

16 December 2022

Why Europe needs more labour migration

Purpose of this briefing paper

With this briefing paper, Caritas Europa provides an analysis on labour migration policies in Europe. It includes common challenges related to the lack of regular migration pathways for purposes of work and relative to migrants' ability to access their labour rights. It echoes our call on European policymakers to expand and facilitate labour migration and to recognise the valuable contribution that migrant workers make to our societies, while also urging to protect their rights.

1. Introduction

The topic of migration is often covered by media and policymakers under a negative prism, omitting to highlight the indispensable contribution that migrant workers bring to our economies and societies. This contribution has long existed but was made more visible during the COVID-19 pandemic when migrant workers – including undocumented migrants – performed key activities in crucial sectors, such as long-term care and agriculture. As Europe is facing challenges related to an ageing society and a shrinking labour force, it is increasingly clear that foreign workers with all types of skills – including medium and low skills – will be needed to cover current and future labour market demands.

Caritas Europa believes that, if adequately managed, migration can make a positive contribution economically, socially, culturally, and politically to the countries of origin and destination. Unfortunately, regular labour migration pathways are scarce for medium and low skilled jobs, and are often very bureaucratic, which in combination with a need/demand for workers results in fuelling irregular migration and the risk of exploiting migrant workers, particularly those with a precarious or irregular status.

This paper aims to address these concerns by reviewing the complex legal and policy framework currently in place across the EU, which covers several types of migrant workers and grants them different rights depending on the length of residence or skill level. It also includes Caritas Europa's perspective on these policies, identifying concrete challenges our members observe on the ground, as well as some promising initiatives that contribute to enabling more regular channels for purposes of work (both inside and outside the EU) and that likewise respect migrant workers' rights. This paper concludes with policy recommendations to facilitate labour migration and human mobility, while respecting migrant workers' rights and interests.

2. State of play on labour migration in Europe and challenges

2.1. Migration in a context of an ageing European society and labour shortages

Already for many years, Europe has been confronted with an **ageing society and a declining working age population**, which puts its welfare and social protection system under pressure both now and in the long term. According to Eurostat, in 2021, more than one fifth (20.8%) of the EU population was aged 65 and over. 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.¹

¹ Eurostat (2021), Population structure and ageing, https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Population_structure_and_ageing

Consequently, employers have been facing significant **labour shortages and recruitment problems due to these demographic changes which is further exacerbated by the fact that the local working age population is often unable or unwilling to take up some employment offers** due to a lack of needed skills or sub-standard working conditions (e.g., hard working conditions with low salaries or difficult working hours, often referred to as the three D's – dirty, dangerous and demeaning). According to the European Labour Authority, a total of 28 occupations, employing 14% of the EU workforce in 2020 (27 million), were classified as having shortages.² In 2022, more than 3% of all available jobs, meaning around six million jobs, remain vacant.³

This labour shortage jeopardises Europe's economy and competitiveness and affects some sectors in particular, such as tourism, hospitality, IT, health and social care, and logistics. **Labour migration, in combination with improving working conditions, can be key to remedying labour shortages, and several countries are taking measures to attract foreign workers to plug the gap.**⁴ For instance, Portugal lowered visa requirements for Portuguese-speaking countries like Brazil, Angola and Mozambique;⁵ Spain passed a law to facilitate recruitment from abroad; Slovenia increased the issuance of work permits; Germany is working on a new immigration law to fill its labour market gaps⁶; and Austria relaxed rules to access visas for labour purposes.

Reforms to facilitate labour migration in Austria and Spain

In Austria, the Red-White-Red Card⁷ that provides migrants with a fixed-term residence permit and access to the labour market was reformed in summer 2022 in order to facilitate labour migration from abroad and to simplify the procedure to obtain the card (e.g., facilitating the admission of seasonal workers and family reunification). Caritas Austria⁸ welcomed the changes, but regrets that the requirements to meet them remain high and provisions facilitating integration of migrants are missing. Caritas Austria also supports further changes announced by the Austrian government to respond to the shortage of nursing and care workers, but stresses that improved working conditions and schemes to admit foreign skilled workers should accompany the reform.

In Spain, the reform of the Regulation on foreigners (Reglamento de extranjería) that came into force on 16 August 2022 aims to respond to acute labour force needs by facilitating migrant workers' access to the labour market⁹. The process for granting work permits is made more flexible for immigrants who are in Spain in an irregular situation and people seeking employment in Spain from their country of origin. Regularisation is also accessible for migrants who have lived in Spain for two years under specific circumstances. Caritas Spain¹⁰ welcomes the reform, but regrets that it overlooks people in situations of particular vulnerability and longer-term social and labour market integration.

² ELA (2021), Report on Labour Shortages and Surpluses, <https://www.ela.europa.eu/sites/default/files/2021-12/2021%20Labour%20shortages%20%20surpluses%20report.pdf>

³ Eurostat (2022), Job vacancy statistics, https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Job_vacancy_statistics

⁴ See for instance ICMFD and Ecdpm study (2022), "Re-thinking Approaches to Labour Migration Potentials and Gaps in Four EU Member States' Migration Infrastructures", <https://ecdpm.org/work/re-thinking-approaches-labour-migration-potentials-and-gaps-four-eu-member-states-migration-infrastructures>

⁵ Euractiv (2022), "Labour shortages felt all over Europe", 26 September 2022, <https://www.euractiv.com/section/politics/news/labour-shortages-felt-all-over-europe/>

⁶ DW (2022), "Germany and immigration: Will the planned reforms help?", 29 November 2022, <https://www.dw.com/en/germany-and-immigration-will-the-planned-reforms-help/a-63925044>

⁷ Austrian government website, Criteria-based Immigration to Austria - Red-White-Red Card, <https://www.migration.gv.at/en/types-of-immigration/permanent-immigration/>

⁸ <https://www.parlament.gv.at/PtWeb/api/s3serv/file/d9d2312f-d443-423c-937d-fd0546e977d0>

⁹ European Commission (2022), "Spain: Government adapts immigration law to include migrant workers in the labour market", 5 September 2022, https://ec.europa.eu/migrant-integration/news/spain-government-adapts-immigration-law-include-migrant-workers-labour-market_en

¹⁰ <https://redacoge.org/reglamento-de-extranjeria-una-reforma-necesaria-aunque-limitada/>

Labour shortages in the health and care sector (including live-in, home care and institutional care facilities) are particularly acute in a context of sub-standard working conditions and wages as well as increased needs linked to the ageing population, as it is predicted that 38.1 million people in the EU will need long-term care in 2050, 23.5% more than in 2019.¹¹ Despite such acute needs, **Member States struggle to attract and retain long-term care workers**. Up to seven million job openings for health associate professionals and personal care workers are expected to emerge by 2030 and will be only partly covered by the EU labour market.¹² **The health and care sector already relies heavily on migrant workers**. In 2018, almost 2 million among 14.2 million individual health and long-term care workers were foreign-born, either from another EU Member State (693,700) or from outside the EU (1.3 million).¹³

Not surprisingly, the European Commission attempted in April 2022 to bring greater focus on the need to attract migrant workers to the EU (including to cover the labour needs in the care sector) by proposing several legislative reforms and mobility partnerships with non-EU countries. An EU Talent Pool, for instance, is in preparation to match aspiring migrant workers with EU labour needs. Caritas Europa also welcomes that the European Commission acknowledges in the 2022 European Care Strategy,¹⁴ the European Skills Agenda,¹⁵ and the Pact for Skills¹⁶ the **need to open regular pathways for migration from non-EU countries to enable the entry of skilled and care workers**, but stress that workers' rights should always be at the core of these efforts.¹⁷

2.2. Migrants' positive contribution to Europe's economy and beyond

According to the International Labour Organisation (ILO),¹⁸ **migrant workers make up a substantial proportion of the labour force** of high-income countries with migrant men constituting 18.7 % of the male labour force, while women 17.6 % of the female labour force. For many years, **migrant workers have played a significant role in filling jobs and contributing positively to the EU's economy**. According to research from 2020,¹⁹ 13% of key workers in, for instance, agriculture, education, health, care, cleaning, etc. in the EU were immigrants. If only considering less skilled sectors with more difficult working conditions, such as cleaning or the food industry, this percentage increases to 33%.

