

Background note to the presentation on PhD research on the newly developed and developing European Union Law on Labour Migration scheduled for CMR wine and discussion meeting on the 8th of March 2011. Presentation will be given by Bjarney Friðriksdóttir

The presentation will consist of two parts, firstly, a short overview of the subject of the research, its outline, goals and research methods. Secondly, discussion points on the context of the research, in particular the principle of non-discrimination and theory of migration management.

Information on the research:

The study focuses on EU law on managing labour migration, in particular the Blue Card Directive (2009/50/EC), the Single Permit Directive (Proposal COM(2007) 638 final) and the Employers Sanctions Directive (2009/52/EC). It will analyze the status and rights granted to labour migrants by the first two Directives and the relationship between them and the Employers Sanctions Directive from the perspective of the overall objective of the EU with regards to labour migration, migration theory and the principle of non-discrimination in EU law and European and international human rights law. Furthermore it will examine whether the transposition of all three Directives at the national level in three Member States (Sweden, Germany and Spain) meets the objectives of EU law on labour migration and the information their implementation reveals about the status and rights granted to labour migrants by the implementing laws and the labour market interests and economic strategies of the Member States.

The goal of the research is to identify what determines the differences in rights granted to labour migrants by the Blue Card Directive and Single Permit Directive, whether the differences amount to discrimination on one or more grounds and if so whether the discrimination can be justified on some basis. With regards to transposition and implementation at the national level, the goal is on the one hand to examine whether the Directives are implemented in accordance to the objectives of the EU and on the other how the transposition and implementation is related to the labour market needs and economic strategy of the Member State.

The following questions guide the research:

- What determines the differences in rights granted to labour migrants by EU law on legal migration, in particular the Blue Card Directive and the Single Permit Directive?
- Can the differences in rights be explained in the context of the overall objective of EU law on labour migration?
- Do the differences in rights granted have a discriminatory effect and if so, can the discrimination be justified?
- Are the Member States implementing EU law on labour migration in accordance with the overall objectives of the EU with regards to migration management or mostly in response to the migration situation within their territory?
- To what extent is the implementation of EU law on labour migration in individual Member States influenced by the economic and labour market goals of the Member State?