



# **European Migration Network** **Satisfying Labour Demand** **through Migration**

This Synthesis Report summaries the main findings of the National Reports for the EMN Study on *Satisfying Labour Demand through Migration* undertaken by EMN National Contact Points from 23 Member States (**Austria, Belgium, Bulgaria, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom**).

The overall purpose of this study was to identify those sectors experiencing shortages in the Member States, to outline the national strategies for addressing labour market needs with third-country national migrant workers and to gain an understanding of the perceived effectiveness of these strategies, including examining the impact of the recent economic downturn and recovery on them. The study covers the period from 2004 up to end of 2010 with statistics provided up to the end of 2009.

The Synthesis Report, as well as the National Reports upon which this synthesis is based, are available from <http://www.emn.europa.eu> under "EMN Studies." Several of the National Reports are available in the Member States' national language, as well as in English.

### Disclaimer

This Report has been produced by the European Migration Network (EMN), and was completed by GHK-COWI and the European Commission, in co-operation with the 23 EMN National Contact Points participating in this activity. This report does not necessarily reflect the opinions and views of the European Commission, GHK-COWI or of the EMN National Contact Points, nor are they bound by its conclusions.

### Explanatory Note

The 23 EMN National Contact Points who, to date, participated in this activity were from **Austria, Belgium, Bulgaria, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden** and **United Kingdom**.<sup>1</sup>

It is important to note that the comments of this Report refer to the situation in the above-mentioned Member States up to and including 2010 and specifically the contributions from their EMN National Contact Points. More detailed information on the topics addressed here may be found in the available National Reports<sup>2</sup> and one is strongly recommended to consult them also.

The Member States mentioned above are given in **bold** when mentioned in the report and when reference to "Member States" is made, this is specifically for these Member States.

EMN NCPs from other Member States could not, for various reasons, participate on this occasion, but have done for other EMN activities and reports.

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<sup>1</sup> A National Report from **Greece** is expected later in 2011.

<sup>2</sup> Available from <http://www.emn.europa.eu> under "EMN Studies."

# **Satisfying Labour Demand through Migration**

**produced by the  
European Migration Network  
June 2011**

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## Executive Summary

A study on *Satisfying Labour Demand through Migration* was undertaken by twenty-three of the EMN National Contact Points (EMN NCPs) from **Austria, Belgium, Bulgaria, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg Netherlands, Malta, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden and United Kingdom**. In keeping with the EMN's objectives, the overall purpose of this study was to identify those sectors experiencing shortages in the Member States, to outline the national strategies for addressing labour market needs with third-country national migrant workers and to gain an understanding of the perceived effectiveness of these strategies, including examining the impact of the recent economic downturn and recovery on them. The study covers the period from 2004 up to end of 2010 though statistics are provided up to the end of 2009.

As part of the *Introduction* ([Section 1](#)), an overview of the *Methodology* ([Section 1.1](#)) is given, along with the economic migration *definitions* ([Section 1.2](#)) used plus other related Reports and Studies ([Section 1.3](#)). The *EU Policy Context and Instruments* ([Section 2](#)) is then presented, which outlines the EU context related to labour migration and satisfying labour demand, as well as a summary of the EU instruments related to economic migration, including information on the EU legislative acquis.

The study compares the *EU Member States' approaches to economic migration* ([Section 3](#)) in relation to satisfying labour demands through migration for highly skilled, skilled and low skilled labour. Most Member States have incorporated migration into their overall vision and strategic thinking on how to combat current and future shortages in labour, though some Member States have a clearer vision of how third-country nationals can be drawn upon to satisfy their labour demands. Several Member States have a clearly defined *vision* ([Section 3.1](#)) in place, aimed at promoting and/or facilitating the immigration of third-country nationals for the purpose of employment in certain sectors of their economy, while others place greater emphasis on addressing labour shortages primarily by utilising the national workforce, with labour migration not considered as a core necessity .

The national *political debates* ([Section 3.2](#)) in relation to economic migration revolved around its general function and usefulness, particularly in the context of the current economic crisis, as well as the need, in some Member States, to use migration to address gaps in the labour market. In addition, public debate has tended to focus on the working conditions and integration of third-country nationals coming to the Member State for the purpose of work. In addition to the Member

States' visions and national policies on economic migration, changes made to their national policy due to the economic crisis ([Section 3.3](#)) are also described.