COVID-19 has made more visible the indispensable contribution migrants make to our economies and societies, which is too often not acknowledged. During the pandemic, migrants played a vital role in keeping supermarkets, public transport, personal care and hospitals open and functioning, all sectors that already faced labour shortages before the pandemic.²⁰ Research shows that in 25 OECD (Organisation for Economic Co-

¹¹ European Commission (2022), Questions and Answers: European Care Strategy, 7 September 2022, https://ec.europa.eu/commission/presscorner/detail/en/qanda_22_5168

¹² European Commission (2021), "Long-Term Care Report: Trends, challenges and opportunities in an ageing society", <https://op.europa.eu/en/publication-detail/-/publication/b39728e3-cd83-11eb-ac72-01aa75ed71a1>

¹³ European Commission (2021), Health and long-term care workforce: demographic challenges and the potential contribution of migration and digital technology, https://publications.jrc.ec.europa.eu/repository/bitstream/JRC121698/23-02-2021_health_and_longterm_care_workforce_online.pdf; Eurofound (2021), "Tackling labour shortages in EU Member States", <https://www.eurofound.europa.eu/publications/report/2021/tackling-labour-shortages-in-eu-member-states>

¹⁴ The 2022 European Care Strategy aims at providing high-quality, affordable and accessible care services with, among others, better working conditions and a work-life balance for carers in the formal and informal sector, <https://ec.europa.eu/social/main.jsp?langId=en&catId=89&furtherNews=yes&newsId=10382#navitem-relatedDocuments>

¹⁵ The European Skills Agenda is a five-year plan to help individuals and businesses develop more and better skills and to put them to use, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=COM:2020:274:FIN>

¹⁶ European Commission (2020), The Pact for Skills, <https://ec.europa.eu/social/main.jsp?langId=en&catId=1517&furtherNews=yes&newsId=9827>

¹⁷ For more information see Caritas Europa (2022) "position paper on long-term care strategy", <https://www.caritas.eu/better-quality-and-dignity-of-care/> and Caritas Europa (2022), "Analysis of the proposal for an EU Council Recommendation on long-term care", <https://www.caritas.eu/the-eu-challenge-of-long-term-care/>

¹⁸ ILO (2021), "ILO Global Estimates on International Migrant Workers", https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_808935.pdf

¹⁹ Fasani F., Mazza J. (2020), "Immigrant Key Workers: Their Contribution to Europe's COVID-19 Response", https://knowledge4policy.ec.europa.eu/sites/default/files/key_workers_covid_0423.pdf

²⁰ Caritas Europa (2020), "Why COVID-19 shows that migrants' integration in Europe is as important as ever", Euronews OpEd, 18/12/20, <https://www.euronews.com/my-europe/2020/12/18/why-covid-19-shows-that-migrants-integration-in-europe-is-as-important-as->

operation and Development) countries **immigrants contribute more in taxes and social contributions than governments spend on their social protection, health and education**. Researchers further highlight that it is important to invest in the labour market integration of recently arrived and settled migrants as these programmes have a very high fiscal return.²¹

Undocumented migrants also play a key economic role, especially in some economic sectors such as agriculture, construction, hospitality or domestic care that, regrettably, structurally depend on an undeclared workforce and undocumented migrants' labour.²² **The pandemic has brought to the fore the issue of regularisation**, which if carefully crafted and implemented, can be a pragmatic policy tool to tackle undeclared work, exploitation and labour market shortages. It can also bring in tax and social security revenues, provide social rights to migrants and foster integration. It can likewise help in responding to humanitarian concerns, evident by Portugal's swiftness in granting regularisation at the start of the COVID-19 to ensure a portion of the undocumented migrants would have access to healthcare and benefits. Caritas Europa therefore welcomes that in the European Care Strategy Communication,²³ **the European Commission acknowledges that "pathways to regularise the employment status of undeclared workers and non-EU nationals could provide opportunities for currently undeclared and migrant workers to officially work in the care sector, while helping to address gaps in the labour market"**.

For Caritas Europa, **migration can positively contribute to the care sector, and the economy in general**, if labour migration policies comply with ethical recruitment practices, offer quality jobs, decent working conditions and wages,²⁴ and take into consideration the negative impact of brain drain, or in this case "care drain", a phenomenon when large numbers of educated and skilled people leave their own country to live and work in another country where pay and conditions are better. **The positive contribution of migration to our society – economically but also socially, culturally, etc.**²⁵ – **has always been part of Europe's DNA and history and can also be beneficial to the countries of origin** as we demonstrated in our Common Home publication.²⁶ Facilitating mobility can enhance the positive contribution of migration, an objective to which states committed to in the UN's Global Compact for Safe, Orderly and Regular Migration (the so-called global compact on migration).²⁷

There is a growing consensus among academics and practitioners²⁸ about the need to **facilitate regular labour migration to the EU for all skills – including low and medium skills – and improve labour inclusion and intra-EU mobility for migrants already in the EU**. Nevertheless, while the EU is in fact one single labour market, it is ultimately the responsibility of EU countries to decide on the number of people admitted on their territory and under which conditions. Despite the definite need for more migrant workers in Europe, many Member States

ever-view; Caritas Europa (2020), "Time to recognise migrants' contribution to Covid-19 response", Euractiv OpEd, 30/06/20, <https://www.euractiv.com/section/non-discrimination/opinion/time-to-recognise-migrants-contribution-to-covid-19-response/>

²¹ OECD (2021), "International Migration Outlook 2021", <https://www.oecd-ilibrary.org/sites/29f23e9d-en/index.html?itemId=/content/publication/29f23e9d-en&csp=a9da7d4f182770aaa63ad86232529333&itemIGO=oecd&itemContentType=book>

²² Caritas Europa (2020), "Undocumented workers are Covid-19 'elephant in room'", EU Observer OpEd, 27 April 2020, <https://euobserver.com/opinion/148161>

²³ European Commission (2022), staff working document accompanying the Proposal for a council recommendation on access to affordable high-quality long-term care, p.83, <https://ec.europa.eu/social/BlobServlet?docId=26018&langId=en>

²⁴ ILO defines decent work as follows: "Decent work sums up the aspirations of people in their working lives. It involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for all, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men.", <https://www.ilo.org/global/topics/decent-work/lang-en/index.htm>

²⁵ Vatican migrants and refugees section (2022), "The economic contribution of migrants to host countries", Bulletin 2022 | #4, 5 May 2022, <https://migrants-refugees.va/2022/05/05/economic-contribution-of-migrants-to-host-countries/>

²⁶ Caritas Europa (2019), "Common Home publication, Migration and Development in Europe and beyond", <https://www.caritas.eu/common-home-eu/>

²⁷ United Nations General Assembly (2018), Global Compact for Safe, Orderly and Regular Migration, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/451/99/PDF/N1845199.pdf?OpenElement>

²⁸ European Parliamentary Research Service (2021), "Legal migration policy and law. European added value assessment", [https://www.europarl.europa.eu/RegData/etudes/STUD/2021/694211/EPRS_STU\(2021\)694211_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2021/694211/EPRS_STU(2021)694211_EN.pdf)

remain stubbornly reluctant to expand regular labour migration. This is in part because migration remains a very controversial topic in many countries where migrants are negatively perceived in public opinion.

