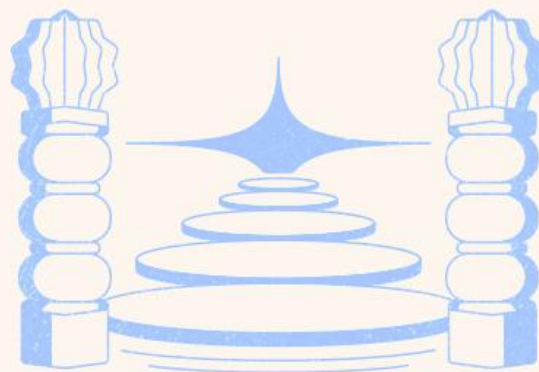




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Trusted guidance
to build bridges.



Directive (EU) 2021/1883
on the conditions of entry
and residence of third-
country nationals for the
purpose of highly qualified
employment

(EU Blue card directive)

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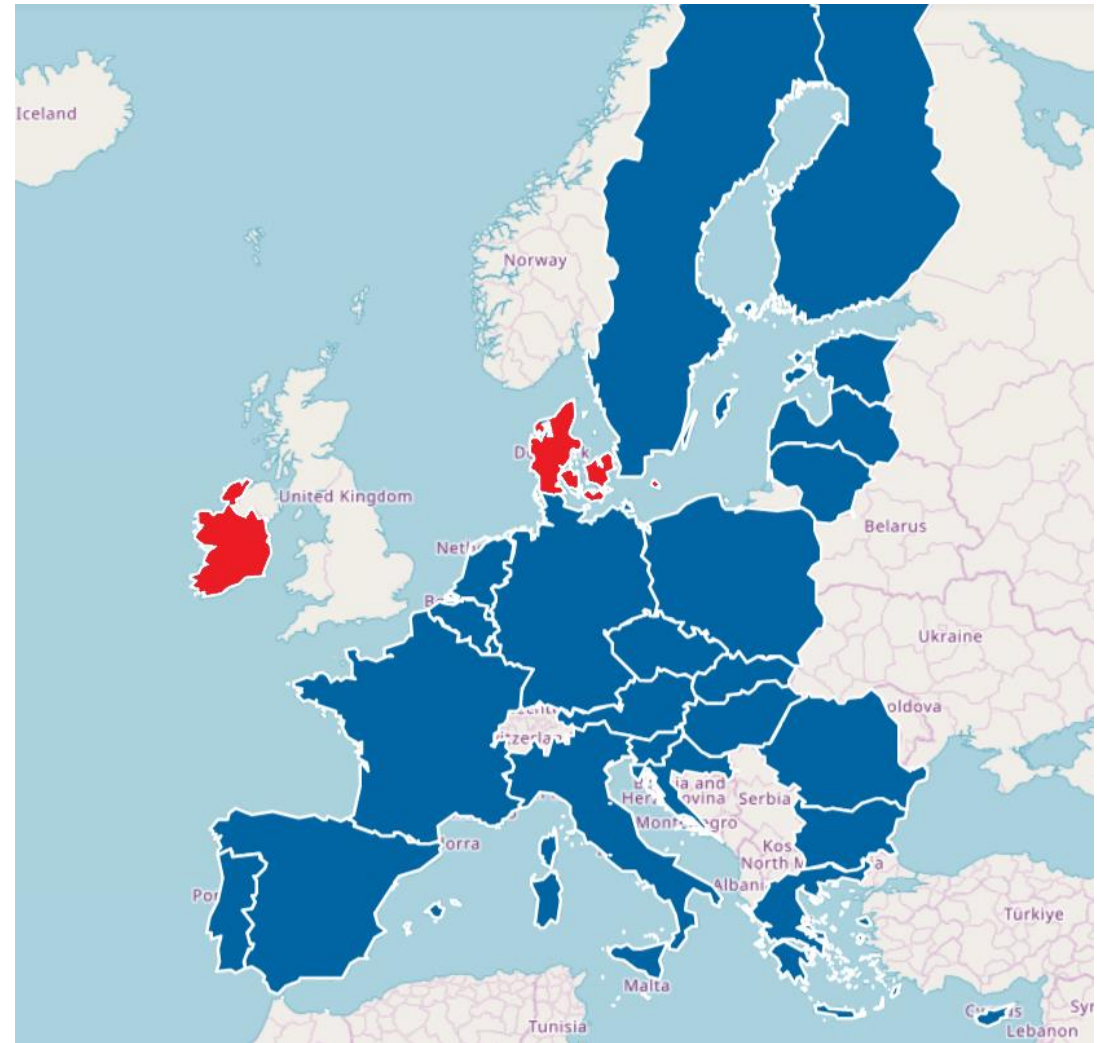