The *Legislative Framework* ([Section 3.4](#)) is also outlined. All Member States have provisions in place specifying certain third-country national migrants who may be exempt from the obligation to obtain a work permit or for whom facilitated admission procedures are in place. Several work and residence permits are subject to conditions including the "labour market test" in **Austria, Belgium, Bulgaria, Czech Republic, Estonia, Germany, Ireland, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden** and **United Kingdom**, with such a test looking at whether their own or other EU/EEA nationals are available for the position, prior to employing a third-country national worker. Some Member States also regulate some aspects of family reunification through their national legislation, including regulating the circumstances in which family members of economic migrants can work in the Member States.

Member States use a number of methods and tools for the *Implementation of economic migration policy and legislation* ([Section 4](#)). In order to identify and manage labour demands, Member States undertake a number of different approaches. These include: the drawing up of occupation lists where labour shortages exist (**Austria, Belgium, Finland, France, Germany, Latvia, Lithuania, Poland, Spain, United Kingdom**); the use of Employers Needs Analysis (**Austria, Belgium, Czech Republic, Estonia, Germany, Hungary, Ireland, Italy, Lithuania, Luxembourg, Malta, Poland, Slovenia, Spain, Slovak Republic, Sweden**) to directly analyse the labour needs of the labour market; and the Setting of Quotas (**Austria, Bulgaria, Estonia, Hungary, Italy, Portugal, Slovenia**) or Limits (**United Kingdom**), in order to ensure that the immigration of third-country nationals for reasons of employment does not exceed the demand for labour. Institutional bodies, as well as employers and occupational organisations, play a key role in the implementation of the above methods.

Depending on the approaches that the Member States adopt to identify and map labour demands, *specific tools* ([Section 4.1](#)) are used, including national surveys (**Austria, Estonia, Finland, Germany, Ireland, Italy, Latvia, Malta, Poland, Portugal, Sweden**), as well as long and short term forecasting (**Austria, Czech Republic, Estonia, Finland, Germany, Ireland, Latvia, Malta, Portugal,**

**Spain**). *Job matching* ([Section 4.2](#)) is also undertaken by most Member States, with employers playing a key role in this process. *Skills assessment and the recognition of qualifications* ([Section 4.3](#)) are also considered as fundamentally important by Member States in order to prevent brain waste and to ensure that the qualifications of migrants are beneficial to the European labour market and economy.

Concerning the *integration* ([Section 4.4](#)) of third-country national workers, most Member States do not specifically develop integration measures for labour migrants, but rather apply these to all groups of migrants. However, specific integration measures provided through general integration programmes include opportunities for migrant workers to learn the national language, as well as measures for ensuring the integration of migrants in the workforce.

In relation to *Statistics on migrants in the national labour force* ([Section 5](#)), specific sectors and occupations within which labour/skills shortages exist have been identified by the Member States. These vary greatly, depending on the national labour market situation, ranging from engineers to service professionals. In order to identify whether labour migration can indeed satisfy labour demand in the Member States, statistics on the stock and inflow of migrant workers are presented, as well as statistics on the number of vacancies recorded in the Member States. Highly skilled third-country national workers represent the largest, or second largest, stock of workers in a number of Member States (**Austria, Germany, Ireland, Malta, Netherlands, Slovak Republic, Sweden** and **United Kingdom**), while low skilled workers are a dominant set in **Belgium, France** and **Italy**. With regard to the occupation categories filled by these third-country nationals, this depends entirely on the situation in the national labour market and on the labour shortages recorded. Overall, the most prominent nationalities migrating to the EU for reasons of employment are from Brazil, China, India, Russian Federation, Turkey, Ukraine and USA. Similarly to the data provided on stock, the inflow of third-country national migrants was consistently higher for skilled and highly skilled workers in most Member States. Moreover, the top three nationalities of origin receiving first permits issued for remunerated activities were India, China and Ukraine. For highly skilled employment, nationals from India and the USA figured most prominently in receiving work permits in the EU Member States. With regard to the number of job vacancies, all Member States providing statistics in 2009 recorded a decrease in the number of job vacancies from the previous year. However, in some instances, a link is demonstrated, with a decline in job vacancies for certain skill levels



following an increase in previous years in the inflows of third-country national migrant workers. This can be considered as demonstrating the manner in which labour demand can be satisfied by migration.