2.3. Lack of regular migration pathways to Europe

The negative perception of migration among the general public, fuelled by media disinformation, prejudice, and an instrumentalisation of the topic, has unfortunately rendered the debate about migration to be rather toxic. While **nationals from non-EU countries residing in the EU represent only 5.3% of the total population (23.7 million as of 1 January 2021)**,²⁹ people tend to overestimate their presence – a recent Eurobarometer shows that 68% of the respondents overestimated the number of non-EU nationals in proportion to the total population of their country.³⁰ In this sensitive context, **very few politicians dare to speak out to call for the expansion of regular labour migration.**

Admission to the EU is facilitated – to some extent – for highly skilled workers who are perceived as more beneficial to the economy and global competition and less problematic in terms of integration. But policymakers are more **reluctant to expand regular migration pathways for lower and medium skilled workers**, despite the important contribution they make to the labour market, as described above. **Geographical inequalities in the admission of migrant workers** have also been highlighted by PICUM, which underlines that “more first time permits for remunerated activities (highly skilled, seasonal, researchers and others) were granted by the EU 28 MS in 2018 to citizens of the USA than to the citizens of all the African countries put together”.³¹

The few **existing regular labour migration paths often target specific sectors** (e.g., agriculture, health, care, ICT) and **are marred with obstacles** which include complex and slow bureaucratic procedures for both applicants and employers, high financial requirements, slow labour test procedures with strict criteria, restricted visa policies, etc. Several countries whose economic activity depends on intensive labour forces, such as agriculture, set up annual migration quotas determining the number of workers who will be admitted to the country for a short-term period to carry out seasonal activities, such as picking fruits and vegetables for instance. However, in most countries, **the quotas and admission policies often do not meet labour needs**, which propels employers to hire undocumented migrants to fill the gap. As we highlighted in our policy paper on regularisation,³² the **mismatch between labour needs and migration policies has often led states such as Italy and Spain – pushed by the private sector – to implement regularisation schemes** to bring undocumented migrants into the formal labour market and to regulate undeclared segments of the economies.

Example of admission pathways to Europe for seasonal workers

Over 100,000 non-EU seasonal workers come to the EU every year to work in agriculture, tourism, and manufacturing. The majority of whom are admitted under the Seasonal Workers Directive, which sets out the conditions of entry and stay, and allows Member States to limit the rights and protection of seasonal workers, particularly regarding access to unemployment benefits and family benefits³³. A

²⁹ Eurostat (2022), “Migration and migrant population statistics”, https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Migration_and_migrant_population_statistics

³⁰ Eurobarometer 2022: “Integration of immigrants in the European Union”, <https://europa.eu/eurobarometer/surveys/detail/2276>

³¹ PICUM (2021), “Designing labour migration policies to promote decent work”, policy brief, pg. 15, <https://picum.org/wp-content/uploads/2021/03/Designing-labour-migration-policies-to-promote-decent-work-EN.pdf>. PICUM stresses that data on first time permits issued for remunerated activities reasons (highly skilled, seasonal, researchers and others) in the EU 28 MS in 2018, shows that citizens of the 55 countries coded as Africa account for only 5% of all permits granted (38,099).

³² Caritas Europa (2021), “Demystifying the regularisation of undocumented migrants”, policy paper, https://www.caritas.eu/wordpress/wp-content/uploads/2021/03/210326-Regularisation-of-undocumented-migrants_policy-paper.pdf

³³ EMN (2020), “Attracting and protecting the rights of seasonal workers in the EU and United Kingdom”, Synthesis Report for the EMN Study December 2020, https://home-affairs.ec.europa.eu/system/files_en?file=2020-12/00_eu_seasonal_workers_study_synthesis_report_en_1.pdf

labour market test³⁴ is often applied to determine whether the labour market situation justifies the employment of non-EU nationals. Some EU Member States have in place policies to facilitate the re-entry of seasonal workers (e.g., accelerated visa/permit application procedures, exemption from the requirements to submit certain documents.) Seasonal workers mostly originate from the EU's neighbouring countries, such as Belarus, Bosnia and Herzegovina, Moldova, North Macedonia or Ukraine, but also from further outside of Europe in the framework of bilateral agreements with non-EU countries.

Every year, **Spain publishes the “Collective Management of Hiring in Origin” programme**, regulating the conditions, requirements and characteristics of a temporary contracting regime applicable to non-EU nationals, used mostly for the agricultural sector. Most temporary workers are hired in spring and summer for red fruit collection campaigns, primarily from Morocco, and mainly women, who are deemed critical for filling open positions.

In Italy, the “Decreto Flussi” (Migrant entrances decree) establishes an annual quota for seasonal workers to enter Italy via a signed employment contract. In 2019, the quota allowed 18,000 workers coming from non-EU countries with which an agreement is in place to be employed in the agriculture and hospitality/tourism sectors. For migrants to stay regularly, they must have a residence permit linked to their employment status and job contract, the termination of which also results in a loss of regular residence status.

Beyond the negative impact on the labour market, the lack of and precarity of admission paths, with work permits that can easily be withdrawn and which risks pushing people into irregularity, is also fuelling favourable conditions for smuggling operations and the exploitation of migrant workers.³⁵

2.4. Exploitation of migrant workers

As highlighted in our Caritas CARES! Poverty Report,³⁶ **migrant workers generally face more difficult working conditions than EU workers**. They tend to be concentrated in precarious jobs with lower qualification requirements, in the informal sector, and/or often with limited access to social protection. This results in a situation of heightened vulnerability, which has been further exacerbated by the COVID-19 pandemic.

The **lack of regular migration pathways, despite clear labour demand, and the existence of large sections of the informal economy fuels irregular migration**. Because of their weak legal situation, migrants without a regular status are often ready to work for low salaries under extremely difficult conditions. They are **more vulnerable to exploitation** and are afraid to report cases of abuse to the police out of fear of deportation.³⁷

The **EU Employers Sanctions Directive** provides for minimum standards on sanctions and measures against employers of irregularly staying non-EU nationals. But the EU Fundamental Rights Agency (FRA)³⁸ and the

³⁴ According to the European Commission, a labour market test is a mechanism that aims to ensure that migrant workers are only admitted after employers have unsuccessfully searched for national workers, EU citizens (in EU Member States this also means EEA workers) or legally residing non-EU nationals with access to the labour market according to national legislation.

³⁵ Caritas Europa (2021), contribution to the public consultation carried out by the European Commission ahead of the launch of the EU action plan against migrant smuggling (2021–2025), <https://www.caritas.eu/regular-pathways-needed-to-counter-smugglings/>

³⁶ Caritas Europa (2021), “Inclusive labour markets: Ensuring no one is left behind”, CARES European report 2021, p.33–36: https://www.caritas.eu/wordpress/wp-content/uploads/2022/02/Caritas_EuropeanReport_FINAL.pdf

³⁷ PICUM (2020), “Insecure justice? Residence permits for victims of crime in Europe”, <https://picum.org/wp-content/uploads/2020/06/Residence-permits-victims-of-Crime-FULL-REPORT.pdf>

³⁸ FRA (2021), “Protecting migrants in an irregular situation from labour exploitation – Role of the Employers Sanctions Directive” <https://fra.europa.eu/en/publication/2021/employers-sanctions-against-exploitation>

European Trade Union Confederation (ETUC)³⁹ have highlighted the existence of major gaps in its implementation. These include concerns regarding complaints systems, access to compensation and residence permits for undocumented workers, and the lack of protection of workers during labour inspections, which tend to focus on immigration law enforcement. In September 2021, the European Commission published recommendations⁴⁰ urging Member States to improve the implementation of the Directive and the protection of undocumented migrant workers, but it remains to be seen to what extent these will be implemented in practice.

Migrant workers who enter the EU regularly and hold a work and residence permit are also at risk of exploitation⁴¹ due to the precarity of their residence status. They often have short-term permits with complicated procedures for renewals/extensions. The work permit is often tied to one employer, which facilitates exploitation as workers are afraid to denounce abuses since breaking an employment relationship leads to the loss of the work and residence permit, in a context in which access to justice and legal remedies is complicated and does not grant legal protection during the proceedings.