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The EU Blue Card is an essential part of the legal migration policy of the European Union and a key element of the New Pact on Migration and Asylum

The blue card is applied by 25 EU member states



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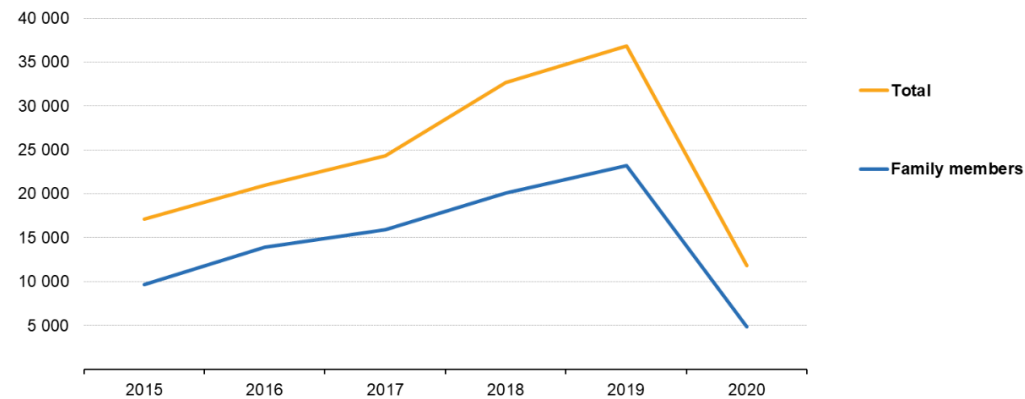
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More than 180.000 people have benefited from a Blue Card since the Directive 2009/50/EC was adopted.

Germany has issued 75% of them.

EU Blue Cards granted and admitted family members, EU, 2015-2020
(number)



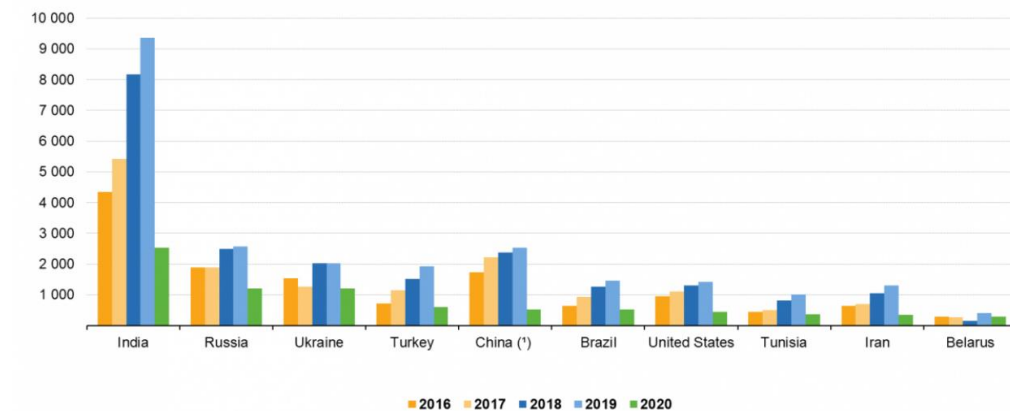
Note: Denmark and Ireland are not bound by the EU Blue Card Directive.
Cyprus: not applicable, quota set to zero by legislation.
Source: Eurostat (online data codes: migr_resbc1 and migr_resbc2)

eurostat

Top origin countries

(before the war of aggression against Ukraine)

Top 10 countries whose citizens were granted EU Blue Cards, EU, 2016-2020
(number)



Notes:
Ranking and selection based on the top 10 countries whose citizens were granted EU Blue Cards in 2020.
Denmark and Ireland are not bound by the EU Blue Card Directive.
(*) Including Hong Kong.
Source: Eurostat (online data code: migr_resbc1)

eurostat



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What is an EU Blue Card?