With regard to *Cooperation with third countries for economic migration* ([Section 6](#)), cooperation agreements with third countries are in place. These cooperation agreements include EU Mobility Partnerships, which have been, to date, signed with Moldova and Cape Verde and with Georgia. These Mobility Partnerships have, as an aim, to provide third-country nationals with better access to the EU. Though most Member States have signed cooperation agreements with third countries, many of these do not directly concern labour migration. However, several Member States (**Belgium, Czech Republic, Finland, France, Germany, Italy, Lithuania, Netherlands, Poland, Portugal, Slovak Republic, Spain**) have concluded cooperation agreements which include a specific focus on employment and labour migration. In many instances, these agreements focus on a specific occupation or skill category where labour shortages exist, with many focusing on highly skilled workers, such as medical practitioners and Intra-Corporate Transferees. Several Member States also conclude bilateral agreements with third countries relating to youth mobility, which have an effect on the national labour market as the young people involved are allowed to work in the signatory Member States (**Bulgaria, Czech Republic, Estonia, France, Hungary, Lithuania, Slovak Republic, Sweden, United Kingdom**). In addition to transnational agreements which influence labour migration, mechanisms are in place to prevent brain drain and brain waste. For brain drain, these mechanisms include programmes enabling third-country nationals to work in Member States for a fixed period of time, in order to obtain gainful experience before returning to their country of origin. With regard to brain waste, Member States have placed important emphasis on job matching and skills recognition in order to ensure that third-country national migrants are working in employment which suits their profiles.

The perspective of *European cities with regard to satisfying labour demand* ([Section 7](#)) according to Eurocities, the network of European cities, also contributing to this study, is given. This gives an insight into the local implementation of national economic policies and identifying the specific characteristics, needs and measures put in place at municipal level. Specific city visions on the role of migration in meeting current and future labour market needs are given, which include municipal action plans and strategies, as well as practices to identify labour mar-

ket needs in order to inform national lists. Many cities have recognised that the sharing of responsibility with respect to the integration of labour migrants could be stronger and have, therefore, developed integration strategies, including the development of Welcome Centres, as well as social benefits such as housing and health services. Like national institutions, cities often implement schemes to identify labour market needs with different tools and methods used, such as the setting of Occupation Lists, as well as the use of national statistics to identify vacancies. Political debates on migration at local level are also outlined in this Section, with debates focusing on the employment rates of third-country national migrant workers, as well as on brain waste. Some European cities have cooperated directly with third countries in order to assist labour migrants. This cooperation has led to the provision of information on the benefits of legal migration, including employment opportunities in the EU Member States, as well as on the dangers of irregular migration. Trends on vacancies in labour markets in European cities have also been identified, with Eurocities outlining that the skill levels required depend entirely on the city and region itself, with highly skilled, skilled and low skilled workers required in cities around Europe.

The *Analysis on satisfying labour demand through migration* ([Section 8](#)), initially outlines the *root causes of labour shortages* ([Section 8.1](#)), caused by quantitative and qualitative factors. These causes include unattractive labour conditions and low wages offered in some Member States, as well as the absence of national workers with the requisite skills and qualifications for particular occupations. *Problems* encountered with regard to *the filling of labour shortages* ([Section 8.2](#)) have also been identified, with such issues including the *complexity of national frameworks* regulating the admission of third-country nationals, as well as the challenges faced when *validating skills and recognising qualifications obtained abroad*. *Other aspects which influence the labour market* ([Section 8.3](#)) are also presented, including intra-EU mobility of workers, which contributes to more or less demand for third-country national workers, as well as the effects of irregular migration. The illegal work of third-country nationals is also identified by Member States as an issue which influences the labour market, though such illegal work has been found to be extremely difficult to measure and therefore to combat in many instances. With regard to return, most Member States had little information on the extent to which economic migrants were returning to their country of origin when labour declined in the particular occupations and sectors. Identified measures used to effectively *address labour shortages* ([Section 8.4](#)) are then outlined, along with the identified *need for consolidation and further development of policies and legislation* to better facilitate



economic migration to satisfy labour demand ([Section 8.5](#)), with Member States emphasising the importance of further developing policies and measures in the future to ensure a flexible and attractive labour market.

The *Concluding Remarks* ([Section 9](#)), considers that the (increasing) global demand for talent will be a common EU challenge in order for the EU Member States to compete for third-country national workers. In order to ensure that the EU remains competitive, there will be a need to improve both the tools and methods used to identify and manage labour demand, including forecasting of shortages of workers and skills, as well as removing the difficulties associated with the recognition of qualifications and skills obtained outside the EU. Such actions will ensure the flexibility and attractiveness of national labour markets for third-country nationals as well as enable Member States to satisfy labour demand through migration when required.

# 1. INTRODUCTION

The European Migration Network (EMN)<sup>1</sup> was established through [Council Decision 2008/381/EC](#)<sup>2</sup> and serves to provide up-to-date, objective, reliable and comparable information on migration and asylum, with a view to supporting policymaking in the EU. It also provides this information to the general public.

