, local and regional networks, trade associations and accredited private entities organising the integration programmes, if any, should receive sufficient operational and financial support from the Member State, tailored to the service provided. These integration programmes should be mainstreamed across education, employment, health, housing and participation policies.</p>

Reason

As it is often the local and regional authorities, as well as not-for-profit associations and trade unions, local and regional networks, that implement the language and citizenship courses — as part of the integration programme — and/or vocational training courses, it is essential that they receive proper support from the state for this purpose. Mainstreaming of integration into relevant policies accelerates the integration process and respects the values for human rights, solidarity and equality, as well as builds up a comprehensive approach to migration that harnesses the benefits of diversity.

Amendment 7

Article 7

Text proposed by the European Commission	CoR amendment
<p>1. To acquire EU long-term resident status, the third-country national concerned shall lodge an application with the competent authorities of the Member State in which he/she resides. The application shall be accompanied by documentary evidence to be determined by national law that he/she meets the conditions set out in Articles 4 and 5 as well as, if required, by a valid travel document or its certified copy.</p>	<p>1. To acquire EU long-term resident status, the third-country national concerned shall lodge an application with the competent authorities of the Member State in which he/she resides. The application shall be accompanied by documentary evidence to be determined by national law that he/she meets the conditions set out in Articles 4 and 5 as well as, if required, by a valid travel document or its certified copy. The competent national authorities shall inform the third-country national about the application process within three months of him having completed the required period of legal and continuous residence within the Member State territory.</p>

Text proposed by the European Commission	CoR amendment
<p>2. The competent national authorities shall give the applicant written notification of the decision as soon as possible and in any event no later than six months from the date on which the complete application was lodged. Any such decision shall be notified to the third-country national concerned in accordance with the notification procedures under the relevant national legislation.</p> <p>Where the documents presented or information provided in support of the application are inadequate or incomplete, the competent authorities shall notify the applicant of the additional documents or information that are required and shall set a reasonable deadline for presenting or providing them. The period referred to in the first subparagraph shall be suspended until the authorities have received the additional documents or information required. If the additional documents or information required have not been provided within that deadline, the application may be rejected.</p> <p>The person concerned shall be informed about his/her rights and obligations under this Directive.</p> <p>Any consequences of no decision being taken by the end of the period provided for in this provision shall be determined by national legislation of the relevant Member State.</p> <p>3. If the conditions provided for by Articles 4 and 5 are met, and the person does not represent a threat within the meaning of Article 6, the Member State concerned shall grant the third-country national concerned EU long-term resident status.</p> <p>4. Where an application for an EU long-term resident permit concerns a third-country national who holds a national residence permit issued by the same Member State in accordance with Article 14, that Member State shall not require the applicant to give evidence of the conditions provided for in Article 5(1) and (2), if the compliance with those conditions was already verified in the context of the application for the national residence permit.</p>	<p>2. The competent national authorities shall give the applicant written notification of the decision as soon as possible and in any event no later than six months from the date on which the complete application was lodged. Any such decision shall be notified to the third-country national concerned in accordance with the notification procedures under the relevant national legislation.</p> <p>Where the documents presented or information provided in support of the application are inadequate or incomplete, the competent authorities shall notify the applicant of the additional documents or information that are required and shall set a reasonable deadline for presenting or providing them. The period referred to in the first subparagraph shall be suspended until the authorities have received the additional documents or information required. If the additional documents or information required have not been provided within that deadline, the application may be rejected.</p> <p>The person concerned shall be informed about his/her rights and obligations under this Directive.</p> <p>Any consequences of no decision being taken by the end of the period provided for in this provision shall be determined by national legislation of the relevant Member State.</p> <p>3. If the conditions provided for by Articles 4 and 5 are met, and the person does not represent a threat within the meaning of Article 6, the Member State concerned shall grant the third-country national concerned EU long-term resident status.</p> <p>4. Where an application for an EU long-term resident permit concerns a third-country national who holds a national residence permit issued by the same Member State in accordance with Article 14, that Member State shall not require the applicant to give evidence of the conditions provided for in Article 5(1) and (2), if the compliance with those conditions was already verified in the context of the application for the national residence permit.</p> <p>5. The decision to reject an application for long-term residence shall take account of the specific circumstances of the case and shall respect the principle of proportionality.</p>

