



**Brussels, 21 November 2023  
(OR. en)**

**15533/23**

**LIMITE**

**JAI 1492  
MIGR 394  
ASIM 101  
RELEX 1326  
SOC 814  
EMPL 585**

**NOTE**

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From: Presidency  
To: Working Party on External Aspects of Asylum and Migration  
Subject: New legal pathways: Labour migration  
- Discussion paper

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**1. Context**

A recent Eurobarometer survey shows that skills shortages are one of the most serious problems for small and medium-sized enterprises (SMEs) in the EU. The challenge of skills shortages has grown over the years and now impacts all EU Member States and all sectors of the economy. Demographic changes in Europe – and an ageing population and a shrinking work force – will further exacerbate labour shortages and the race for skills and talent.

According to the OECD<sup>1</sup>, the vast majority of its partner countries are facing demographic challenges or will do so in the near future. The baby boom generation is now retiring and there will not be enough workers – or at least not enough with the right skills – to replace them. The OECD's analysis has estimated that, in a hypothetical absence of migration, the EU27 would lose 87 million people of working age (-27%) between 2010 and 2050. Responding to a call from the June European Council, on 11 October the Commission adopted a demography toolbox, which highlights that managed legal migration should be part of comprehensive approach to demographic change.

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<sup>1</sup> OECD International Migration Outlook, 2021: The fiscal impact of immigration in OECD countries since the mid-2000s.

The digital and green transitions that we face will have profound effects on labour markets around the world and are about to significantly reshape labour market needs. It will simply not be possible to fill all vacant jobs on the European job market from within the European workforce. Thus, regular labour migration is essential for a healthy business sector, which in turn is crucial to achieving a strong EU economy. The current shortage of ICT professionals in Europe is estimated at 0.5 million and is expected to grow. SMEs, in particular, face recruitment challenges. Such professionals are needed not only in the ICT sector itself, but also in many others, due to the increasing and widespread importance of digital know-how.

In the context of climate change adaptation, it is important to ensure that migrant workers are equipped with skills that facilitate a just transition to the green economy. There is a need to promote youth empowerment and diaspora engagement in this transition, invest in green skills for young people and create decent jobs for them in countries of origin.

These data underline the importance of changing policy frameworks to adapt to the needs of the labour market.

Consequently, more attention must be paid to expanding legal migration channels, making Europe an attractive place to work for third-country nationals with the skills and talents needed in Europe for our economies to thrive. Opening legal migration pathways to Europe will also contribute to reducing irregular migration flows. Measures to mobilise the domestic workforce through reskilling and upskilling initiatives, activating groups with lower labour market participation and promoting intra-EU mobility should be a top priority.

## 2. EU action

The European Union recently presented a series of proposals to address rising labour shortages in Europe, maximise the potential of its workforce and open legal pathways to attract skills and talent from third countries for sectors particularly affected by labour shortages. The Commission's Skills and Talent Mobility Package, presented on 15 November, is intended to be a response to the deep-rooted shifts in our societies, technology and demography.

- The Commission proposal for an EU Talent Pool aims at making it easier for European companies to recruit from abroad. It is a voluntary, digital tool to connect third-country job seekers with European employers. The EU Talent Pool is also supposed to support the implementation of the Talent Partnerships under the New Pact on Migration and Asylum.
- The Package also proposes ways and means to make the recognition of qualifications gained in third countries easier and faster, something which plays a key role in attracting talent and facilitating recruitment.
- Finally, the Package offers recommendations to promote learning mobility as an integral part of all education and training pathways in Europe.

These proposals follow a series of measures and initiatives at EU level to open legal migration pathways and foster the development of skills, in addition to the bilateral initiatives of individual EU Member States.

Objective 3 of the EU Trust Fund for Africa ('Improving migration management in countries of origin, transit and destination'), and priority area 2 of the Valletta Action Plan ('legal migration and mobility'), as well as the Communication on the implementation of the European Agenda on Migration, identified legal migration channels with third countries through pilot initiatives as a strategy to achieve concrete results.