Exploitation is known to be rampant in multiple sectors vital to our economies and well-being, such as agriculture, health, care, construction and hospitality, and tends to **level down the working conditions for all workers, including the local population**. The **agri-food sector** is particularly prone to the exploitation of migrants in regular or irregular situations. The pressure imposed by supermarkets and intermediaries to lower the prices of agricultural products and food leads farmers to rely on cheap labourers who are often exploited.⁴² Systemic exploitative working conditions have been regularly highlighted in Italy and Spain, but also in Germany, the Netherlands, Poland, Sweden and the UK.⁴³ In Sweden and Finland, nearly all wild berry pickers are Thai and hired by branches of staffing agencies based in non-EU countries; therefore, these workers fall outside the scope of the EU Seasonal Workers Directive and are more vulnerable to exploitation. The problem goes beyond the issue of migration, as this relates to the broader system of food production and consumption, which needs to become more sustainable in terms of decent working conditions as well as health, environmental and economic criteria.

³⁹ ETUC (2021), "ETUC Position on the Implementation of the Employers Sanctions' Directive", <https://www.etuc.org/en/document/etuc-position-implementation-employers-sanctions-directive>

⁴⁰ European Commission (2021), "Minimum standards on sanctions and measures against employers of illegally staying third-country nationals", https://home-affairs.ec.europa.eu/minimum-standards-sanctions-and-measures-against-employers-illegally-staying-third-country-nationals_en

⁴¹ Vatican migrants and refugees' section (2022), "Exploitation of migrant workers and tools for protection", BULLETIN 2022 | #6, <https://drive.google.com/file/d/1BDjCTdhwE-bzUMq4fvOair9iZMylyDx/view>

⁴² European University institute (2018), "Is Italian agriculture a 'pull factor' for irregular migration – and, if so, why?", <https://cadmus.eui.eu/handle/1814/60950>

⁴³ OSF (2020), "Are Agri-Food Workers Only Exploited in Southern Europe? Case Studies on Migrant Labor in Germany, Netherlands, and Sweden", <https://www.opensocietyfoundations.org/publications/care-agri-food-workers-only-exploited-in-southern-europe>

Caritas Italy

The Presidio project to protect migrant workers in Italy

The Presidio Project⁴⁴, implemented by Caritas Italy since 2014, aims to build up a national system able to tackle labour exploitation and protect workers in obvious need, while also promoting an ethical supply chain through awareness-raising activities and continuous dialogue with local and national institutions. With the support of the Caritas Diocesan network in Italy, the Presidio Project is promoting a new methodology which, alongside the standard assistance models (counselling centres), also provides for "mobile centres" (caravan), thus reaching victims or potential victims of exploitation in the countryside, in spontaneous settlements and in abandoned buildings where many live in complete isolation. This new methodology is important to better listen and support the beneficiaries and improve awareness-raising and the dissemination of information. Since the Presidio Project began, it has reached 8,422 migrant workers and carried out 14,278 interventions.

Another sector reliant on cheap workers, whether declared or undeclared, and prone to exploitation is the **health and social care sector**. The social care sector is composed predominantly of women, often with a migrant background, who are typically underpaid, undervalued, and exposed to exploitative working conditions. Care workers who work in **private households as live-ins or domestic workers** (e.g., taking care of the elderly or children or cleaning houses) **are particularly at risk of exploitation** as they are working in private households which are unregulated. These workers are often not aware of their rights, are at the mercy of their employers and are unable to access justice and legal remedies in cases of abuse, in a context in which labour inspections are non-existent for the most part. In worst case scenarios, the employers may even confiscate the identification documents of the workers, leading to debt bondage. **Live-in care workers** - mobile EU migrants and non-EU nationals - **are also often more exposed to poverty and social exclusion** and have limited or no access to social insurance, the national healthcare system or to pension rights.⁴⁵

Caritas Europa's Fair Care Task Force

The development of a Fair Care Standard by Caritas organisations

Many Caritas organisations in Europe have been actively working to address exploitation in the care sector through their collaboration in Caritas Europa's Fair Care Task Force and their work on "fair care migration and mobility". The organisations involved span eastern and western European countries and are all engaged in long-term care, with a particular focus on live-in care workers. They regularly exchange experiences from the different countries, identifying challenges, promising practices, and innovative solutions, and carry out awareness-raising and advocacy at both national and European levels. The Task Force is developing a so-called Fair Care Standard for Caritas organisations to apply and uphold in their own work, if they so choose. It aims to ensure legal, fair and dignified working conditions of live-in carers, provide standards on recruitment and minimum qualifications, and offer particular support, training and professional development for mobile live-in care workers. The Standard also refers to ensuring the quality of care services provided in private households and guidance for interactions with clients. The extensive knowledge and experience of Caritas organisations, serving as both sending and receiving organisations of live-in carers, results in their

⁴⁴ <https://inmigration.caritas.it/progetti-nazionali/progetto-presidio>

⁴⁵ Caritas Europa (2021), "Inclusive labour markets: Ensuring no one is left behind", Caritas CARES European report 2021, https://www.caritas.eu/wordpress/wp-content/uploads/2022/02/Caritas_EuropeanReport_FINAL.pdf; Caritas Europe OpEd (2021) in Euractiv: <https://www.euractiv.com/section/economy-jobs/opinion/the-carers-in-our-own-homes-are-essential-workers-too/>

acute awareness of both the benefits and challenges of emigration and circular migration and the need for more upward social convergence across Europe.

The expansion of **platform workers** (e.g., food and supply deliveries, among others), involving mostly young people, many of whom are migrants, has spread rampantly, **often going hand in hand with exploitation and abusive working conditions**. There are currently 28 million platform workers in the EU, of whom 5.5 million are potentially misclassified as self-employed, and are therefore often not entitled to basic social and labour rights, such as minimum wages.⁴⁶ In many countries, undocumented migrants are overrepresented in the food delivery industry through platform work and are consequently being exploited, or scammed, by intermediaries who unscrupulously sell their rider's accounts to people desperate to work, as has been exposed in Belgium.⁴⁷ **Caritas Europa welcomed the European Commission proposal to regulate platform work** and calls for a prompt and ambitious adoption since it considers it to be an important initiative towards reducing in-work poverty and precariousness, improving the dignity of work, and achieving more upward social convergence.⁴⁸

Caritas Europa promotes decent working conditions, inclusive labour policies and the equal treatment of all. We believe that the recently created **European Labour Authority (ELA)**⁴⁹ **has an important role to play to attain this objective and tackle exploitation and undeclared work** in different sectors (e.g., agriculture, construction and domestic work) that particularly impact on migrant workers. The ELA has the mandate to ensure that EU rules on labour mobility and social security coordination are enforced in a fair and effective way. As such, it can strive to ensure that Member States better protect all workers – including migrants – through awareness raising campaigns, cooperation and capacity building tools. Importantly, it should support Member States to step up labour inspections and sanctions in case of wrongdoing to ensure that the rights of workers are enforced and respected.

While EU Member States remain in charge of designing labour migration policies at national level, and sanctioning employers who are actively recruiting people for undeclared work, the EU has also developed various policies in this field, albeit with varying levels of success.

3. EU legal framework on regular migration

In April 2022, the European Commission attempted to bring more focus on the need to attract migrant workers to the EU (including to cover the labour needs in the care sector) by proposing several legislative reforms and mobility partnerships with non-EU countries. An EU Talent Pool is also in preparation to match aspiring migrant workers with EU labour needs. However, it is the responsibility of EU countries to decide on the number of people admitted on their territory and under which conditions. Despite the definite need for more migrant workers in Europe, many Member States remain stubbornly reluctant to expand regular labour migration.