Reason

It is important that the individuals eligible to apply for the long-term residence permit are duly informed by the competent authorities of this possibility, as there is a severe lack of information provided to the applicants for residence, which not only causes confusion, misunderstanding and false hopes to the applicant, but also overburdens and delays the administrative process. A new paragraph 5 should also be added to Article 7, modelled on Article 7(3) of the recast Blue Card Directive, aimed at ensuring that immigration authorities act proportionately and with regard to the specific circumstances of the case.

Amendment 8

Article 9(1)

Text proposed by the European Commission	CoR amendment
<p>EU long-term residents shall no longer be entitled to maintain EU long-term resident status in the following cases:</p> <p>a) detection of fraudulent acquisition of EU long-term resident status;</p> <p>b) adoption of a decision ending the legal stay under the conditions provided for in Article 13;</p> <p>c) in the event of absence from the territory of the Union for a period of 24 consecutive months.</p>	<p>EU long-term residents shall no longer be entitled to maintain EU long-term resident status in the following cases:</p> <p>a) detection of fraudulent acquisition of EU long-term resident status;</p> <p>b) adoption of a decision ending the legal stay under the conditions provided for in Article 13;</p> <p>c) in the event of absence from the territory of the Union for a period exceeding 24 consecutive months.</p>

Reason

The word 'exceeding' should be added in order to align with the wording further on in the Directive.

Amendment 9

Article 14

Text proposed by the European Commission	CoR amendment
<p>National residence permits of permanent or unlimited validity</p> <p>This Directive is without prejudice to the right of Member States to issue residence permits of permanent or unlimited validity other than the EU long-term residence permit issued in accordance with this Directive. Such residence permits shall not confer the right of residence in the other Member States as provided by Chapter III of this Directive.</p>	<p>National residence permits of permanent or unlimited validity</p> <p>This Directive is without prejudice to the right of Member States to issue residence permits of permanent or unlimited validity other than the EU long-term residence permit issued in accordance with this Directive. Such residence permits shall not confer the right of residence in the other Member States as provided by Chapter III of this Directive. Where Member States issue national permanent residence permits, they shall grant third-country nationals to whom they granted the EU long-term resident status the same rights and advantages as those provided for under their national schemes where the rights and advantages under such national schemes are more favourable.</p>

Reason

To create a level playing field between the EU long-term residence permit and the national permanent residence permits, Member States need to provide third-country nationals with the EU long-term resident status the same rights and advantages attached to the national status. The proposed amendment mirrors the clause in Article 11(6) of the recast Blue Card Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC (OJ L 382, 28.10.2021, p. 1).

Amendment 10

Article 21(3)

Text proposed by the European Commission	CoR amendment
<p>The second Member State shall issue members of the EU long-term resident's family with renewable residence permits valid for the same period as the permit issued to the EU long-term resident.</p>	<p>The second Member State shall issue members of the EU long-term resident's family with renewable residence permits valid for the same period as the permit issued to the EU long-term resident. <i>The residence permit shall be issued in accordance with the rules and standard model as set out in Council Regulation (EC) No 1030/2002. Under the heading 'remarks', the Member States shall add 'the holder shall have the same rights as an EU long-term resident under Chapter III'.</i></p>

Reason

There should be an explicit mention in a residence permit that it is issued to a long-term resident in a second Member State, otherwise public authorities, private organisations and other persons will be unaware that the third-country national holds the EU long-term resident status and enjoys the rights pertaining thereto, such as equal treatment.

