

THE CRUCIAL ROLE  
OF THIRD-COUNTRY  
**MIGRANT WORKERS**  
IN THE EUROPEAN  
UNION

A Greens/EFA Position Paper





The Greens/EFA Group and the European Parliament have consistently called for a **more holistic approach covering all pillars of the European Union's asylum and migration system.**

This is becoming even more important in times of COVID-19 pandemic crisis, showing that migrant workers are an integral part of European societies.

## **E**urope must finally acknowledge that it is a continent of immigration.

It is time for Europe to rethink its migration policy and shift from a policy of borders and deterrence to a policy of safe and legal opportunities. To help repair the economic and social damage brought by COVID-19 pandemic, an inclusive European recovery plan needs to also address the crucial role of migrants in our societies and understand that migrants enrich our societies. For this, we need a holistic European Migration Code, which addresses the vulnerabilities migrant workers face, reduces inequalities, ensures decent working and living conditions for all workers, and allows migrants to play an active role in society.

**To achieve this holistic European Migration Code, the Greens/EFA demand:**

**1) Equal rights** for all workers in the EU through harmonisation and approximation of fundamental rights improved access to social rights for migrant workers and their families; and

**2) New legal avenues** for migrant workers and their families who wish to come and work in the European Union (EU), creating equal opportunities for low- and medium-wage migrant workers.

We believe the Code should include a well-balanced international dimension, which addresses the real drivers of migration, including the situation of people affected by the impact of climate change – especially where the decision to migrate may be voluntary and planned, even if constrained<sup>1</sup>. The future framework should also integrate an intersectional perspective, which pays specific attention to multiple forms of discrimination and different experiences that migrant women face, particularly in predominantly female sectors e.g. healthcare, domestic and care work.

**Our vision lays out the essential steps that the EU can take to create a more harmonised, holistic, and equal labour migration system** and is followed by a comprehensive set of specific recommendations. **Beyond this very specific scope on third-country migrant workers, there are challenges in the EU labour migration policy that this paper does not cover.**

**COVID-19 has significantly affected migrants, their families, host communities and home countries. It has also exacerbated vulnerabilities migrant workers and their families face across the EU.** COVID-19 is impeding migrant mobility around the world, especially when it comes to the right to re-entry, and has potentially devastating consequences for migrants, their families and home countries for whom remittances are a vital source of income. The impact of the crisis is felt across Europe with its rapidly ageing populations and growing reliance on migrant

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1. Legal channels for international and humanitarian protection or third-country cooperation are not covered.

workers, especially in health, IT, agricultural, social care and service sectors<sup>2</sup>. Migrant workers have always faced vulnerabilities, but due to the COVID-19 crisis these problems have been exacerbated: migrant workers have limited or no access to work; their rights are often not protected; and they are disproportionately employed in precarious work conditions, with their right to stay in an EU Member State directly linked to their job. Regardless of the current crisis, both the contributions of migrant workers and the vulnerabilities they face have often been overlooked for much longer.

**The Greens/EFA welcome a shift in migration policies in some Member States**, including Italy temporarily regularising undocumented migrants; Portugal temporarily granting migrants and asylum-seekers full citizenship rights; and Sweden extending schemes to safeguard migrants' employment. We trust that these first steps are taken into account to build a positive narrative and are clearly reflected in the European Commission's upcoming **New Pact on Migration and Asylum**. The Pact presents an opportunity to give a fresh impetus to legal and safe migration; address vulnerabilities migrant workers face and acknowledge their critical role in our societies; ensure the approximation of rights of migrant workers, which would benefit all workers in the EU; honour the EU's commitment to the Global Compact on Safe, Orderly and Regular Migration; and foster integration of all, including asylum seekers. Any policy response needs to consider the migrant's perspective.

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2. ~13% of all 'key workers' in Europe, doctors, nurses, drivers, & personal care workers, are migrants, with even higher shares in low-wage sectors. Over ½ of cleaners and helpers, over ¼ in mining and construction sectors, stationary plant and machine operators and 1/5 of workers in food processing are migrants. *Immigrant Key Workers: Their Contribution to Europe's COVID-19 response*, EU's Joint Research Centre (2020).