3.1. The limitations of the EU's sectoral approach to regular migration and obstacles to family reunification

While policy and media attention focus mostly on refugees and irregular migration, it is important to stress that – even if inadequate and flawed – regular migration to the EU does occur and **most entries into EU territory**

⁴⁶ European Commission (2021), "Commission proposals to improve the working conditions of people working through digital labour platforms", https://ec.europa.eu/commission/presscorner/detail/en/ip_21_6605

⁴⁷ Le Soir (2021), "Profession: coursier sans papiers", 11 October 2021, <https://www.lesoir.be/399742/article/2021-10-11/profession-coursier-sans-papiers>; Infomigrants (2021), « En Belgique aussi, les sans-papiers se tournent vers l'activité de coursier, un métier pénible et précaire », 21 October 2021, <https://www.infomigrants.net/fr/post/35708/en-belgique-aussi-les-sanspapiers-se-tournent-vers-lactivite-de-coursier-un-metier-penible-et-precaire>

⁴⁸ Caritas Europa (2022), "position paper on the EC Proposal for a Directive on improving working conditions in platform work", <https://www.caritas.eu/wordpress/wp-content/uploads/2022/05/Caritas-Europa-Position-on-Proposal-for-a-Directive-on-improving-working-conditions-in-platform-work.pdf>

⁴⁹ <https://www.ela.europa.eu/en/elas-mission>

happen regularly. According to the European Commission, approximately 2.25 to 3 million nationals from non-EU countries come annually to the EU using regular channels (e.g., for work, family reasons, education, asylum, etc.), in contrast with 125,000 to 200,000 irregular arrivals.⁵⁰

A set of EU legislation on regular migration covering workers, family members and students is in place, anchored in Article 79 of the Treaty on the Functioning of the European Union (TFEU).⁵¹ The Treaty allows EU legislators to adopt measures related to the conditions of entry and residence, long-term visas and residence permits and the definition of the rights of non-EU nationals residing regularly in a Member State, including the conditions governing freedom of movement and of residence in other Member States. Nevertheless, Member States control the volume of admission of non-EU nationals coming to their territory for the purposes of work but remain reluctant to further harmonise EU migration policies out of fear that it would expand the EU's power in deciding the number of entries into their territory, which is a national competence.

In 2001, the European Commission attempted to harmonise labour migration policies to facilitate and clarify rules of admission and residence for migrant workers across all of the EU Member States in one legislative instrument. However, Member States, regrettably, failed to adopt the proposed Directive on the conditions of entry and residence of non-EU nationals for the purpose of paid employment and self-employed economic activities for different types of workers. **The European Commission, therefore, adopted a less ambitious sectoral/vertical approach, composed of different directives setting out different rights and entry and residence conditions** dependant on the skills and category of workers (e.g., whether seasonal workers, highly skilled workers, students and researchers, long-term residents, etc.).⁵² For Caritas Europa, this was a missed opportunity that would have provided a simplified legislative framework outlining clear rules and rights for all migrants, regardless of their occupation or length of stay.

For the past 20 years, **family reunification has been one of the main catalysts for immigrating to the EU**, and at the end of 2021, family reunification accounted for 36% of valid residence permits held by non-EU citizens in the EU.⁵³ The **2003 EU Family Reunification Directive**⁵⁴ establishes the rules under which non-EU nationals can bring their family members to the EU country in which they are regularly residing. Despite this right to unite with family members, Caritas members have observed the existence of many **practical, administrative, and financial obstacles which lead to long, frustrating, and expensive processes** in a context in which EU Member States are trying to further restrict mobility. The material and practical obstacles that applicants encounter in general include high material requirements (minimum income threshold, housing), medical insurance, DNA testing, difficult access to embassies in countries of origin, expensive visa fees, burdensome bureaucracy, and strict pre-departure integration conditions, among others⁵⁵. This amounts to *de facto* obstacles, not always proportionate, that effectively restrict the right to family life. Caritas Europe therefore urges Member States to stop the tendency of creating conditions harder for applicants to fulfil the family reunification requirements. Member States should ensure the full implementation of the right to family reunification and remove the practical obstacles to this right, including by applying more flexible criteria in identifying family members, giving more favourable conditions in cases of applications from refugees, re-evaluating the accessibility and appropriateness of integration measures, lowering application fees and simplifying the requirements of application documents, among other obstacles.

⁵⁰ European Commission (2022), "Attracting skills and talent to the EU", COM/2022/657 final, p.1, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022DC0657&from=EN>.

⁵¹ European Union (2016), Consolidated version of the Treaty on the Functioning of the European Union, art 79, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12016E079>

⁵² An overview of the EU acquis on regular migration can be consulted on DG Home website, https://home-affairs.ec.europa.eu/policies/migration-and-asylum/legal-migration-and-integration_en

⁵³ Eurostat, https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Residence_permits_-_statistics_on_stock_of_valid_permits_at_the_end_of_the_year&oldid=546073

⁵⁴ Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32003L0086>

⁵⁵ See also our 2016 publication "Migrants and refugees have rights! Impact of EU policies on accessing protection: <https://www.caritas.eu/migrants-and-refugees-have-rights/>

A **common criticism of the legal migration *acquis*** is the fragmentation, complexity and bureaucracy of the rules, the unattractiveness of EU rules compared to national schemes, and the lack of rules for low and medium skilled workers (aside from the Seasonal Workers Directive). A **comprehensive evaluation of the legal migration *acquis* carried out by the European Commission in 2019**⁵⁶ and a public consultation, to which Caritas Europa contributed,⁵⁷ confirmed that the *acquis* is not fit for purpose and needs to be amended to make the EU more attractive for migrant workers, which the EU market economy so desperately needs due to Europe's ageing society and demographic changes. The European Parliament also commissioned several research studies⁵⁸ on regular migration, which highlighted the need to expand labour migration policies. Based on these findings, **the European Parliament adopted two resolutions**⁵⁹ **in 2021 calling for the European Commission to expand and facilitate regular migration** to the EU by presenting a set of proposals to facilitate and promote entry into and mobility within the EU for migrants, with the objective of reducing bureaucracy, strengthening harmonisation, promoting fundamental rights and equal treatment, and preventing labour exploitation. Caritas Europa welcomes these efforts from the European Parliament to modernise EU legislation in order to facilitate regular migration and simplify current legislation.

3.2. Reform of the EU Single Permit and Long-Term Residents' Directives

As part of the EU Pact on Asylum and Migration, the **European Commission presented in April 2022 two targeted legislative reforms of the 2003 Long-term Residents' Directive (LTR) and the 2011 Single Permit Directive (SPD)**.⁶⁰ The European Parliament and the Council are to negotiate the proposed changes and it remains to be seen to what extent the initial proposals will be watered down or strengthened. **Caritas Europa welcomes the changes proposed by the European Commission** to the EU Single Permit Directive and the EU Long-term Residents' Directive, which we think will facilitate access to permits and migrants' rights, even if some provisions could be strengthened.⁶¹

The **2011 EU Single Permit Directive**⁶² (SPD) establishes a simplified application procedure and one single permit for both the right to work and to stay in the EU, as well equal treatment on par with nationals in some areas (e.g., working conditions, social security, etc.) **The 2022 reform proposal of the European Commission**⁶³ aims at further streamlining the procedure to acquire and retain a single permit for work and residence and strengthening the rights of migrant workers by targeting labour exploitation through inspection and sanctions. Amendments include among others: the possibility to lodge an application within an EU Member State (in order to change or renew the status without the applicant having to travel to a non-EU country to apply), a time limit of four months to issue a decision (including visa and labour market test procedures) and strengthening equal treatment with EU national workers and access to several rights. The amendments also seek to facilitate the change of employers with the same permit, thereby decreasing the risk of exploitation when workers are tied to one employer to keep their permit, and, importantly, introduce the right to not lose a permit for at least three months in case of loss of employment. We welcome amendments to facilitate its acquisition and to prevent the