Amendment 11

Article 24

Text proposed by the European Commission	CoR amendment
<p style="text-align: center;">Treatment granted in the second Member State</p> <p>1. As soon as they have received the residence permit provided for by Article 21 in the second Member State, EU long-term residents and their family members shall in that Member State enjoy equal treatment in the areas and under the conditions referred to in Article 12.</p> <p>2. EU long-term residents and their family members shall have access to the labour market in accordance with paragraph 1.</p> <p>Member States may provide that the EU long-term residents and their family members who exercise an economic activity in an employed or self-employed capacity communicate to the competent authorities any change of employer or economic activity. Such requirement shall not affect the right of the persons concerned to take up and carry out the new activity.</p> <p>Member States may decide in accordance with national law the conditions under which the persons referred to in Article 16(2), points (b) or (c), and their family members may have access to an employed or self-employed activity.</p>	<p style="text-align: center;">Treatment granted in the second Member State</p> <p>1. As soon as they have received the residence permit provided for by Article 21 in the second Member State, EU long-term residents and their family members shall in that Member State enjoy equal treatment in the areas and under the conditions referred to in Article 12.</p> <p>2. EU long-term residents and their family members shall have access to the labour market in accordance with paragraph 1.</p> <p>Member States may provide that the EU long-term residents and their family members who exercise an economic activity in an employed or self-employed capacity communicate to the competent authorities any change of employer or economic activity. Such requirement shall not affect the right of the persons concerned to take up and carry out the new activity.</p> <p>Member States may decide in accordance with national law the conditions under which the persons referred to in Article 16(2)(c), and their family members may have access to an employed or self-employed activity.</p>

Text proposed by the European Commission	CoR amendment
	<p>3. The persons referred to in Article 16(2)(b), outside their study time and subject to the rules and conditions applicable to the relevant activity in the Member State concerned, shall be entitled to be employed and may be entitled to exercise self-employed economic activity. Each Member State shall determine the maximum number of hours per week, or days or months per year, allowed for such an activity, which shall not be less than 15 hours per week, or the equivalent in days or months per year.</p>

Reason

According to the proposed reading of the last sentence of Article 24(2), the access to employment of a long-term resident third-country national who moves to another Member State as a student under Article 16(2)(b) would depend entirely on the relevant national rules. There is no justification why this third country national with at least five years of lawful residence in the EU should have less access to employment than a student from outside the EU under Article 24 of the Students and Researchers Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (OJ L 132, 21.5.2016, p. 21). The added paragraph is modelled after Article 24 of the Students and Researchers Directive.

Amendment 12

Article 27

Text proposed by the European Commission	CoR amendment
<p style="text-align: center;"><i>Access to information</i></p> <p>1. Member States shall make easily accessible to applicants for an EU long-term resident permit information</p> <p>a) on the documentary evidence needed for an application;</p> <p>b) on the status acquisition and residence conditions applicable to third-country nationals and to their family members, including their rights and obligations and the procedural safeguards.</p> <p>2. Where Member States issue national residence permits in accordance with Article 14, they shall ensure the same access to information on the EU long-term resident permit as the one provided with respect to such national residence permits.</p>	<p style="text-align: center;"><i>Access to information</i></p> <p>1. Member States shall make easily accessible to applicants for an EU long-term resident permit information</p> <p>a) on the documentary evidence needed for an application;</p> <p>b) on the status acquisition and residence conditions applicable to third-country nationals and to their family members, including their rights and obligations and the procedural safeguards.</p> <p>2. Where Member States issue national residence permits in accordance with Article 14, they shall ensure the same access to information on the EU long-term resident permit as the one provided with respect to such national residence permits.</p> <p>3. Once a third-country national has lawfully and continuously resided for five years on the territory of a Member State, that Member State will inform the third-country national about the completion of that term and the possibility to apply for the status provided for by Article 7 where the conditions of Articles 3, 4 and 5 and 26 are fulfilled.</p>

Reason

EU long-term resident status has been underused to date, partially because of the lack of awareness and information about the rights and advantages attached to the status. To address this, third country nationals should be informed, once they have lawfully resided in the Member State, that they may be entitled to the status, and advised on how to file an application for that status.