As indicated in Action 9 of Objective 3 of the Cadiz Action Plan (Rabat Process), identifying good practices and success factors can guide the development of appropriate policies and support inter-regional and intra-regional mobility, including the promotion of circular migration to provide work experience for young people and women from Africa in European countries.

- In 2020, the European Commission updated the Skills Agenda for Europe and presented the **New Pact on Migration and Asylum** based on an encompassing and more strategic approach to migration and mobility aimed at better attracting and retaining talent.
- Different EU Member States have designed special programmes to attract talent, from essential workers to foreign students with graduate degrees in occupations with national skills gaps, such as STEM (science, technology, engineering, and mathematics) fields or innovative programmes such as the nomad visa<sup>2</sup>. In addition, there has been a focus on addressing significant delays in digitisation and in streamlining government processes.
- Trusting relationships and setting up working mechanisms between countries of origin and destination to identify sectors and needs are key to facilitating legal pathways. The **Migration Partnership Facility (MPF)** managed by DG HOME and implemented by ICMPD, functions as an important instrument to strengthen cooperation between EU Member States and partner countries, in line with the New Pact on Migration and Asylum. It currently supports labour mobility pilot projects, such as the Belgium-Senegal Business Mobility Pilot Project (PEM-WECCO) and the Morocco-Spain project for the mobility of women as rural agents (WAFIRA).
- The **THAMM programme** (2019-2025) is also an example of good practice, as it addresses labour migration in a holistic manner, strengthening labour migration governance in the region and setting-up mobility schemes from Morocco, Tunisia and Egypt to Europe. THAMM's second phase – 'EU support to legal migration, mobility and skills partnerships with North of African countries' (THAMM+) – will aim at scaling up existing schemes to mobilities approaches, while continuing to develop evidence-based policy tools and institutional frameworks in the field of labour migration.

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<sup>2</sup> A nomad visa (also called 'digital nomad visa') is a category of visa that enables individuals to engage in remote work for a country other than the one in which they are currently residing. Digital nomad visas offer the advantage of temporary residency in another country while working and fulfilling tax obligations in one's home country. Some EU Member States have implemented digital nomad visa programs, each with its own rules regarding the application process and other requirements.

- In 2022 the European Commission launched the **Skills and Talent Package** in order to attract the talent that our labour markets need. Within this framework, it provided key steps to make Talent Partnerships operational and identified key partner countries.
- Talent Partnerships aim to strengthen cooperation between the EU, the Member States and partner countries and to boost international labour mobility and development of talent in a mutually beneficial and circular way. By pooling the efforts of the EU and its Member States and supporting actions requiring considerable investments (e.g. skills development), they can achieve economies of scale and engage key partner countries strategically in all areas of migration management. Talent Partnership Roundtables with Morocco, Tunisia, Egypt, Bangladesh and Pakistan have been organised in recent months. Key objectives were discussed and agreed in the form of Conclusions. These Partnerships are now moving towards implementation.
- On 15 November, the European Commission adopted a new package on skills and talent mobility. It includes a proposal for a new EU Talent Pool to facilitate matching employers in the EU with jobseekers in third countries as well as measures to promote the recognition of qualifications and learners' mobility. The EU Talent Pool proposal features a list of 42 EU-wide shortage occupations, which covers a wide variety of sectors and all skill levels. It is a voluntary tool for Member States offering additional support at EU level in the context of international recruitment. The online platform will bring together job vacancies of employers established in the Union and the profiles of jobseekers from third countries who are residing outside of the Union. The tool will also be open to those in need of protection who are displaced in a third country, with a view to contributing to the operationalisation of complementary pathways. In addition, the EU Talent Pool will also support the implementation of the Talent Partnerships by enabling effective job placements for third-country nationals participating in these partnerships. The package stresses the importance of cooperation with third countries and refers to measures to strengthen Talent Partnerships. It is a key deliverable of the European Year of Skills.

In the Western Hemisphere, other initiatives of relevance can be found as regards complementary pathways for labour migration. For example, the US-sponsored (and IOM- and UNHCR-driven) Safe Mobility Offices (SMOs) in Guatemala, Colombia, Costa Rica and Ecuador – which could be expanded to other Latin American countries – are formally intended to facilitate access to legal migration channels, family reunification and access to temporary work visas for migrants who want to reach the US or third countries including Spain.

