

# EU Blue Card Directive

2016/0176(COD) - 15/09/2021 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 556 votes to 105, with 31 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment.

The revised Blue Card Directive defines the conditions of entry and residence that third-country nationals (and their family members) must fulfil in order to take up highly qualified employment in the EU Member States.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission's proposal as follows:

## *Admission criteria*

The applicant for an EU Blue Card should present a valid work contract or a binding offer for highly qualified employment of at least **6 months** in the Member State concerned. For non-regulated professions, he/she should present documents proving that he/she has the high professional qualifications related to the work to be performed.

In order to qualify for an EU Blue Card, the **salary threshold**, set by the Member State concerned after consultation of the social partners, should be **at least 1.0 times the average gross annual salary in the Member State concerned**, but not more than 1.6 times this salary.

Member States should be able to provide for a lower salary threshold which will benefit third-country nationals for a certain period of time after they have graduated.

Where EU Blue Card holders intend to apply for an EU Blue Card in a second Member State in order to exercise a regulated profession, their professional qualifications should be recognised in the same way as those of EU citizens exercising the right of free movement.

Furthermore, **highly skilled beneficiaries of international protection** should be able to apply for an EU Blue Card. They should have the right to apply for an EU Blue Card in Member States other than the one which granted them international protection.

This Directive should not affect the right of Member States to determine volumes of admission of third-country nationals coming from third countries to their territory.

## *Rejection of an application, withdrawal and non-renewal*

A Member State shall reject an application for an EU Blue Card where:

- the third-country national concerned is considered to pose a threat to public policy, public security or public health; or where the employer's business was established or operates for the main purpose of facilitating the entry of third-country nationals;
- the competent authorities of the Member State, after checking the labour market situation, for example where there is a high level of unemployment, conclude that the vacancy concerned may be filled from the national or Union workforce, or by third-country nationals who are lawfully resident in that Member State.

Member States should be able to withdraw or refuse to renew an EU Blue Card where the EU Blue Card holder has failed to comply with the conditions for mobility under this Directive, including in cases of the abusive use of mobility rights, or where the EU Blue Card holder does not have sufficient resources to maintain himself or herself and, where applicable, the members of his or her family without having recourse to the social assistance system of that Member State.

### ***Period of validity and procedure***

The period of validity of the EU Blue Card should be **at least 24 months**. However, where the duration of the work contract is shorter, the EU Blue Card should be issued for at least the duration of the work contract plus three months, subject to a maximum of 24 months. That decision should be adopted and notified as soon as possible but not later than 90 days after the date of submission of the complete application.

### ***Labour market access, change of employer***

During the first 12 months of legal employment of the person concerned as an EU Blue Card holder, a Member State may: (i) require that a change of employer or a change which may affect the fulfilment of the criteria for admission be communicated to the competent authorities in that Member State; (ii) subject any change of employer to a check of the labour market situation. After that 12-month period, Member States should only be allowed to require the EU Blue Card holder to inform competent authorities of a change of employer or a change that affects the fulfilment of the criteria for admission set out in this Directive.

### ***Family reunification***

To attract and retain highly skilled workers from outside the EU, family members of EU Blue Card holders will be able to accompany them and access the EU labour market.

### ***Intra-EU mobility***

EU Blue Card holders, and their family members, will be able to move to a second Member State based on simplified mobility rules after 12 months of employment in the first Member State. Periods of time spent working in different Member States will also be taken into account, facilitating easier access to the EU long-term resident status.

Applicants will have to demonstrate that they have resided for two years legally and continuously as EU Blue Card holders immediately before the submission of the relevant application in the territory of the Member State where the application for EU long-term resident status in a Member State is submitted.