



# EMN SPANISH PRESIDENCY CONFERENCE

## Shaping the future of EU legal migration: where are we and where do we want to go?

16-17 November 2023

### CONCEPT NOTE

## 1. RATIONALE AND AIMS

The European Union and its Member States face complex challenges that need to be addressed in the medium and long-term, notably an ageing population and a shrinking workforce. By 2070, the size of the working-age population will decline from about 65% in 2019 to between 56% and 54% of the total EU population in the EU27. At the same time, EU employers are already now facing labour shortages in many professions. For instance, extensive shortages in professions linked to the green and digital transition are likely to continue increasing the pressure on labour markets, and represent a serious challenge for EU businesses and governments.

Legal migration is part of the solution, with migrant workers account for a significant portion of new jobs in the EU. The COVID-19 pandemic showed that as many as 13% of key workers performing essential functions – from nurses to drivers – are migrants.

Additionally, legal migration is key to foster a truly comprehensive approach to the management of migration, as also acknowledged by the New Pact on Migration and Asylum and the ensuing Skills and Talent Package. By incentivising potential economic migrants to come to the EU through legal channels, irregular migration pressure is set to reduce.

The design and implementation of labour migration initiatives can only be effective by ensuring an adequate match between supply and demand, for which the role of the countries of origin and transit is paramount. Cooperation based on political dialogue and mutual trust is key for establishing solid institutional relations on which basis to identify common needs and create joint frameworks for action, jointly implemented and periodically reviewed. Cooperation in identifying needs and joint actions in the area of legal migration can also ensure more coherence between the internal and external dimensions of migration policies. By offering effective legal pathways, we can provide concrete options for potential economic migrants and indirectly contribute to the decrease of irregular migration.

In addition to cooperation with countries of origin, the role of businesses is essential to ensure the effectiveness and sustainability of labour migration projects and pathways. Today more than ever, talent comes in the form of different degrees of qualification, and academic knowledge is complemented by other skills and competences that are increasingly in demand.

In this regard, on 27 April 2022, the Commission published a communication on attracting skills and talent, proposing three pillars of action to establish an ambitious and sustainable approach to EU legal migration: policy, legislative, and operational measures.

In the context of the European Year of Skills, the aim of this conference is to discuss the opportunities and challenges we face in organising legal and orderly migration that can: a) take into account the proper level of third-country nationals' skills, matching their qualifications and professional background; b) make Europe a more attractive and competitive labour market from both an economic and social perspective. To this end, the EU needs to capitalise on the lessons learnt after the pandemic and encourage more and better synergies among all actors involved. The event will be organised one year and a half after the adoption of the Skills and Talent Package and the day after the planned adoption, by the European Commission, of the EU Talent Pool legislative proposal. This will therefore be a key moment to reflect on the progress made so far, bring key players together at high level to re-confirm and set a longer-term vision on legal migration policies.

Recently, the concept of complementary labour pathways for people in need of international protection has gained momentum. This win-win approach can help address labour shortages in the receiving States and at the same time, offer solutions to skilled people in need of international protection. Several EU-funded projects are promoting these innovative legal pathways for refugees, and a number of Member States are starting to implement pilot initiatives. At global level, refugee labour pathways are gaining traction and more and more States and stakeholders are now promoting and implementing complementary labour pathways.

In the context of its priorities, the Spanish Presidency wants to launch discussions at highest level. The first day will be attended by the highest representatives of the European institutions, national authorities from both EU and non-EU countries, businesses and trade unions as well as civil society organisations and other key stakeholders.

The second day, at expert level, will focus on analysing some of the innovative measures adopted at national level by different States, as well as proposals at EU level.

Finally, there will be a discussion on how to identify what exists in various sectors of the economy and what measures can contribute to their development and sustainability. To this end, a number of sectors have been selected which are characterised by different types of shortages: long-term care, transport, construction sector.

## 2. AGENDA

Please find below an outline of each panel along with questions that have been prepared for the moderated discussion.