The overall purpose of this study was to identify those sectors experiencing shortages in the Member States, to outline the national strategies for addressing labour market needs with third-country national migrant workers and to gain an understanding of the perceived effectiveness of these strategies, including examining the impact of the recent economic downturn and recovery on them. The study covers the period from 2004 up to end of 2010 with statistics provided up to the end of 2009 and partly reprises the 2007 EMN Study on [“Conditions of Entry and Residence of Third-Country Highly Skilled Workers in the EU”](#).<sup>3</sup> The EMN’s previous study on [“Managed migration and the Labour Market – the Health Sector”](#) is also of relevance for this Synthesis Report.<sup>4</sup> This present study, however, examines the role of immigrants, specifically third-country nationals, in addressing all shortages and reflects on the lessons learnt from policy choices made as a response to the current economic situation.

This Synthesis Report includes an overview of Member States’ approaches to satisfying labour demand by presenting the different options available for addressing labour shortages<sup>5</sup> both in terms of long-term skill needs and in response to impacts of changes to the economy from 23 of the EMN National Contact Points: **Austria, Belgium, Bulgaria, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden and United Kingdom.**

An overview of the *methodology* ([Section 1.1](#)) used to undertake this study is given next, followed by an explanation of the *definitions* used ([Section 1.2](#)) and previous studies/reports ([Section 1.3](#)). Subsequent sections will then present the *EU Policy Context and Instruments* ([Section 2](#)), the *Member States’ approach to economic migration policy* ([Section 3](#)), plus the *implementation of economic migration policy and legislation* ([Section 4](#)), *Statistics on migrants in the national labour force* ([Section 5](#)) and *Cooperation with third countries*

1 More information on the EMN, including its outputs, is available from <http://www.emn.europa.eu>.

2 Available from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008D0381:EN:NOT>.

3 Available from <http://www.emn.europa.eu> under “EMN Studies”

4 Available from <http://www.emn.europa.eu> under “EMN Studies”

5 Understood in the current report as comprising skills as well as labour shortages.

for economic migration (Section 6). Satisfying labour demand according to Eurocities (Section 7) is then presented. Finally, the Analysis (Section 8) and Conclusions (Section 9) will identify the successes of economic migration policy and the need for future development.

More detailed information can be found in each National Report<sup>6</sup> and one is strongly recommended to consult these also, in order to have a comprehensive overview of the situation in a particular Member State.

## 1.1 Methodology

This Synthesis Report summarises the key findings from the National Reports, highlighting the most important aspects and placing them as much as possible within an EU perspective. The National Reports are based on a set of common Study Specifications, developed in consultation with the EMN NCPs and used by all EMN NCPs to ensure comparability and facilitate the preparation of the Synthesis Report. For data, standardised tables were developed and EMN NCPs were encouraged to complete these, to the extent possible.

The EMN does not normally engage in primary research, but rather collects, gathers and evaluates data and information which are already available. Most of the elements needed to draft this study were publicly available. EMN NCPs relied primarily on already existing information (reports, studies, legislation, literature reviews and statistics) available from State authorities (Statistics Offices, Ministry Departments), academia, the International Organisation for Migration (IOM) or other NGOs (e.g. Caritas). In addition **Belgium, Bulgaria, Czech Republic, Finland, France, Germany, Hungary, Ireland, Italy, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Slovak Republic, Spain** and **Sweden** conducted primary research to obtain further information in the form of interviews, workshops, expert panels and seminars.

Eighteen Member States (**Belgium, Bulgaria, Czech Republic, Finland, France, Germany, Hungary, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom**) encountered problems and obstacles in undertaking the study or in obtaining relevant information. **Sweden**

<sup>6</sup> Available from <http://www.emn.europa.eu> under "EMN Studies."

found, for example, that the Study Specifications often "assumed" that a well-organised approach to addressing labour shortages through migration was in place, which made it difficult to describe less "formal" and structured measures and initiatives.

Most problems related to the collection and presentation of relevant statistics. Eighteen Member States (**Belgium, Bulgaria, Czech Republic, Finland, France, Germany, Hungary, Lithuania, Luxembourg, Ireland, Malta, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom**) experienced difficulties with regard to the collection and presentation of statistics according to the desired ISCO-88 classification,<sup>7</sup> as data were not available and / or because different definitions and methods were used for gathering and recording data in this field. Problems were also encountered concerning the use of the Labour Force Survey. For example, **Austria and Luxembourg** highlighted the fact that the small sample size of this survey (1% and 6% of households for Austria and Luxembourg respectively) did not always provide reliable information on the employment level of sub-groups, such as third-country nationals, and sub-categories of occupations by nationality. In **Lithuania**, due to the small sample (0.5% of households) and small number of third country nationals (less than 1%), survey data could not be used because of the accuracy of data. Other problems cited related, for example, to lack of long-term data (**Bulgaria**), data sources not being up to date (**Czech Republic**), the fragmentation of data caused by the use of different sources (**Bulgaria, Finland**), difficulties in discerning the different categories of third-country nationals coming and leaving the Member State for employment purposes (**Germany**), the identification of EU nationals in flow data (**Ireland**), the manual disaggregation of work permits by qualification (**Lithuania**),<sup>8</sup> the absence of large shares of ISCO-88 data for all newly registered workers by employers (**Luxembourg**),<sup>9</sup>