Proposal for a Directive of the European Parliament and of the Council on 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 third-country workers legally residing in a Member State

COM(2022) 655

Amendment 13

Recital 4

Text proposed by the European Commission	CoR amendment
<p>A set of rules governing the procedure for examination of the application for a single permit should be laid down. That procedure should be effective and manageable, taking account of the normal workload of the Member States' administrations, as well as transparent and fair, in order to offer appropriate legal certainty to those concerned.</p>	<p>A set of rules governing the procedure for examination of the application for a single permit should be laid down. That procedure should be effective and manageable, as well as transparent and fair, in order to offer appropriate legal certainty and a swift response to those concerned.</p>

Reason

Particularly at a point in time in which we are witnessing ever-increasing migration, it is not appropriate to make the procedure for examining single permit applications — for which there should be dedicated departments — dependent on other types of administrative work.

Amendment 14

Recital 5

Text proposed by the European Commission	CoR amendment
<p>The provisions of this Directive should be without prejudice to the competence of the Member States to regulate the admission, including the volumes of admission, of third-country nationals for the purpose of work.</p>	<p>The provisions of this Directive should be without prejudice to the competence of the Member States to regulate the admission, including the volumes of admission, of third-country nationals for the purpose of work. In setting the volumes of admission, the Member States are encouraged to consult their local and regional authorities and the relevant local actors.</p>

Reason

While admission quotas are a national competence, the labour market situation within a Member State may vary greatly between regions and the national average data may not provide an accurate picture of labour needs. The local and regional authorities should therefore have the possibility to include their needs in the national volume of admission. Local stakeholders such as local and regional associations, NGOs working on migrant inclusion and welcoming refugees, refugee councils, etc. can also provide with an accurate estimation of the volume of admissions of third-country nationals.

Amendment 15

Recital 15

Text proposed by the European Commission	CoR amendment
The designation of the competent authority under this Directive should be without prejudice to the role and responsibilities of other authorities and, where applicable, the social partners, with regard to the examination of, and the decision on, the application.	The designation of the competent authority under this Directive should be without prejudice to the role and responsibilities of other authorities, including local and regional authorities , and, where applicable, the social partners, with regard to the examination of, and the decision on, the application.

Reason

The amendment seeks to ensure that local and regional authorities keep their respective roles and responsibilities.

Amendment 16

Recital 16

Text proposed by the European Commission	CoR amendment
The deadline for adopting a decision on the application should, however, not include the time required for the recognition of professional qualifications. This Directive should be without prejudice to national procedures on the recognition of diplomas.	The deadline for adopting a decision on the application should, however, not include the time required for the recognition of professional and academic qualifications and should be without prejudice to national or regional procedures on the recognition of diplomas.

Reason

The recognition of qualifications is conducted by different authorities and can slow down the processing of the single permit application. In some MS many occupations are governed at regional level. In order for those qualifications to be recognised the regions have to implement legal regulations.

Amendment 17

Recital 32

Text proposed by the European Commission	CoR amendment
To ensure the proper enforcement of this Directive, Member States should ensure that appropriate mechanisms are in place for the monitoring of employers and that, where appropriate, effective and adequate inspections are carried out on their respective territories. The selection of employers to be inspected should be based primarily on a risk assessment to be carried out by the competent authorities in the Member States taking into account factors such as the sector in which a company operates and any past record of infringement.	To ensure the proper enforcement of this Directive, Member States, in cooperation with local authorities and regions , should ensure that appropriate mechanisms are in place for the monitoring of employers and that, where appropriate, effective and adequate inspections are carried out on their respective territories. The selection of employers to be inspected should be based primarily on a risk assessment to be carried out by the competent authorities in the Member States taking into account factors such as the sector in which a company operates and any past record of infringement.

Reason

The possibility of extending the monitoring to local authorities and regions means that local police could also be involved in the protection of workers and thus in workplace inspections.