### DAY 1: 16 NOVEMBER 2023

#### HIGH-LEVEL SESSION 1: EUROPEAN LABOUR MIGRATION POLICIES TO FACE THE DIFFERENT CHALLENGES

Labour shortages, an ageing population, the green and digital transitions, and the need for adequate training of workers are some of the main challenges the EU is currently facing. These are having a strong impact on our labour markets and therefore also on our economy. They increase the pressure on labour markets, potentially undermining competitiveness and economic growth.

At the same time, there is a need to maximise and offer effective legal pathways so that potential economic migrants are given the opportunity to come to the EU through legal channels rather than opting for irregular routes.

In order to tackle these challenges, it is necessary, from a migration perspective, to:

- improve the matching between job seekers from third countries who are interested in migrating to the EU and the demands of employers;
- ensure a holistic approach and complementarities between migration policies and other areas (healthcare, trade, economy, etc.);
- streamline administrative procedures, notably with fast-track options;
- promote intra-EU mobility for third-country nationals to make the EU a more attractive destination;
- put in place tools and information exchange systems that allow migration authorities to process permits through swift and secure consultations with their counterparts in other Member States;
- promote existing legal pathways and related channels through objective, up-to-date and accessible information.

In short, the objective should be to design, at EU level, the instruments, tools and mechanisms that contribute to establishing, in the medium and long term, a European labour market able to compete with other geographical areas and labour destinations. At the same time, it is also important to incorporate into the applicable legal framework the necessary guarantees so that migrant workers can carry out their work in decent conditions, are protected against exploitation and have all the information and legal tools they need to defend their rights.

A reflection is needed on the challenges we face, on whether the measures being adopted at national and EU level are sufficient or, on the contrary, whether it is necessary to consider other tools and initiatives, both legislative and non-legislative, in order to address these challenges.

The EU Talent Pool will already provide a useful tool, at EU level, that can maximise the ongoing efforts of Member States to attract jobseekers from third countries, of all skills levels, and connect them with European employers.

The aim of this session is to reflect on the role of labour migration in the current EU and global context. This will be the starting point for the discussions, where high-level speakers

(Commissioners, Ministers, Members of the European Parliament, etc.) will present the recent developments (legislative and policy-oriented) at EU/national level and shed light on future perspectives for labour migration to the EU. The views of economic and social partners as well as employers will also be given due regard.

Therefore, during this first high-level session, the objective will be to analyse and provide answers to some of the following questions:

- *Taking account the different challenges facing the EU, without being the main solution, how can migration policy contribute effectively to addressing these challenges?*
- *In view of the strategic importance of migration and its positive effects, how can we communicate to society the opportunities arising from orderly and safe migration management?*
- What should be the role of the social partners and the private sector in the design and implementation of legal migration policies? How can they be further involved?
- *How can migrants be better protected from exploitation and irregular work?*

## **HIGH-LEVEL SESSION 2: THE EXTERNAL DIMENSION OF LABOUR MIGRATION POLICIES - TOOLS AND GOOD PRACTICES**

One of the fundamental objectives of the EU is to have a comprehensive, forward-looking European migration policy based on cooperation and solidarity.

In this context, the external dimension of migration is key. Establishing balanced relations with non-EU partner countries to manage migration is essential. Knowing, understanding and listening to the needs and concerns of our partners is key to establish effective cooperation.

The Commission, in the Skills and Talent Package, announced the development of Talent Partnerships. The EU Talent Pool will contribute to this effort.

Talent Partnerships aim to establish a framework for closer cooperation between EU Member States and non-EU partner countries on labour mobility in all its dimensions, thus allowing the EU to respond to the needs of all actors involved and to complement and coordinate the bilateral actions taken forward by the Member States.

To this end, we must analyse at first hand the needs of the countries of origin and destination, the needs of companies and migrants in these countries and in the EU, identify whether there are training needs and how to address them, develop effective joint selection processes, with the goal of being able to design schemes that are beneficial to all parties involved.

Talent Partnerships have been launched so far with Morocco, Tunisia, Egypt, Bangladesh and Pakistan, under the steer of the Commission. The Spanish Presidency would additionally like to initiate a discussion on how Talent Partnerships could be expanded to different geographical areas and countries that, because of their relations with the EU and their workforce, are suitable for this initiative.