<sup>7</sup> International Labour Organisation's ISCO-88 classifications. The ISCO-88 provides a system for classifying and aggregating occupational information obtained by means of population censuses and other statistical surveys, as well as from administrative records. The ISCO 88 classification groups jobs together in occupations and more aggregate groups mainly on the basis of the similarity of skills required to fulfil the tasks and duties of the jobs. Member States use a variant of ISCO-88(COM) developed for countries reporting occupational statistics to Eurostat and also used by EURES. Further information available at <http://www.ilo.org/public/english/bureau/stat/isco/isco88/index.htm>.

<sup>8</sup> Works permits could be disaggregated by country and by sex but not by qualification

<sup>9</sup> In **Luxembourg**, the General Inspection for Social Security uses the ISCO-88 classification though a large share of ISCO-88 is missing (91% in 2004 and 33% in 2009). The NACE classification is therefore more commonly used.

the absence of information on entry to the labour market (as opposed to entry to the Member State) and exit from both the labour market and the Member State (**United Kingdom**).

## 1.2 Definitions

The common Study Specifications used terms in accordance with the definition given in the EMN Glossary<sup>10</sup> and the following five broad categorisations when referring to 'economic migrants':

- ◆ Highly skilled (ISCO-88 Major Group 1,2,3);
- ◆ Skilled (ISCO-88 Major Group 4 -8);
- ◆ Low skilled (ISCO-88 Major Group 9);
- ◆ Researchers; and
- ◆ Seasonal workers.

With regard to data and in order to have comparable data, the aim was to use ISCO- 88 classifications, from major groups one to nine, to organise migrants into three main groups, namely "highly skilled" (ISCO major groups 1 to 3), "skilled" (ISCO major groups 4 to 8) and "low skilled" (ISCO major group 9) workers. In all National Reports, the terms "highly skilled," "skilled," "low skilled," "researchers" and "seasonal workers" were used in line with the definitions foreseen in the Study Specifications.<sup>11</sup> However, EMN NCPs encountered problems with these definitions when developing "standardised" Tables of Data, as the national terms and/or definition used in the collection and analysis of relevant statistical data did not always correspond to those outlined in the Study Specifications. For example, with regard to the definition of "worker," Eurostat provides the following definition in Directive No (EC) 89/391 on the introduction of measures to encourage improvements in the safety and health of workers at work: *"Any person employed by an employer, including trainees and apprentices but excluding domestic servants."*<sup>12</sup> However, the Labour Force Survey applies the following definition for "employed persons": *"persons*

*aged 15 year and over (16 and over in ES, UK and SE (1995-2001); 15-74 years in DK, EE, HU, LV, FI and SE (from 2001 onwards); 16-74 in IS and NO), who during the reference week performed work, even for just one hour a week, for pay, profit or family gain; who were not at work but had a job or business from which they were temporarily absent because of, e.g., illness, holidays, industrial dispute or education and training."* Member States, for the purposes of the Study, and in accordance with the Study Specifications, referred to "workers" as "employed persons" in the Labour Force Survey in order to provide a common framework to facilitate comparability.<sup>13</sup>

## 1.3 Previous Studies/Reports

This Section provides an overview of EMN studies and Ad-hoc queries ([Section 1.3.1](#)), then describes the key issues reported in other EU-commissioned and non-EU studies and reports relating to labour migration ([Section 1.3.2](#)).

### 1.3.1 EMN studies and Ad-Hoc Queries

The 2007 EMN Study on ["Conditions of Entry and Residence of third country highly-skilled workers in the EU"](#) provided an overview of the status and needs in Member States for highly skilled workers, as well as describing the labour demand approach within the EU. The aim of the report was to contribute to the development of the Blue Card Directive. The Study has also subsequently provided a knowledge base for this present EMN Study.

