

Legal pathways for migrants and refugees towards the EU

8th EMN Educational Seminar on Migration "Migration in a Multilateral World", IOM Slovakia

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26 August 2021

More? [Inaugural Lecture Tesseltje de Lange 2 July 2021 - YouTube](#)

INTRA-EU MOBILITY of EU CITIZENS AND TCN THROUGH POSTING

TCN LEGAL MIGRATION BASED ON EU MIGRATION LAW

TCN ASYLUM BASED ON EU ASYLUM LAW

EU MS NATIONAL MIGRATION LAW



TFEU TITLE IV FREE MOVEMENT OF PERSONS, SERVICES AND CAPITAL

TFEU TITLE V AREA OF FREEDOM, SECURITY AND JUSTICE

Labour migration:
Art. 79(5) volumes of admission

- Reception Conditions Directive
- Qualification Directive
- Asylum, Migration and Integration Fund (AMIF) Regulation (resettlement)
- New Pact on Migration and Asylum: fast-track (highly-skilled) refugees into intra-EU mobility for work

- Labour migration as part of labour market policies (demand)
- Points based systems (supply)
- Pilot projects
- Skilled migration for displaced persons
- Labour migration from certain regions
- Regularisations.



TCN LEGAL MIGRATION BASED ON EU MIGRATION LAW = patchwork

The Students &
Researchers Directive

Central Themes, Problem Issues
and Implementation in Selected
Member States

Tesseltje de Lange & Paul Minderhoud (eds)

The Single Permit
Directive:
Central Themes
and
Problem Issues

Paul Minderhoud & Tineke Strik (eds)

The Intra Corporate
Transferee Directive

Central Themes, Problem Issues and
Implementation in Selected
Member States

Paul Minderhoud & Tesseltje de Lange (eds)

FAMILY REUNIFICATION DIRECTIVE 2003/86

STUDENTS, RESEARCHERS & TRAINEES DIRECTIVE 2016/801

BLUE CARD DIRECTIVE + RECAST 2009/50 + 2021/?

INTRA-CORPORATE TRANSFER DIRECTIVE 2014/66

SEASONAL WORKERS DIRECTIVE 2014/36

SINGLE PERMIT DIRECTIVE 2011/98

LONG-TERM RESIDENTS DIRECTIVE 2003/109

Functioning of the patchwork in practice?