One of the key issues is the training of potential candidates. Employers and government authorities need assurances about the qualifications and competences of potential employees. Hence, streamlining the procedures for the recognition of qualifications is key in the design and implementation of Talent Partnerships.

The recognition of qualifications must be complemented by training. This is because a minimum level of training or specific compulsory training, such as occupational risk prevention courses, are required for certain occupations. For sectors requiring highly skilled workers, it may be necessary or advisable for them to acquire work experience in companies or to receive other training prior to employment.

To this end, in the framework of cooperation with third countries, it is possible to support training in situ, either by taking advantage of the systems of the countries of origin themselves, adapting them to the European needs, or by creating ad hoc trainings.

Investing in skills development in third countries also helps to prevent brain drain in countries of origin, which is a crucial problem. In this context, it is also necessary to look for appropriate formulas to encourage the subsequent return of migrants to their country of origin, thus contributing to the development of their countries by transferring the experience acquired in European companies.

In short, this high-level panel discussion aims to focus on the perspective of key partner countries concerning legal migration policies and initiatives, taking stock and sharing widely the progress made with the launch of Talent Partnerships so far, and shedding light on how these partnerships will be taken forward, including with the support of EU funding through both the AMIF and NDICI Global-Europe programmes. This will be the occasion to hear the views of partner countries on how they see Talent Partnerships evolving over time and how the EU Talent Pool could support the process.

To this end, the following issues will be addressed:

- *What are the key issues and good practices that would strengthen the external dimension of migration and more specifically the collaboration with partner countries on labour migration?*
- *From your point of view, what are the key elements to be considered when it comes to boosting Talent partnerships? What measures could be taken to promote effective training of workers?*
- *How can the role of employers be strengthened in the context of cooperation Partnership and how can tools as the EU Talent Pool help in this regard? How can they be effectively involved to achieve an adequate matching between their needs and the candidates and ensure sustainable and solid labour mobility systems in the medium and long term?*

### **HIGH-LEVEL SESSION 3: COMPLEMENTARY LABOUR PATHWAYS**

This session aims to highlight recent initiatives and progress made as regards complementary pathways linked to work for people in need of international protection.

The European Union and its international partners are at the forefront of global efforts to address the protection needs of forcibly displaced people worldwide. Resettlement programmes are providing safe pathways to the most vulnerable refugees.

In addition, to offer long-term solutions to those in need, complementary pathways linked to work have gained momentum in recent years in the EU and at international level. The rationale behind is to provide opportunities for the ever-growing number of displaced people in need of international protection and to leverage at the same time their skills and ambitions. As complementary schemes to resettlement, these pathways enable forcibly displaced persons to access existing labour migration pathways, utilise their skills, and help address labour shortages in the receiving countries - a clear win-win approach.

The panel will provide insights from diverse stakeholders on why such complementary pathways linked to work should be expanded across the globe and how this can be done in practice. To advance, it is crucial to create the necessary frameworks, support structures and stakeholder engagement across Member States and international partners, and to involve State actors (Ministries of the Interior, Foreign Affairs, Employment) as well as the business sector, civil society and refugees themselves.

At the EU level, the 2020 Recommendation on legal pathways to protection in the EU<sup>1</sup> encourages the Member States to promote complementary pathways for people in need of international protection, in addition to resettlement and humanitarian admission schemes. EU funding was made available to promote complementary pathways under the 2020 and 2023 AMIF Union Actions Call for Proposals. The EU Talent Pool is also set to provide a platform for implementing complementary labour pathways by connecting those jobseekers declaring to be in need of international protection with interested employers.

To this end, the following issues will be addressed:

- *How can we work together to promote complementary labour pathways at global level?*
- *How can we address obstacles that forcibly displaced people may be facing when looking for job opportunities in third countries?*
- *What role for the business sector and civil society?*
- *What can we learn from existing experience and how can we move from pilot projects to large-scale, sustainable schemes?*

## **DAY 2: 17 NOVEMBER 2023**

### **EXPERT SESSION 1: PROGRESS, ACHIEVEMENTS, AND BEST PRACTICES ON LABOUR MIGRATION POLICIES**

Talking about labour migration today provides an opportunity to learn more about the different initiatives undertaken by different policy actors with different objectives:

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<sup>1</sup> Commission Recommendation (EU) 2020/1364 of 23 September 2020 on legal pathways to protection in the EU

- to complement other national policies in order to meet demands of employers in sectors where shortages are not covered by the domestic market.
- to contribute to a more competitive EU by attracting and retaining highly skilled and increasingly in-demand skilled workers in the context of the ecological and digital transitions.
- to establish closer relations with countries of origin and transit as a way to achieve better global cooperation in migration management.
- to provide countries of origin and transit with pathways based on common and commonly identified needs through actions and programmes, that incorporate increasingly important elements such as training at origin, capacity building and productive reintegration.
- to contribute to effective integration policies at national level, hand in hand with efforts carried out jointly by local authorities, civil society, State authorities and employment services among other actors.

This cannot be done outside the existing legal framework and the steps being taken to improve it, seeking an appropriate balance between the search for EU added-value and respect for the competences of the national authorities, which are always sensitive as far as the labour market is concerned.

This expert session will build upon day 1 and engage into a more detailed discussion on the main initiatives developed under the Skills and Talent Package. Experts will discuss the challenges and successes of key initiatives, e.g. the recast of the Single Permit and Long-term Residents Directives and the way forward for making them operational, the EU Talent Pool, Talent Partnerships and the role of the Labour Migration Platform. Processes around visa issuance and admission procedures, as horizontal enablers for effective legal migration, as well as the validation and recognition of skills, can also be addressed. Additionally, the timing of the event will provide the opportunity to touch upon the EU Blue Card Directive, which will have to be transposed by Member States by 18 November 2023.

To this end, the following issues will be addressed:

- *What are the main initiatives that have been developed in the framework of the Skills and Talent Package? What are the expected results?*
- *With regard to the EU legal framework, should a sectoral approach to labour migration be continued?*
- *To what extent do existing legal instruments and soft measures promote the integration of migrant workers? What further actions could be envisaged in this regard, and which actors could be further involved?*
- *What reforms are being implemented at national level? What are they intended to address? What actors are involved in practice and what has been their role in the process?*
- *How can we take inspiration from other models of labour mobility at global level? (eg Canada)*

- *Is evaluation an essential part of the implementation of migration policies? What aspects should be taken into account?*
- *How can we promote synergies between different areas (i.e. employment, migration, security, social rights, education, etc.) that are relevant for migration management? Could a global platform contribute to this?*

## **EXPERT SESSION 2: A SECTOR-WIDE VISION: LONG-TERM CARE, TRANSPORT AND CONSTRUCTION SECTORS**

The Commission's Employment and Social Developments in Europe (ESDE) 2023 report reveals that despite the impact of Russia's invasion of Ukraine resulting in an economic slowdown in the second half of 2022, EU labour markets have demonstrated remarkable resilience in 2022. The EU economy grew by 3.5% in real terms in 2022. Employment rates were at a record high at 74.6% with 213.7 million people employed in 2022, and unemployment rates at a historic low at 6.2%.

In this regard, several measures are being taken at both national and European level to increase the labour market participation of young people, women, people with disabilities and other under-represented groups. However, given the challenges facing the EU, and discussed throughout this paper, regular migration may be one way of addressing them in the short and medium term.

The main purpose of this session is to analyse the specific situation in various sectors where there are vacancies in the coming years. To this end, the possible measures that are being taken or that can be taken from a migratory point of view will be analysed.

### **LONG-TERM CARE SECTOR**

Population and workforce ageing will continue to be a challenge to providing sufficient supply of personal care workers, making it likely that shortages will persist. During the period from 2022 to 2100, the share of the population of working age is expected to decline, while older people will probably account for an increasing share of the total population: those aged 65 years or over will account for 31.3 % of the EU's population by 2100, compared with 21.1 % in 2022.

Between 2013 and 2022, the healthcare sector in Europe added a net 3 million jobs<sup>2</sup>. The employment rates in this sector grew by 16%, double the average growth rate of employment across the whole EU economy. The majority of jobs were created in four countries: France, Germany, the Netherlands and Spain, which accounted for 58% of total job creation in the sector.