- An EU Blue Card is a residence and work permit that gives highly qualified workers from third countries outside the EU the right to live and work in an EU country (except Ireland and Denmark)
- It is required to have higher professional qualifications and an employment contract or a binding job offer with a certain salary compared to the average in the EU country
- Some conditions may differ for each EU country depending on national law. Applicable rules can be found in national transposition measures.



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What is not an EU Blue Card?

- An EU Blue Card is not a visa. Requirements for entry into an EU country are set in Regulation (EC) 810/2009 (Visa Code, for less than 90 days in a period of 180) and in national law (more than 90 days)
- The EU Blue card is not an authorization for job seekers. The starting point is to be in possession of a valid work contract or, as provided for in national law, a binding job offer for highly qualified employment.
- The EU Blue card is not the only migration instrument for high skilled migration. Some member states issue, in addition to Blue Cards, national residence permits for the purpose of highly qualified employment.



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Legal framework

- Charter of Fundamental Rights of the European Union
- Article 79(2) of the Treaty on the Functioning of the European Union
 - (a) the conditions of entry and residence, and standards on the issue by Member States of long-term visas and residence permits, including those for the purpose of family reunification;
 - (b) the definition of the rights of third-country nationals residing legally in a Member State, including the conditions governing freedom of movement and of residence in other Member States;
- Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC
- National transposition measures, inc. member states decisions for optional features



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Who can apply? Requirements

Articles 3-5, 17, 22

- Third country nationals (TCN) attesting higher education qualifications (university degree / ISCED 2011 level 6 or EQF level 6 in accordance with national law), or higher professional skills (5 years equivalent experience; or 3y for ICT managers and professionals). Access to regulated professions as per national law.
- **Beneficiaries of international protection under Directive 2011/95/EU** of the European Parliament are covered.
- A valid work contract or a binding job offer, with a salary not lower than a salary threshold set by each EU country (1-1,6 times the average gross salary) – for statistical references see EUROSTAT
(OPTIONAL) 0,8x salary threshold for recent graduates (3y) and professions with scarcity
- Sickness insurance covering all risks, as for nationals of the Member State
- Family members can apply for reunification simultaneously with EU Blue card holders
- Blue card holders can exercise mobility to a second EU country with simplified requirements

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To whom the directive does not apply?

Out of scope

Article 2

- Seekers awaiting a decision for international temporary protection under Directive 2001/55/EC; seekers and beneficiaries of international protection under national law
- Researchers under Directive (EU) 2016/801
- Long term residents under Directive 2003/109/EC
- TCNs entering a EU country under certain international agreements for trade and investment
- Posted workers covered by the Directive 96/71/EC
- TCNs enjoying rights of free movement under agreements between EU and member states with countries
- TCNs whose expulsion has been suspended for reasons of fact or law.



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Reasons for rejecting or withdrawing a Blue Card

Articles 7 and 8

MANDATORY

- Not fulfilling the requirements; not meeting standards in collective agreements or staying for a different purpose.
- Unemployed for more than 3 months (Blue card holders for less than 2 years) or 6 months (more than 2 years)
- False or fraudulent documents. Risk to public policy, public security or public health
- When the employers main purpose is to facilitate the entry of TCNs

OPTIONAL IF DEFINED BY MEMBER STATES

- If the vacancy can be filled by a national of the member state (National labour market test)
- Member states can allow longer periods for unemployment
- Employer failed to meet legal obligations with security, taxation, worker rights, etc; sanctioned under Directive 2009/52/EC; or is under insolvency
- If the member state considers for ethical reasons that there is a lack of professionals in the origin country (brain drain)