Nevertheless, governance gaps persist in many migration corridors, such as restrictive migration frameworks and a lack of regular or safe pathways, both of which force migrant workers to enter the informal economy or take irregular routes. On the other hand, there is a need to promote circular mobility and offer reintegration assistance in countries of origin to avoid brain drain and create the conditions for ‘brain gain’ through cooperation in the field of labour migration.

There is a lot of focus on attracting highly skilled workers, but labour shortages in the EU are not limited to that group. Agriculture, health and long-term care, and ICT are the fields where the need for labour has been most prominently identified at the onset of the pandemic. They represent a combination of regulated and unregulated sectors, with both high- and low-skills jobs.

Moreover, it is essential to promote and facilitate the rapid recognition of skills, qualifications and work experience, through appropriate and innovative instruments from which migrants and countries of origin and destination can benefit. There is still much room for improvement in this area, especially in the development of standards. In 2019, around 48% of highly skilled migrants were working in low- or medium-skill jobs, compared to only 20% of EU citizens. The new Commission proposal on the recognition of third-country qualifications addresses this issue.

Finally, while working on the abovementioned aspects, it is important to develop tools to address partner countries’ concerns regarding the depletion of trained labour force in their labour markets. Cooperation on skills development in countries of origin and promoting circular migration can be a means to address risks of brain drain, as recognised in the concept of Talent Partnerships. It should also be stressed that labour migration cooperation can produce significant benefits for countries of origin. According to Eurostat, the annual remittance flow from the EU to low- and middle-income countries is at approximately EUR 5 billion.

### 3. Gender perspective

Figures by sector show that 66.2% of migrant workers work in services, 26.7% in industry and 7.1% in agriculture. It is important to note that there are substantial gender differences within sectors. For women, 79.9% work in the tertiary sector, 14.2% in the secondary sector and 5.9% in the primary sector. The SDGs address the evolution of labour mobility and recognise the increasing feminisation of migration by highlighting the need to protect migrant domestic workers (8.8 and 5.4). There are approximately 11.5 million migrant domestic workers worldwide, of whom almost 75% are women.

The importance of care work in an ageing world is growing, and migrant workers, especially women, provide an increasing proportion of this care. Yet despite the importance of these jobs, they remain poorly paid, undervalued and insecure. Also, regular migration pathways in these sectors are limited. Greater attention needs to be paid to rights-based and gender-sensitive pathways for these workers, as well as care options for women workers. Furthermore, the impact of COVID-19 appears to have intensified already existing vulnerabilities. Skills development policies can and should therefore promote a gender-sensitive approach, taking into account the specific challenges that women face in accessing decent work opportunities.

Both long-term care work and domestic work are high-risk sectors as regards trafficking in human beings. Within the EU, labour exploitation has increased in recent years and now represents 29% of all victims of trafficking. However, many victims of trafficking for labour exploitation still remain undetected. While non-EU victims can be smuggled into the EU, a number of them reach the EU regularly, sometimes pursuing apparently legitimate job offers, and, once in the EU, fall into the hands of traffickers.

The Presidency has prepared the following discussion questions intended to steer the discussion on the way forward:

1. *What are the ways and conditions that the EU and EU Member States should take into account in order to make the opening of new channels for regular migration a reality?*
2. *How can we operationally develop Talent Partnerships? Should we establish a prior list of types of work that could be included? Who would be a good partner institution to identify strong third-country candidates to engage in Talent Partnerships in a specific sector? How can cooperation under Talent Partnerships facilitate the recognition of qualifications and validation of skills of third-country nationals? How can Member States strengthen their commitment to engage with key partner countries so as to ensure a higher level of ambition of the initiative?*
3. *What is your assessment of the proposed EU Talent Pool and its usefulness to your national labour market?*
4. *How can we make the most of the possibilities offered by Commission financial instruments such as AMIF, NDICI and MPF?*