[EMN Ad-Hoc Queries](#)<sup>14</sup> also provide a knowledge base for the development of this EMN Study. In total, 13 EMN Ad-Hoc Queries have been launched which relate to economic migration, namely:

- ◆ *Policy on Labour Migration* (February 2008) - analysed the situation concerning labour migration in the Member States. More specifically, this included statistics concerning the number of third-country nationals migrating to EU countries for employment reasons as well as the type of residence permit and employment status provided to this category of migrants by national authorities.

10 Available from <http://www.emn.europa.eu> under "EMN Glossary"

11 These definitions however do not necessarily correspond to individual highly-skilled categories in national immigration systems

12 Definition of "worker", Article 3 of Directive 89/391/EC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31989L0391:en:HTML>

13 With regard to highly skilled workers, the Synthesis Report refers to occupations under ISCO-88 Major Groups 1, 2 and 3. The definition does not necessarily correspond to the definition of highly skilled used in Member State national immigration systems.

14 Most of the queries listed below are available from <http://www.emn.europa.eu> under "EMN Ad-Hoc Queries"

- ◆ *Legal framework on employment of third country nationals* (March 2008) – provided an overview of the situation and practices across the EU concerning the procedures for admission and stay of third country nationals, including information on the authorities responsible for granting the right to work as well as work and residence documents (work permit and/or residence permit). Member States were also asked to provide examples of relevant legislation in force in their countries.
- ◆ *Entry and residence of third country nationals for business purposes* (February 2009) – examined how the entry and residence of third-country nationals for the purpose of carrying out business is regulated in the Member States. More specifically, the Ad-Hoc Query looked at the types of residence permits granted, the conditions that the alien must fulfil to be granted such permits as well as the conditions of residence, i.e. what checks are employed to prove that the purpose of residence persists throughout the alien's residence.
- ◆ *Policy in respect of migrant workers who are made redundant* (June 2009) –related to Member States' policy in respect of migrant workers who are made redundant. It examined the effects of redundancy on a migrant's immigration status, as well as whether the amount of time a migrant has been working in the Member State is taken into account when calculating the amount of time given to them to find further employment.
- ◆ *Policy measures taken in migration management as the reaction to global crisis* (June 2009) – examined the Member State's admission policy particularly regarding the use of quotas, as well as highlighting the policies against illegal migration and the promotion of returns.
- ◆ *Establishment of commercial companies by Third Country Nationals* (July 2009) –related to Member States' regulation of the establishment of commercial companies by third-country nationals.
- ◆ *Permits to attract highly skilled workers* (October 2009) –examined a number of Member States' policies concerning highly skilled workers including the issuance of residence permits.
- ◆ *Admission system for labour migration purposes* (November 2009) –examined the admission systems for third-country nationals for migration purposes, as well as outlining the methods used

by Member States for identifying labour needs and satisfying labour demand.

- ◆ *Labour Market Legislation limiting Third-Country Nationals access* (November 2009) –provided information on legislation existing in Member States which provides for the protection of the labour market by limiting the employment of third-country nationals.
- ◆ *Trends in International Migration* (November 2009) –examined the current levels of migration (inflow/outflow), as well as the effects of the economic crisis on migration levels.
- ◆ *Seasonal Workers and Intra-Corporate Transferees* (March 2010) – provided statistics on third-country nationals employed as seasonal workers, as well as intra-corporate transferees examining also conditions for these workers.
- ◆ *Employment and Work of Aliens* (June 2010) – examined national legislative provisions concerning the employment of a third-country national in sectors in which they are not registered to perform an activity.
- ◆ *Recognition of professional qualifications obtained outside the European Union* (December 2010) – examined national legislative provisions and practices regarding improve skills recognition and labour matching between the European Union and third countries.

### 1.3.2 Key issues arising from other relevant studies and reports

Migration to the EU has expanded at a notable rate since the beginning of the 1990s. The average annual net entries for the EU-25 more than tripled from 198 000 people in the 1980s to approximately 750 000 per year during the 1990s.<sup>15</sup> Immigration has also substantially furthered employment growth in the European Union in the past decade, with an estimated employment increase of almost 3.7 million, representing a quarter of the overall rise in employ-

<sup>15</sup> Economic papers, DG Economic and financial affairs, September 2006: Labour migration patterns in Europe: Recent trends, Future challenges, page 5-6, cited from Impact Assessment on 2008 Communication, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=SEC:2008:2026:FIN:EN:PDF>



ment.<sup>16</sup> In fact, increasingly, migration is being seen as a means to ease domestic labour shortages, either in particular sectors or 'across the board', resulting from the shrinking of the working-age population and the new needs of the "knowledge society," which are creating a shortage in skills. The aging population is a phenomenon experienced both in the European Union and in other parts of the world.<sup>17</sup> Whereas, in 2008, there were four people of working age (15-64 years old) for every EU citizen aged 65 years or over, by 2060 the ratio is expected to drop to 2 to 1. In addition, the share of people aged 65 years or over in the total EU population is projected to increase from 17.1% to 30.0%.<sup>18</sup> Some Member States are already experiencing the effects of demographic developments, giving rise to structural gaps in the domestic workforce, with high proportions of working individuals leaving the labour market to retire. This is also having an effect on Member States' strategic views on labour migration.