# GREENS/EFA DEMANDS IN SHORT

## 1. A EUROPEAN MIGRATION CODE

COVID-19 shows that only a comprehensive European approach to migration, through a migration code, will fully protect the rights of migrant workers and their families, allow for successful integration, and bring about advantages for migrants, host societies, and countries of origin alike. **Our goal is to reach such an approximation and harmonisation of rights and ensure that there are new safe and legal pathways for all migrant workers, irrespective of their skill or wage level, ultimately leading to a European Migration Code.**

## 2. ENSURING EQUAL TREATMENT, FUNDAMENTAL & SOCIAL RIGHTS

To ensure dignified treatment of migrant workers in the EU and improve their prospects for integration and social inclusion, we demand a **uniform EU rights-based framework harmonising fundamental right and ensuring access to social rights for migrant workers and their families, particularly those in low- and medium-wage sectors.**

We therefore demand to:

- **Protect migrant workers from labour exploitation by delinking residence permits from single employers and their particular job and increasing the length of stay for migrant workers, to protect especially those in seasonal/temporary occupations.** Ensure that migrant workers are adequately informed about their rights and obligations from the moment of their departure from their country of origin throughout their stay in the EU. The European Labour Authority can play an important role in the provision of information for migrant workers and employers, as well as in the fight against labour exploitation.

- **Facilitate intra- and extra-EU mobility and uphold the right for re-entry.** Allow migrant workers residing in the EU for >3 years to move within the Union, and allow for a longer period of absence which would enable migrant workers to travel back to their home countries. As proposed in the Greens/EFA paper for a *Fair and Efficient Asylum System in Europe*, refugees would still be entitled to move within the Union as of one year, regardless of whether they are working or not.

- **Safeguard migrant rights**, particularly by:

- Allowing for applications for a **residence permit from within the EU** for all migrants, irrespective of their residence status or lack of residence status to ensure equal rights and non-discrimination, including individuals whose applications to seek asylum have been rejected and undocumented migrants;

- Granting and strengthening **family reunification rights** for all migrant workers, including through effective monitoring mechanisms for the correct implementation of the directives, following-up with necessary infringement procedures against non-compliant states. The Commission should set out EU recommendations that address direct and indirect barriers that may prevent migrants from accessing the right to family reunification and that are in line with the recent CJEU case laws. Particular focus should be paid to recommending that Member States: expand family scope; diminish the years required for the autonomous residence permit for family members; lift waiting periods to the labour market for family members; and ensure that material conditions do not create further obstacles for family reunification;

- Strengthening access to **social rights** including the right to healthcare, social security, housing, justice and realisation of gender equality and evaluating the implementation of the EU and international rules, including to identify direct and indirect barriers that may prevent migrants from accessing their rights on national level. The Commission should encourage Member States to introduce a gender perspective when working on ensuring access to social rights, with attention to identifying and addressing the multiple forms of discrimination, needs and barriers faced by migrant women.

### 3. OPENING NEW AVENUES OF LEGAL LABOUR MIGRATION

To ensure that equal opportunities for legal entry exist for all migrant workers, irrespective of their skill or wage level and to address vulnerabilities migrant workers and their families face, we demand the EU to:

- **Create new legal and safe channels for migrant workers and their families** via legislative and non-legislative proposals, particularly for low- and medium-wage sectors where there is a current need and gap. In the years to come, developing channels for migrant workers in low- and medium-wage sectors can play an important role in ensuring equal opportunities for all workers; preventing labour exploitation and human smuggling; providing alternatives legal and safe pathways; and matching social, economic and labour needs. This includes new channels such as a job- and vocational-training visa, a job-seeking visa, a talent pool and matching platform, and youth mobility schemes, accessible to all migrant workers and migrant students.

- **Ease recognition of qualifications and skills** to pave the way for a wide mutual recognition on EU level, which will open up new opportunities for students, researchers, and health-related professionals.

- **Work with third countries to move from brain drain to brain gain**, and reinforce partnerships with African countries in light of the *Strategy with Africa*<sup>3</sup>. In order for such partnerships to be truly balanced, cooperation with third countries, including on development and trade, should be delinked from - and not made conditional upon - policies on migration control or return. These partnerships should address remittances, facilitate multiple-entry visas for migrant workers and significantly expand on the existing labour migration pilot projects.

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3. *Towards a comprehensive Strategy with Africa*, Joint Communication of the European Parliament and the Council, 2020.



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