Amendment 18

Article 5

Text proposed by the European Commission	CoR amendment
<p style="text-align: center;">Competent authority</p> <p>1. Member States shall designate the authority competent to receive the application and to issue the single permit.</p> <p>2. The competent authority shall adopt a decision on the complete application as soon as possible and in any event within four months of the date on which the application was lodged.</p> <p>The time limit referred to in the first subparagraph shall cover checking the labour market situation and issuing the requisite visa referred to in Article 4(3). The time limit may be extended in exceptional circumstances, linked to the complexity of the examination of the application.</p> <p>Where no decision is taken within the time limit provided for in this paragraph, any consequences shall be determined by national law.</p> <p>3. The competent authority shall notify the decision to the applicant in writing in accordance with the notification procedures laid down in the relevant national law.</p> <p>4. If the information or documents in support of the application are incomplete according to the criteria specified in national law, the competent authority shall notify the applicant in writing of the additional information or documents required, setting a reasonable deadline to provide them. The time limit referred to in paragraph 2 shall be suspended until the competent authority or other relevant authorities have received the additional information required. If the additional information or documents is not provided within the deadline set, the competent authority may reject the application.</p>	<p style="text-align: center;">Competent authority</p> <p>1. Member States shall designate the authority competent to receive the application and to issue the single permit.</p> <p>2. The competent authority shall adopt a decision on the complete application as soon as possible and in any event within four months of the date on which the application was lodged.</p> <p>The time limit referred to in the first subparagraph shall cover checking the labour market situation and issuing the requisite visa referred to in Article 4(3). The time limit may be extended in exceptional circumstances, linked to the complexity of the examination of the application, <i>or reduced in circumstances of severe political/social situations or natural disasters, subject to subsequent verification of the requirements.</i></p> <p>Where no decision is taken within the time limit provided for in this paragraph, any consequences shall be determined by national law.</p> <p>3. The competent authority shall notify the decision to the applicant in writing in accordance with the notification procedures laid down in the relevant national law.</p> <p>4. If the information or documents in support of the application are incomplete according to the criteria specified in national law, the competent authority shall notify the applicant in writing of the additional information or documents required, setting a reasonable deadline to provide them. The time limit referred to in paragraph 2 shall be suspended until the competent authority or other relevant authorities have received the additional information required. If the additional information or documents is not provided within the deadline set, the competent authority may reject the application.</p> <p><i>5. Checking of the labour market situation may be omitted or accelerated where the address of the employer is in a region or city which indicated to the Member State's competent authority a labour shortage which cannot be covered by domestic workforce.</i></p>

Reason

The proposed amendment would allow for speedier processing of applications for workers coming into regions actively looking to address their labour shortage with foreign workers.

II. POLICY RECOMMENDATIONS

THE EUROPEAN COMMITTEE OF THE REGIONS,

1. welcomes the strategic approach to legal migration;
2. acknowledges that legal migrants play a crucial role in Europe's economy and society and can also become agents of development when the right policies are put in place; points out that legal migration is a fundamental driver of cities' growth and contributes to making cities much more diverse and economically vibrant places; points also to the contribution of the high percentage of migrant key workers during the COVID-19 pandemic; stresses the need to strengthen the equal treatment of third-country workers, in particular as regards working conditions, freedom of association and affiliation and social security benefits, as well as the need for greater protection of women's rights and the gender perspective, especially in sectors where migrant women are overrepresented, as well as the need to protect people with disabilities, safeguarding their rights and access to care;
3. points out that local and regional authorities are best placed to have a coherent overview of the current and more structural shortages and opportunities in the local labour market and they should therefore be included in multi-level governance of attracting and retaining international talent to respond to the needs of the local labour market. To this end, spaces for multi-level dialogue across the local, national and EU level governance structure need to be expanded;
4. underlines the need to address the employment of migrant workers in a holistic way, to cover all aspects of the migration process: from recruitment to effective integration and eventual freedom of movement within the EU labour market. Stresses by the same token the importance of matching the levels of legal economic migration with the labour market needs of the Member States; in this process, private sector partners and employers should also be included and migrant workers of all skill levels should be considered;
5. acknowledges that the EU's transition towards a green and digital economy requires specific skills and restructuring of economies and labour markets, which in turn require additional labour and new skills through Technical and Vocational Education and Training (TVET); calls for regional and local authorities to be involved in this process, as they have the best knowledge of the needs of local and regional labour markets;
6. stresses that local and regional authorities play a vital role in facilitating inclusion of all third-country nationals, independent of their legal status. They often promote diversity and social cohesion through a range of progressive policies that foster trust in local administrations, fair access to shared services, and socio-economic inclusion. They are at the centre of receiving and assisting refugees and play a key role in identifying labour market needs as well as in defining the conditions requiring the implementation of safeguard procedures (labour market tests), and in ensuring the recognition and respect of diversity in the labour market, as well as the provision of equal opportunities for all;
7. calls for a comprehensive method at EU level of collecting data on the demand for highly skilled workers in various occupations and labour markets, which would require further development of initiatives such as the EURES portal, EuroPass and the actions currently foreseen under the New Skills Agenda. Cooperation platforms based on actual market needs, which are also often identified by the national social partners, could be set up in a more simplified way;
8. welcomes the support of the European Labour Authority (ELA) in ensuring that the EU rules on labour mobility and social security coordination are enforced in a fair, simple and effective way, including via information provision, concerted and joint inspections, enhanced administrative cooperation, as well as promotion of labour mobility, particularly through EURES;
9. considers that the recast of the two directives complies with the principles of subsidiarity and proportionality;
10. welcomes the further measures set out in the 'Skills and talent' package, including the creation of an EU talent pilot project specifically for people fleeing Russia's invasion of Ukraine and the proposed EU Talent Pool;