⁵⁶ European Commission (2019), Staff working document on EU Legislation on legal migration, SWD(2019) 1055 final, https://home-affairs.ec.europa.eu/system/files/2019-03/swd_2019-1056-executive-summary_en.pdf

⁵⁷ Caritas Europa (2021), contribution to the EC consultation on regular migration, <https://www.caritas.eu/caritas-vision-for-the-eus-migration-policies/>

⁵⁸ European Parliamentary Research Service (2021), Legal migration policy and law. European added value assessment, [https://www.europarl.europa.eu/RegData/etudes/STUD/2021/694211/EPRS_STU\(2021\)694211_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2021/694211/EPRS_STU(2021)694211_EN.pdf)

⁵⁹ European Parliament (2021), "New Avenues for Legal Labour Migration", https://www.europarl.europa.eu/doceo/document/TA-9-2021-0260_EN.pdf, European Parliament (2021), "Legal migration policy and law", https://www.europarl.europa.eu/doceo/document/TA-9-2021-0472_EN.pdf

⁶⁰ European Commission (2022), "Attracting skills and talent to the EU", COM/2022/657 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022DC0657&from=EN>

⁶¹ PICUM (2022), "Recommendations on the long-term residence directive", <https://picum.org/wp-content/uploads/2022/09/PICUM-Recommendations-on-the-LTR.pdf>

⁶² EU Single Permit Directive, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32011L0098>

⁶³ European Commission (2022), Proposal for a directive on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a MS and on a common set of rights for third-country workers legally residing in a MS (recast), COM/2022/655 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2022%3A655%3AFIN&qid=1651221925581>

possibility of losing the SPD, and we especially welcome the amendment seeking to reduce dependence on a particular employer to prevent exploitation, as well as the other provisions on preventing and sanctioning abuses carried out by employers.

The **2003 EU Long-Term Residents' Directive** (LTR)⁶⁴ sets the conditions under which non-EU nationals (including beneficiaries of international protection since 2011) can obtain the status of long-term residents, which grants them a set of uniform rights, similar to those enjoyed by EU citizens. Typically, this only follows after non-EU citizens have lived regularly and continuously in an EU country for five years and are able to meet strict criteria. **The 2022 reform proposal**⁶⁵ by the European Commission aims at facilitating the acquisition of the long-term resident status and intra-EU mobility as well as strengthening the rights of long-term residents. Amendments include: more flexible rules to accumulate the five year period of residence needed to acquire a LTR permit (period of residence in different countries and under different residence statuses – i.e., temporary status, student, refugees status – can be counted), provisions facilitating family reunification and equal treatment with EU nationals, as well as circular migration by allowing LTR permit holders to leave the EU for up to 24 months without losing their status. In addition, the first batch of legislative proposals under the EU Pact that were presented in 2020 also proposed an amendment⁶⁶ allowing beneficiaries of international protection to obtain a LTR, which will allow for intra-EU mobility after three years instead of five. We consider the proposed amendments to be necessary for facilitating access to the LTR status and intra EU-mobility as well as for strengthening equal treatment and family reunification. The changes would contribute to a more secure and stable residence status, stronger rights and smoother integration processes.

While we welcome this renewed attention to labour migration, we nevertheless **regret that a more comprehensive and horizontal reform to labour migration, facilitating the admission of low and middle skilled workers**, was not launched due to EU Member States' resistance, despite the clear need.

While this section covers the EU framework on regular migration, the next section addresses initiatives outside of the EU that facilitate regular migration.

4. Promoting mobility from non-EU countries to the EU

4.1. Mobility and talent partnerships with non-EU countries

As part of the overall cooperation with non-EU countries on migration management, the **European Commission has been financing and promoting mobility partnerships since 2005 to promote regular labour migration** with mixed results. Mobility partnerships – that can to some extent be described as circular migration – aim at facilitating the mobility of non-EU nationals from a non-EU country to an EU Member State. They often cover targeted economic sectors and provide access to vocational training and to a workplace for a determined period of time, after which the migrant worker is expected to go back to the country of origin. Capacity-building and skills transfers are important elements of these mobility partnerships.

Since 2017, the European Commission supports, coordinates and finances **pilot projects on regular labour migration with non-EU countries, with a particular focus on African countries** (under the EU Trust Fund for Africa

⁶⁴ EU Long-term Residents' Directive, <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex%3A32003L0109>. It is worth stressing that out of the 23,7 million non-EU nationals in the EU, over 10 million hold a long-term or permanent residence permit, of which 70% were national permits. 21 Member States have parallel national schemes, which often have more favourable provisions, thereby reducing drastically the attractiveness of the EU LTR permit.

⁶⁵ European Commission (2022), Proposal for a directive concerning the status of third-country nationals who are long-term residents (recast), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0650>

⁶⁶ European Commission (2020), Proposal for a regulation on asylum and migration management and amending Council Directive (EC) 2003/109 and the proposed Regulation (EU) XXX/XXX [Asylum and Migration Fund], COM/2020/610 final, art. 71, p.92, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2020:610:FIN>

and the Mobility Partnership Facility of the Asylum, Migration and Integration Fund (AMIF)).⁶⁷ Pilot projects are often bilateral with few regional exceptions.⁶⁸ In April 2022, the European Commission announced⁶⁹ upcoming **tailor-made Talent Partnerships** with non-EU countries (with **Egypt, Morocco and Tunisia in a first phase; and with** Bangladesh, Nigeria, Pakistan and Senegal in a later phase). Talent Partnerships are supposed to enhance regular pathways for students, graduates, and skilled workers to the EU through better **matching labour market needs and skills between the EU and partner countries**, while engaging partner countries strategically on migration management. Close cooperation of authorities, employment agencies, social and economic partners as well as education and training providers, in addition to capacity-building assistance to partner countries related to labour market, education and the reintegration of returning migrants, is also foreseen. An **EU Youth Mobility Scheme** granting skilled young people from non-EU countries the possibility to come to the EU to reside, travel and work for a limited period of time is also in the pipeline of the European Commission.⁷⁰

Given that **labour shortages in the long-term care sector** is of particular concern across the EU, in the framework of the European Care Strategy the European Commission envisages that **Talent Partnerships could facilitate the training and admission of non-EU national care workers to the EU**. A feasibility study will map the current admission conditions and rights of long-term care workers from non-EU countries in the Member States and will explore the added value and feasibility of developing EU-level schemes to attract care workers, taking into account the ethical dimension of such schemes.⁷¹ In addition, in the framework of **the Pact for Skills**,⁷² the Commission is also preparing a pilot project in the area of care to promote skills and mobility to meet the EU's labour market needs.

On top of these mobility schemes, the European Commission is developing **an EU Talent Pool for nationals of non-EU countries** who are interested in migrating to live and work in the EU. **This EU-wide platform and matching tool** will be established to match the skills of non-EU candidates with employers' needs. The web portal, along with a charter and a detailed roadmap should be formally launched by mid-2023.⁷³ **An EU Talent Pool pilot was launched in October 2022 to target people who have fled the war in Ukraine** in order to facilitate their labour market access in the EU. Its aim is likewise to match employers' needs with applicants' skills.⁷⁴

Examples of EU-funded mobility partnerships

The temporary mobility scheme of Lithuania, "Digital Explorers",⁷⁵ aims to bring young ICT specialists from Nigeria to Lithuania to enhance their skills, while addressing labour shortage gaps in Lithuania. At the end of the mobility phase, reintegration support is provided to those participants

⁶⁷ European Commission (2017), Communication on the Delivery of the European Agenda on Migration, COM(2017) 558 final, https://home-affairs.ec.europa.eu/system/files/2020-09/20170927_communication_on_the_delivery_of_the_eam_en.pdf

⁶⁸ For instance, the German-led THAMM project targets regular migration and mobility from North Africa (Egypt, Morocco and Tunisia) in cooperation with several Member States too and UN organisations, https://ec.europa.eu/trustfundforafrica/region/north-africa/regional/towards-holistic-approach-labour-migration-governance-and-labour_en

⁶⁹ European Commission (2022), "Attracting skills and talent to the EU", COM/2022/657 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022DC0657&from=EN>

⁷⁰ European Commission, talent partnerships, https://home-affairs.ec.europa.eu/policies/migration-and-asylum/legal-migration-and-integration/talent-partnerships_en

⁷¹ This analysis will look carefully at the social and economic impacts that such EU-level schemes would have, in particular on the working conditions, including salaries, of long-term care workers in the EU. It will also take into account the impact on countries of origin and examine possible arrangements enabling win-win agreements. Training programmes that also aim to increase the number of available staff in those non-EU countries could be developed. The analysis will also cover ethical standards of recruitment as promoted by the World Health Organization.