Despite the growth in net employment, current forecasts predict a shortage of labour in the sector in the medium and long term. The shortage of healthcare workforce is a global phenomenon, with a shortfall of around 10 million workers predicted by 2030 (WHO, 2022). The persistence and growth of labour shortages in the sector reflects, on the one hand, structural challenges related to an ageing population and workforce, skills shortages and mismatches and challenging working conditions and,

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<sup>2</sup> [Eurofound \(2021\), Tackling labour shortages in EU Member States.](#)



on the other hand, the impact of cyclical factors and the COVID-19 pandemic, which put an enormous strain on healthcare workers.

Several Member States are adopting national strategies to address this situation by improving working conditions to facilitate recruitment and attract third-country nationals. The European Commission published in 2022 its European Care Strategy<sup>3</sup> to ensure quality, affordable and accessible care services throughout the EU and improve the situation of both carers (professional or informal) and care beneficiaries. This Communication underlines that sustainable and legal pathways for migration from non-EU countries to work in the care sector could provide an opportunity both for migrant care workers to start a career in the EU, and for EU countries to help meet their demand for jobs.

## **TRANSPORT SECTOR**

The transport is fundamental for a working economy, and has become especially prevalent in our society. The transport sector however is suffering from notable labour shortages, with many vacancies unfilled in the EU.<sup>4</sup> An International Road Transport Union's (IRU)<sup>5</sup> report shows that truck, bus and coach driver shortages in Europe are increasing, fuelled by increased transport demand and an ageing driver population.

The growing imbalance between retiring and new drivers is set to triple the rate of unfilled truck driver positions, to over 60% by 2026, and increase by more than five-fold for bus and coach drivers, to almost 50% by 2026.

The report assesses six countries representing two thirds of Europe's total road freight sector, and four countries for passenger transport, representing 28% of the total.

## **CONSTRUCTION INDUSTRY**

The construction industry employs [13 million people in EU27](#), which accounts for 29,8% of total industrial employment, and the sector is a major driver of economic development which generates 11,1% of the GDP of these countries. This industry answers to a wide range of social and economic challenges, such as digitalisation, design and construction of buildings and infrastructures, renovation and demolition, employment growth, waste, recycling, the environment, and climate change.<sup>6</sup>

The actual development trend in the construction industry is known as the era of Construction 4.0, which generally refers to the architecture, engineering, construction, and facility management industry. Implementation of information technologies will change the management of construction projects due to increased automation of operations. However, the construction industry is still and will be for the foreseeable future highly dependent on a skilled and unskilled workforce. The

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<sup>3</sup> [EUR-Lex - 52022DC0440 - EN - EUR-Lex \(europa.eu\)](#)

<sup>4</sup> [ela-framework-action-road-transport-2022.pdf \(europa.eu\)](#)

<sup>5</sup> [Europe driver shortage to triple by 2026 if no action: new IRU report | IRU | World Road Transport Organisation](#)

<sup>6</sup> <https://build-up.ec.europa.eu/en/resources-and-tools/articles/overview-article-fostering-demand-skilled-labour-force-construction>

construction sector needs low, medium, and highly skilled persons and is one of the likely sectors in which many incoming migrants will be working.

For all the above, this panel intends to address the following issues in this session:

- *What is the current situation in the long-term care, transport and construction sectors? What are the reasons for increasing labour shortages in these sectors and how could the situation be improved?*
- *In general, what difficulties do employers encounter in recruiting national workers? And to what extent are these difficulties reproduced - and increased - with regard to third-country workers?*
- *What concrete measures could favour international recruitment and a more efficient hiring process, especially for SMEs? How do you see the EU Talent Pool contributing to this?*
- *How could overall recruitment and immigration procedures in these sectors be streamlined and simplified?*
- *What aspects need to be taken into account to guarantee the rights of migrant workers in these sectors?*
- *To what extent are national labour recruitment schemes and tools functioning and prepared to address long-term needs, especially in the most critical sectors?*
- *Are there examples of good practice that can be extrapolated across Member States?*
- *Would it be necessary to activate further European solutions to face the existing labour needs on these sectors? What legislative and non-legislative tools might be needed to meet the challenges ahead?*