11. welcomes the European Commission's announcement to extend the EU Talent Pool to refugees residing in the EU and in non-EU countries as paving the way towards a more sustainable and inclusive approach to labour mobility and third country solutions; recalls that when designing these tools, more needs to be done to develop fair labour migration schemes that ensure decent work for all workers, and that are accessible to refugees, regardless of their nationality and place of stay on an equal footing and with the required protection safeguards. Existing legal and administrative frameworks remain too complex and tend to hinder the achievement of scale. Excessively bureaucratic procedures may affect refugees' access to the labour market, thus making them increasingly at risk over time of having to resort to undeclared work and exposed to abuse and exploitation;

12. stresses that, in the future, the roll-out of mobility projects and talent partnerships should include: local authorities and regional governments, with the task of co-designing future projects; the diaspora, with the task of pinpointing migrants' needs and helping shape projects in their countries of origin; and trade associations and employers' associations, with the task of collating labour market needs at national and local level and helping design effective measures;

13. emphasises that the needs of the various stakeholders (migrants, the diaspora, local and regional authorities, employers and trade associations) should be taken into account, in order to ensure that the future projects are effective and sustainable as a tool for long-term legal migration management; therefore, calls for a round table to be set up between the European Commission, the European Economic and Social Committee, the European Committee of the Regions and the European Parliament, the exchanges of which should be based on previous consultations and dialogues with key stakeholders on migrant integration; at the same time, calls for synergies with the EU platform on labour migration envisaged by the European Commission and recalls that the particular vulnerable situation of refugees should be taken into consideration for future projects to ensure equal access for refugees to access labour market opportunities and necessary legal safeguards are in place;

14. supports the setting up of an EU work and travel programme for young people from non-EU countries, as envisaged by the Commission in its Communication on Attracting skills and talent in the EU, as well as the extension of the DiscoverEU programme beyond the third countries associated with Erasmus+ and calls for a similar approach with regard to the European Solidarity Corps to include more third countries in the programme than those currently provided for, in order to address the challenges and opportunities of migration throughout the overall migration cycle;

15. considers that COM(2022) 657, the main objective and focus of which is to attract skills and talents to the EU, is not sufficiently taken into account in the proposals for Directives COM(2022) 650 and 655, despite the fact that it provides significant impetus for a paradigm shift in the analysis of migration;