References to the CJEU 2008-2020

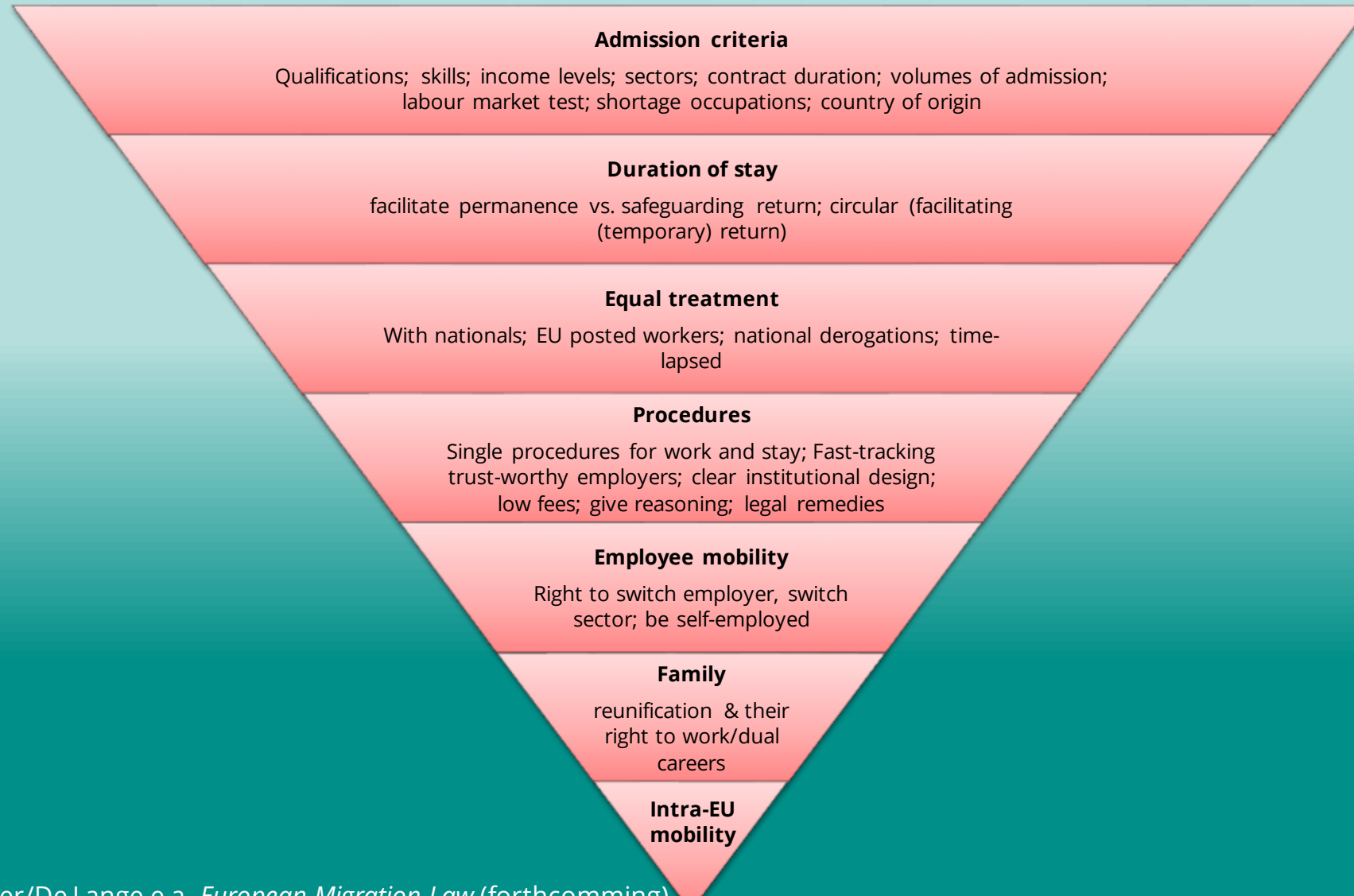
Directive	Year of first reference	Total number of references	Member state of origin of reference
Family Reunification Directive 2003/86/EC	2008	22	NL 10x BE 4x DE 3x AT/FI/HU/ES/SE 1x
Long-Term Residents Directive 2003/109/EC	2010	23	ES 9x IT ¹⁶ /NL 5x AT 3x BE/FR 1x
Students Directive 2004/114/EC	2011	3	DE 2x AT 1x
Students and Researchers Directive 2016/801	/	/	/
Blue Card Directive 2009/50/EC	/	/	/
Single Permit Directive 2011/98/EU	2016	2	IT 2x
Seasonal Workers Directive 2014/36/EU	/	/	/
Directive on intra-corporate transferees 2014/66/EU	/	/	/
TOTAL		50	

Source: Authors' calculations based on *Centre for Migration Law*¹⁷



Further reading: De Lange/Groenendijk (2021) *The EU's legal migration acquis: Patching up the patchwork*, EPC Issue Paper

“Pyramid of Labour Migration related Legislative choices”



Source: Den Heijer/De Lange e.a. *European Migration Law* (forthcomming)

Future-proof 'new' narratives for EU migration policy towards 2030?

I. Demographic changes

- EC: Engaging already present TCN (refugees, students) is not enough....EU is losing battle for brains

II. Sustainable Development Goals & Migration 2030

- Target 10.7 SDG: "to facilitate orderly, safe, regular and *responsible* migration" [UN Global Compacts]

III. New Pact on Migration & Asylum (COM/2020/609)

- Includes Talent Partnerships/Pools in cooperation with countries of origin (triple-win)

IV. COVID-19: (practically) skilled migrants are essential workers

Response 1: Article 2 TEU

- *Struggle for Skills: requires a welcoming* migration policy for (practically) skilled workers based on human dignity*

Response 2: Article 80 TFEU

- *Creating legal pathways is a shared responsibility: it requires solidarity across-the-board though 'needs' differ per MS*

Response 3: Article 3(2) TEU

- *Sustainable development of the Earth: what (legal) implications for migration policies?*