⁷² European Commission (2020), The Pact for Skills, <https://ec.europa.eu/social/main.jsp?langId=en&catId=1517&furtherNews=yes&newsId=9827>

⁷³ See more details in the annex "Practical arrangements for an EU Talent Pool" of the EC communication "Attracting skills and talent to the EU", COM/2022/657 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022DC0657&from=EN>

⁷⁴ EU talent pool: https://eures.ec.europa.eu/eu-talent-pool-pilot_en#how-to-register-on-the-eures-portal

⁷⁵ Digital explorers, Connecting ICT markets through individual journeys, <https://digitalexplorers.eu/#>

who return to Nigeria, to facilitate adjustment and the productive use of the human and social capital acquired in Lithuania.

The project PALIM (Pilot Project Addressing Labour Shortages through Innovative Labour Migration Models)⁷⁶ between Belgium and Morocco was implemented by the Belgian development agency Enabel between March 2019 and April 2021. It aimed to link Morocco's growing ICT sector with Flanders in addressing its shortage of qualified ICT workers by facilitating short term mobility for young professionals willing to gain qualified working experience in the ICT sector. With a view to boosting their employment potential, a group of Moroccan graduates were offered technical and soft skills training in Morocco. Approximately half was subsequently coached to find employment in Morocco, whereas the other half was prepared to find employment in Belgium.

4.2. Overcoming the shortcomings of mobility schemes

We welcome these various mobility schemes, but regret that their **scale remains very modest in comparison to the needs and demand**. As to date, the European Commission has encountered difficulties to motivate a significant number of Member States to develop ambitious mobility schemes, given their general reluctance to expand regular migration. In addition, **cooperation with non-EU countries on migration management remains predominantly focused on the fight against irregular migration**, with regular migration occupying a very small part of the discussions, in contradiction with the European Commission's stated commitment to harness partnerships of equals with non-EU countries and with the principle of partner country ownership that should guide development cooperation. In reality, however, we regret that mobility partnerships continue to be mostly conceived as a carrot or a bargaining chip aimed toward facilitating cooperation with strategic non-EU countries (e.g., either country of origin or transit) located along typical migration routes toward the EU or in terms of influencing return and readmission and border management, which we find unfortunate and consistent with unfair power dynamics among certain countries.

An evaluation⁷⁷ of the pilot projects already in place carried out by the Mobility Partnership Facility highlights several limitations. These include limited options to foster mobile working schemes and modest actual migration movements (e.g., from several dozen to a couple of hundred people benefiting from such mobility projects), as well as cumbersome schemes that develop slowly due to the involvement of a wide range of stakeholders. The evaluation recommends foreseeing longer-term projects (around three to five years), allowing for enough flexibility and coordination among different actors, improving the matching of skills and candidates, and better involving the private sector (e.g., SMEs). In addition, the evaluation also recommends covering low and medium skilled workers and expanding to new countries of origin, which we think is appropriate and needed.

Our stance is that if well managed, **mobility can contribute greatly to the development of the countries of origin⁷⁸** through the exchange of know-how and expertise, the development of new connections facilitating business and trade relationships, the involvement of diaspora communities and many advantages linked with remittances. Nevertheless, the risk of brain drain and care drain is pervasive and risks jeopardising the development of the country of origin and ensuring enough qualified workers remain to meet the needs of the local communities of origin. Measures to **mitigate the negative consequences of brain drain must be implemented**, including for instance the facilitation of circular migration and ethical recruitment in the health

⁷⁶ Enabel, "Pilot Project Addressing Labour shortages through Innovative labour migration Models", <https://open.enabel.be/en/BEL/2337/p/pilot-project-addressing-labour-shortages-through-innovative-labour-migration-models.html>, and Enabel evaluation, <https://open.enabel.be/en/2337/doc/36959/etr-summary>

⁷⁷ ICMPD/MPF (2020), "Partnerships for mobility at the crossroads. Lessons Learnt From 18 Months of Implementation of EU Pilot Projects on Legal Migration", policy brief, <https://www.migrationpartnershipfacility.eu/storage/files/mpf-policy-brief-pilot-projects-1020.pdf>

⁷⁸ Caritas Europa (2019), "Common Home publication Migration and development in Europe and beyond", <https://www.caritas.eu/wordpress/wp-content/uploads/2019/11/European-Common-Home-full-publication-one-page.pdf>

sector, such as described in Caritas Fair Care Standard or the WHO Global CODE of Practice on the International Recruitment of Health Personnel.⁷⁹

While mobility partnerships are a step in the right direction from our perspective, they nevertheless need to be scaled up (both in terms of the number of countries involved as well as the number of beneficiaries covered) in order to make a meaningful contribution to the expansion of labour migration. The interests of the countries of origin and migrants as well as the protection of workers' rights need to be genuinely taken into consideration to positively contribute to the development of the countries of destination and origin alike. Policymakers should nevertheless acknowledge that mobility partnerships represent only a small part of the solution in terms of expanding labour migration and that additional long-term permanent regular migration pathways and circular migration schemes should be expanded.

Caritas Albania

Attempts to overcome the brain drain in Albania

Research⁸⁰ shows that the significant emigration rate out of Albania since the early 1990s has impacted the country both positively as well as negatively. In recent years, the lack of employment prospects in Albania has increased emigration of young highly qualified and educated Albanians to the EU and to the USA. More than 1.6 million Albanians (around 50% of the population) are based abroad.

Positively, emigration has contributed to poverty reduction and the development of the country through important remittances and has enhanced education and professional experiences. Nevertheless, emigration has also led to brain drain and depleted human resource in Albania (e.g., losing engineers, IT specialists, medical doctors and nurses), affecting local communities and putting some sectors under significant pressure. To mitigate the effects of brain drain, Albania, in cooperation with the main emigration countries, have sought to facilitate circular migration and address the labour market needs and the availability and quality of diverse services (e.g., education, healthcare) to provide the youth with alternative options other than emigration.

Caritas Albania contributes to promoting economic development and job creation in the country with projects such as "YourJob programme",⁸¹ which aims to facilitate the transition of young adults from school into work life by developing their abilities and skills to empower them to shape their future. Through a regional approach in cooperation with local partners and experts, the project seeks to tackle the unemployment of young people from different perspectives and to promote a social economy. Caritas is also providing information on safe migration to raise awareness of the risks of abuse, exploitation and trafficking and to reduce the drivers of forced migration, including by promoting resilience, thereby enabling individuals to make the choice between staying or migrating.

⁷⁹ WHO (2010), "The WHO Global CODE of Practice on the International Recruitment of Health Personnel", https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/WHA_RES_63.16.pdf

⁸⁰European Training Foundation (2021), "How migration, human capital and the labour market interact in Albania", https://www.etf.europa.eu/sites/default/files/2021-09/migration_albania.pdf

⁸¹ <http://caritasalbania.org/albanian-youth-and-your-job-project/>

5. Conclusion

With this briefing paper, Caritas Europa provides a brief overview of the existing legal and policy framework in place across the EU that covers different types of migrant workers and their rights. It also provides warnings about the EU sectoral approach, which overwhelmingly focuses on highly skilled workers, but does not meet the EU's current and future labour and economic needs.⁸²

Europe's demographic challenges combined with acute labour shortages across all skills – including low and medium – makes the need more evident to step up humane labour migration. Migrants have always been part of Europe's fabric and contribute tremendously to Europe's economy and society in general. Their positive contribution has finally been publicly acknowledged during the COVID-19 pandemic when several sectors of our society would not have been able to function without migrants' (including undocumented migrants') labour contributions.