16. points out that amongst third-country nationals that contribute to the EU labour market, there are specific groups that legislation should pay attention to, as they become increasingly relevant in essential sectors in European labour markets, such as under the initiatives that aim to reinforce the health and care sectors, such as the EU Child Guarantee or the Green Paper on Ageing, and calls for greater targeted support for third-country nationals in order to facilitate their long-term resident status, intra-EU mobility and integration, with a particular focus on beneficiaries of international protection who, under the proposed long-term residents directive, fall under the same rules as any other third-country nationals falling within the scope of this directive, which fails to take into account the special situation of refugees and their vulnerabilities;

17. points out that labour mobility can be a complementary legal avenue by which refugees can reach Europe or other destinations without having to resort to irregular routes as it can open a safe pathway for refugees to apply their skills and realise their potential in regions that are seeking to address specific skills shortages; proposes that refugees residing in non-EU countries should be considered an additional category of qualified workers, while the provision of such additional legal avenue based on labour migration could assist in reducing the pressures being brought to bear on European asylum systems;

18. warns that although irregular migration accounts for only a small percentage of the overall migration to the EU, it still puts significant pressure on the regions and cities located at the EU's external border; calls, therefore, for proper enforcement of the principle of burden-sharing among the EU Member States and for tackling irregular migration, including through combatting traffickers who exploit asylum-seekers and economic migrants into making dangerous journeys;

19. it should be pointed out that, for certain professional groups (healthcare workers, engineers, etc.), entry needs to be made easier by cutting red tape, whereas for the thousands of unfilled jobs in areas where technical training is required rather than an academic background — for example, in agriculture, construction, transport, mechanical engineering, etc. — setting the goal of matching market supply with the demand for employment is not enough; a different type of cooperation needs to be envisaged: including matching market supply with demand but also working closer with the social partners and relevant training centres. And this cooperation should also include the municipalities and regions;
20. with a view to attracting skills and talents, also calls for the Member States to consider the possibility of facilitating the acquisition of long-term resident status for all legal migrants with higher qualifications and highly skilled jobs, as well as for specific categories of medium-skilled third-country nationals, which would, of course, require a system of prioritisation to be established. This could help to bridge the gap in sectors experiencing labour shortages, such as IT and health. It would therefore be necessary to create lists of jobs for which there is an established shortage of workers, as well as to create an exemption from the labour market test for the access of skilled workers;
21. proposes the activation of a local (regional or metropolitan area) skills recognition system in order to accelerate the process of socio-economic inclusion of third-country nationals, be they first arrivals or already residents, in possession of one of the statuses guaranteed by current national legislation. This system of skills recognition would not replace the national one, but would be in addition to it, guaranteeing faster integration into the regional or metropolitan area labour market;
22. points out that the recent flow of highly skilled refugees from Ukraine is highlighting the need to speed up the skills recognition process for all third-country nationals, as already regulated by the new European Blue Card directive. An EU policy regulating the entry and treatment of migrant workers is essential to ensure a good balance between labour supply and demand, which is particularly unbalanced at this point in time, especially in certain socially relevant functions such as those related to the care sector and the health sector;
23. points out that those whose talents lie in the arts should be part of the equation; they fall outside the professional profiles sought, but have the capacity to enrich the culture of the host country, leading to that cultural exchange which is part of Europe's proud history;
24. recommends implementing long-term policies to go beyond security-driven measures by promoting improved inclusion, while also tackling the underlying causes of migration;
25. calls for fostering entrepreneurship by enlarging avenues for migration into the EU for the creation of businesses and start-ups and by facilitating permits for establishing businesses by third-country nationals; points to the potential of local and regional authorities for providing guidance and connecting newcomers to local businesses and to the need to support such initiatives by sustained support through EU funding;
26. points out the need for promoting a culture of tolerance by raising intercultural awareness and constructing a shared sense of belonging;
27. suggests strengthening the multi-actor governance of migration, providing support to greater cooperation between regional authorities and civil society in managing migration, diversity and inclusion, enhancing dialogue and cooperation on migration, and building a truly comprehensive approach to address it in all its dimensions, in full respect for human rights.

Brussels, 30 November 2022.

*The President
of the European Committee of the Regions*

Vasco ALVES CORDEIRO