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Procedure

Articles 9 to 14

- EU countries decide whether application shall be done by the TCN, the employer, or either of two
- Applications shall be examined when the TCN is outside of the territory of the member state, or from inside the territory as a holder of a valid residence permit or a long term visa
- EU countries may decide to accept applications from other cases inside the territory when TCN is legally present (ex. With a Schengen visa)
- Decisions shall be adopted no later than 90 days since application is filed, and notified in written
- Same procedural safeguards than for applicants for national permits for highly qualified
- (OPTIONAL) Payment of Fees may be required by member states
- (OPTIONAL) Fast track for recognized employees, with same procedural guarantees than for national permits



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Rights

Articles 15-19, 22 and 24

- Right to live and work in an EU country, for a period of at least 24 months
- Easy access to information;
- Equal treatment with nationals of the member state
- Right to family reunification under more favorable conditions: applications shall be adopted simultaneously; duration of the residence permit shall be the same than the holder; No time limits for accessing job market
- Access to long term residence under more favorable conditions: possibility to accumulate periods in other MS
- (OPTIONAL) EU countries may set restrictions to accessing self-employed jobs, and jobs with at least occasional involvement in the exercise of public authority; restrictions may also be established regarding the right to the change of employment, linked to the national labour market test
- (OPTIONAL) EU countries may also apply restrictions to grants, loans and access to housing. Equal treatment with holders of national permits for highly qualified employment must be kept.

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Short-term and Long-term mobility

Articles 20 and 21

- Blue Card holders can travel within the EU and exercise their professional activity for 90 days without requiring any authorisation by a second EU country. (**Short term mobility**)
- Holders of a Blue Card issued in one EU country can move to a second EU country to reside and work (**Long Term mobility**). After applying in the second EU country, authorization to work is granted in less than 30 days, with a simplified procedure.

Equal treatment with EU citizens shall be respected for the recognition of professional qualifications
- (OPTIONAL) Some checks such as a **labour market test** or the **proof of higher professional skills acquired by experience** can still be requested by the second EU country



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Transposition measures

Article 31

- Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by **18 November 2023**.



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Examples (as per Directive 2009/50/EC)

| EU country | Fee | Validity period | Salary threshold | EU country | Fee | Validity period | Salary threshold |
|--------------------------------|---------|-----------------|------------------|-----------------------------|---------|-----------------|---------------------|
| Austria | 120 EUR | 24 months | 58 434 EUR | Latvia | 100 EUR | 60 months | 13 776 EUR |
| Belgium | 215 EUR | 13 months | 51 494 EUR | Lithuania | 114 EUR | 36 months | 23 160 EUR |
| Bulgaria | 55 EUR | 48 months | 10 326 EUR | Luxembourg | 80 EUR | 24 months | 71 946 EUR |
| Croatia | 137 EUR | N/A months | 19 338 EUR | Malta | 255 EUR | 12 months | 16 036 EUR |
| Cyprus | n/a | n/a | n/a | Netherlands | 285 EUR | 48 months | 5 272 EUR (monthly) |
| Czech Republic | 92 EUR | 24 months | 11 408 EUR | Poland | 111 EUR | 24 months | 15 446 EUR |
| Estonia | 120 EUR | 27 months | 18 096 EUR | Portugal | 103 EUR | 12 months | 24 535 EUR |
| Finland | 550 EUR | 24 months | 56 774 EUR | Romania | 174 EUR | 24 months | 2 250 EUR (monthly) |
| France | 269 EUR | 48 months | 53 836 EUR | Slovakia | 170 EUR | 48 months | 15 102 EUR |
| Germany | 110 EUR | 48 months | 53 600 EUR | Slovenia | 102 EUR | 24 months | 28 006 EUR |
| Greece | 300 EUR | 24 months | 30 675 EUR | Spain | 418 EUR | 12 months | 33 908 EUR |
| Hungary | 60 EUR | N.A. months | 16 700 EUR | Sweden | 175 EUR | 24 months | 53 200 EUR |
| Italy | 100 EUR | 24 months | 24 789 EUR | | | | |

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Links for further information

Legal text

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32021L1883>

National transposition measures:

<https://eur-lex.europa.eu/legal-content/EN/NIM/?uri=celex:32021L1883>

Further information

https://immigration-portal.ec.europa.eu/blue-card_en



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