As long as the current challenges remain, such as those related to the bureaucratic complexity of regular pathways, too few regular channels, as well as the rampant exploitation of migrant workers in different sectors, the human and labour rights of migrants will remain unprotected, which is not in line with EU commitments. Despite some EU legislative reforms and the mobility partnerships proposed by the European Commission in 2022, more needs to be done to facilitate regular migration for all kind of skills, while respecting migrants' rights and dignity.

After having outlined the main policy developments and challenges related to labour migration, the following section highlights Caritas Europa's policy recommendations on the need for the EU and its Member States to modernise their labour migration framework to facilitate the admission of migrant workers from non-EU countries, while also protecting their rights and interests. In our call to expand more regular migration policies that, among others, provide migrants a secure and regular permit with confirmed rights, facilitating their inclusion and full participation in the receiving country, this should likewise take into account the sensitivity, needs, and interest of the EU Member States and countries of origins as well. Ultimately, Caritas Europa stresses that migrants are not economic tools, but humans whose rights should be at the core of all related EU and national migration policies.

⁸² European Parliamentary Research Service (2021), Legal migration policy and law. European added value assessment, [https://www.europarl.europa.eu/RegData/etudes/STUD/2021/694211/EPRS_STU\(2021\)694211_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2021/694211/EPRS_STU(2021)694211_EN.pdf)

6. Recommendations

We outline the following recommendations to EU institutions:

- The European Commission should inspire Member States and issue **data, guidelines, and recommendations** outlining good practices toward expanding labour migration and granting migrants a more secure residence status.
- The European Parliament and the EU Council should constructively negotiate the **reform of the Single Permit Directive and the Long-Term Residents' Directive**, reinforcing provisions facilitating smooth access to a secure permit, lasting integration, intra-EU mobility, and strengthening migrant workers' rights and the fight against exploitation.
- The European Commission should **incentivise Member States to develop and implement more mobility partnerships** with non-EU countries by developing a **road map with clear milestones** and providing adequate financial support.
- The European Commission should ensure that the **European Labour Authority** is equipped with the necessary personnel and funding to ensure migrant labour mobility, social security coordination, and fight against labour exploitation, also encouraging Member States to enforce sanctions on employers who engage in exploitative and undeclared work.
- The European Parliament and the EU Council should conclude negotiations on the **Commission Proposal to Regulate Platform Workers**⁸³ as quickly as possible to promote fairer working conditions and ensure platform workers' access to social protection.

We call on European governments to:

- **Expand regular labour migration pathways for different skill sets (including low and medium skills)**, taking into account labour demands, ensuring decent working conditions and expanding cooperation with different ministries (e.g., employment, home affairs, development) and stakeholders (trade unions, employers' organisations, CSOs, diasporas, and the private sector).
- Ensure that **labour migration policies respect the rights and dignity of every worker**, as envisaged by Catholic Social Teaching and Pope Francis' "Economy of Francesco",⁸⁴ and contribute to a human-centred economy which serves people and not the other way around.
- Improve and facilitate the **mutual recognition between Member States and in general the recognition of educational and professional qualifications and work experiences** attained abroad, including soft skills.
- **Facilitate and promote family unity and the reunification** of migrant workers, including low and middle skilled workers so as to ensure that the right to family life is respected. Disproportionate practical and financial obstacles should be removed, and flexible criteria should be applied when identifying family members.
- **Put in place clear, efficient, and accessible administrative procedures with reachable criteria for candidates** to apply for and renew a regular residence status (e.g., work permit, residence permit), including from within the country.
- **Prioritise secure and sustainable residence statuses** that enable access to the social security system in the host country and avoid the risk of precarity. More specifically, do not tie the **rights and residence status of migrants to one employer or one sector** so as to avoid workers falling into irregularity when a job situation changes or in cases of exploitation.
- **Ratify** the ILO 2011 Domestic Workers Convention and the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- Strengthen the **prevention and protection of migrant workers' from exploitation** by promoting formal employment and increasing labour inspections – delinked from immigration enforcement – and enforcing

⁸³ Caritas Europa (2022), "position paper on the EC Proposal for a Directive on improving working conditions in platform work", May 2022, <https://www.caritas.eu/wordpress/wp-content/uploads/2022/05/Caritas-Europa-Position-on-Proposal-for-a-Directive-on-improving-working-conditions-in-platform-work.pdf>

⁸⁴ <https://www.vaticannews.va/en/pope/news/2022-09/economy-francesco-final-covenant-pope-francis-gospel.html>

existing rules and sanctions against workers' exploitation. Provide guidelines and dedicated trainings for labour inspectorates to ensure that labour authorities have sufficient resources.

- Consider **regularisation as a policy option**, among others, that can make sense for economic, social, humanitarian, and public health reasons for migrants in situations of irregularity. When setting up regularisation schemes, governments should consider the criteria highlighted in our briefing paper on regularisation.⁸⁵
- **Scale up the development of mobility partnerships with non-EU countries** to target a larger number of non-EU countries and migrants across various sectors and skill sets. The mobility partnerships should:
 - Reflect the interests of the country of origin and destination alike;
 - Fully respect migrant workers' rights by promoting decent work and equal treatment with national workers. Social partners, trade unions, civil society representatives and diaspora organisations should be involved in the design, implementation and monitoring of the partnerships;
 - Ensure fair and dignified wages in mobility partnerships, for instance related to the care sector in accordance with local standards, training and professional nursing-services support as well as decent working conditions and the respect for labour rights.
- Ensure that labour migration policies, including mobility partnerships, do not contribute to the **brain drain and care drain** by, for instance:
 - Ensuring safeguards and ethical recruitment in line with the WHO's code of conduct and Global Skill Partnership recommendation for good practices;⁸⁶
 - Facilitating circular labour migration by easing the procedures to obtain a visa, allowing for re-application processes for those already in the system and multiple entry visas as well as flexible residence permits with the portability of rights that allow travelling back and forth;
 - Expanding Talent Partnerships across sectors and skill levels and facilitating remittances to facilitate migrants' contribution to the countries of origin.
- **Ensure an inclusive labour market with equal rights, fair treatment and non-discrimination for all workers**, so that migrant workers in the EU have the same rights and obligations in terms of work, salary, social benefits and protection as other workers in line with the European Pillar of Social Rights and the Agenda 2030 goal of decent work for everyone (SDG 8). Migrant workers, including those working in non-standard employment, must be **fully covered by social protection and the portability of social security rights should be facilitated**, considering international professional careers.



Co-funded by the European Union

Funded by the European Union. Views and opinions expressed are however those of Caritas Europa only and do not necessarily reflect those of the European Union or the European Commission. Neither the European Union nor the granting authority can be held responsible for them.

This briefing paper was written by Leïla Bodeux, with the support of Shannon Pfohman, Caritas Europa.

We would additionally like to thank Caritas Europa's Human Mobility Working Group for their grassroots contribution to this paper.

⁸⁵ Caritas Europa (2021), "Demystifying the regularisation of undocumented migrants", policy paper, https://www.caritas.eu/wordpress/wp-content/uploads/2021/03/210326-Regularisation-of-undocumented-migrants_policy-paper.pdf

⁸⁶ See for instance WHO (2010), "The WHO Global CODE of Practice on the International Recruitment of Health Personnel", https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/WHA_RES_63.16.pdf