A 2006 Communication "*The Demographic nature of Europe – from challenge to opportunity*"<sup>19</sup> highlighted the unfeasibility of current EU policies in the long term with regard to tackling the decrease in active population and the prospect of 'slippage in public finances'. The Communication established a reference framework which set out the promotion of employment in Europe: more jobs and longer working lives of better quality. The Communication, however, highlighted that immigration cannot be the solution to all problems and challenges relating to demographic ageing of EU societies, though it was considered that well-managed immigration was likely to bring numerous positive consequences which would offset the negative consequences of population ageing particularly by increasing labour

supply.<sup>20</sup> Since this Communication, annual Demography Reports<sup>21</sup> have been produced setting out the main facts and figures concerning demographic change and discussing future challenges and appropriate policy responses.

In addition to demographic projections, a number of recently published reports focus on the issue of future labour shortages in the EU. For example, a [Cedefop study](#) from 2008<sup>22</sup> outlined that projections show likely labour shortages in industry, education and training, guidance and counselling. It argued that the EU and Member States needed to make policies that initiate measures to prevent and alleviate risks of skill mismatches (shortages as well as surpluses).

The concept of filling labour shortages in the Member States through immigration is also explored in a paper published by the Migration Policy Institute - [Filling Labour Shortages through Immigration: An Overview of Shortage Lists and their Implications](#).<sup>23</sup> As shown by the paper, some skills and abilities are in short supply, even in times of recession, and sometimes vacancies in certain sectors are particularly hard to fill. Since immigration brings new workers to the economy who might fill these gaps, immigration policy represents a logical part of any strategy that addresses recruiting difficulties. Immigration policies in the Member States have been designed to alleviate perceived shortages of labour have been around for decades, and the idea of targeting immigration to needy parts of the economy is not new.

Another recent paper published by the [World Economic Forum](#) shows that the Northern hemisphere faces talent shortages in a wide range of occupational clusters largely because populations are ageing rapidly and educational standards are insufficient.<sup>24</sup> Western Europe will need to add 45 million workers to its talent base by 2030 to sustain economic growth. In developed countries, ageing and the retirement of baby boomers will have significant implications for how to manage workforce quantity, quality and costs.

16 Migration, Employment and the Outcomes of Labour Market Integration Policies in the European Union, Independent Network of Labour Migration and Integration Experts, available from: <http://www.labourmigration.eu/research/report/13-migration-employment-and-the-outcomes-of-labour-market-integration-policies-in-the-european-union>

17 For example, in Japan it is estimated that the workforce, aged between 15 to 64 years will fall to 52 million in 2050, from its peak of 87 million in 1995, with an estimated total population of 125.5 million in 2050 (Source: <http://www.un.org/esa/population/publications/ReplMigED/Japan.pdf>) and in China, 67% of companies in the eastern province of Jiangsu expect to have difficulty recruiting new workers, with South China's Guangdong province predicting that it will have a shortage of one million workers in 2011 (Source: [http://www.chinadaily.com.cn/china/2011-02/21/content\\_12052550.htm](http://www.chinadaily.com.cn/china/2011-02/21/content_12052550.htm)).

18 Population projections, Eurostat, available from: [http://epp.eurostat.ec.europa.eu/statistics\\_explained/index.php/Population\\_projections](http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Population_projections)

19 As above: Migration, Employment and the Outcomes of Labour Market Integration Policies in the European Union, Independent Network of Labour Migration and Integration Experts.

20 Impact Assessment accompanying Communication on a common Immigration Policy for Europe: Principles, actions and tools, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=SEC:2008:2026:FIN:EN:PDF>

21 The 2010 Demography report is available at <http://epp.eurostat.ec.europa.eu/portal/page/portal/population/documents/Tab/report.pdf>.

22 Skills needs in Europe: Focus on 2020 (CEDEFOP - European Centre for the Development of Vocational Training), see [http://www.cedefop.europa.eu/etv/Upload/Information\\_resources/Bookshop/498/5191\\_en.pdf](http://www.cedefop.europa.eu/etv/Upload/Information_resources/Bookshop/498/5191_en.pdf).

23 Available at <http://www.migrationinformation.org/Feature/display.cfm?id=828>

24 Available at [http://www3.weforum.org/docs/PS\\_WEF\\_GlobalTalentRisk\\_Report\\_2011.pdf](http://www3.weforum.org/docs/PS_WEF_GlobalTalentRisk_Report_2011.pdf)

According to the paper, many government and business leaders have long relied on migrant workers to fill their talent gaps. Innovative points-based migration systems and a “migration-friendly” branding by states and companies are necessary to attract the right talent globally. But, as the paper indicates, migration alone cannot make up for the massive talent shortfall that Europe will soon face. A holistic approach to the global talent risk will help companies and governments structure their efforts to solve the talent gap.

Reports and studies also show that, at present, however, there are obstacles to the successful use of migrant labour. For example, a 2010 study by the European Commission on the interventions of the European Social Fund (ESF) in the area of “[Migrants and Minorities](#),”<sup>25</sup> examined the types of measures and priorities that support migrants and paid particular attention to the problems of integration in the labour market. The study also assessed policy responses from the EU for the social inclusion and access to employment of migrants and minorities, and reported on ESF interventions in the field of migrants for the periods 2000- 2006 and 2007-2013, presenting an overview of initiatives implemented across the Member States, as well as their achievements. The study outlined that approximately 700 000 third-country nationals have been supported through integration actions encompassing a number of different actions including personalised counselling, training, internships with companies and guidance to work. The study also argued that, although global labour mobility is assumed to ensure the efficient and optimal utilisation of labour, in practice here is a mismatch between labour migration and labour market demand in many Member States. This is partly due to the fact that third-country national migrants are ineffectively utilised within the labour market, because of obstacles to their employment. Such obstacles include ethnicity-based discrimination, migration history and skills and competencies of migrants, including language skills.<sup>26</sup>

Secondly, economic migration to Europe can lead to “brain waste” and “brain drain.” This problem was, for example, identified by the aforementioned 2008 [Commission Communication on a Common Immigration Policy for Europe](#), which stated that “immigrants are often more exposed to being employed in precarious work, jobs of lower quality

or jobs for which they are over-qualified, with the result that skills are not fully utilised.” The Commission considered that such brain waste contributes to making immigrants more likely to work illegally. A more recent study confirmed indications of possible discrimination and other obstacles to the labour market. These also related, for example, to difficulties in the recognition of qualifications of third-country nationals, which sometimes meant that, notwithstanding their education levels, migrants are employed in low skilled occupations. The Impact Assessment supporting the 2008 Communication furthermore identified that the recognition of qualifications hindered the overall integration of migrant workers into the EU labour market.<sup>27</sup>

25 Available from [http://ec.europa.eu/employment\\_social/esf/docs/br\\_migrants\\_minorities\\_en.pdf](http://ec.europa.eu/employment_social/esf/docs/br_migrants_minorities_en.pdf)

26 Information on barriers available on page 21 of ESF Study, available from [http://ec.europa.eu/employment\\_social/esf/docs/br\\_migrants\\_minorities\\_en.pdf](http://ec.europa.eu/employment_social/esf/docs/br_migrants_minorities_en.pdf)

27 Impact Assessment accompanying Communication on a common Immigration Policy for Europe: Principles, actions and tools, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=SEC:2008:2026:FIN:EN:PDF>



## 2. EU POLICY CONTEXT AND INSTRUMENTS

This Section provides an overview of the EU policy context related to the labour migration and satisfying labour demand ([Section 2.1](#)). A summary ([Section 2.2](#)) of the EU instruments relating to economic migration including the EU legislative acquis, funding and other relevant instruments, including networks such as EURES, is then given.

### 2.1 Policy context

Labour migration is increasingly being considered by Member States as one of the potentially important means to solve the problem of the EU's aging population and the increased demand for certain types of skills, even though the global economic downturn has impacted on the demand for labour across the EU.<sup>28</sup> Whilst labour migration is a Member State competence, meaning that they have the right to determine the volumes of admission of immigrants entering their territory for the purpose of employment and to maintain or introduce national residence permits for any employment purpose,<sup>29</sup> EU policies and legislative instruments have been introduced with the aim to help increase the competitiveness of the EU's economy, to promote sustainable economic growth and to strengthen the knowledge-based society.

The study should hence be seen in the context of the [European Pact on Immigration and Asylum](#)<sup>30</sup> and the [Stockholm Programme](#),<sup>31</sup> as well as the [EU 2020 strategy](#).<sup>32</sup> In addition, labour migration should also be seen in the context of the Union Preference principle, which requires that citizens of future Member States must get priority over people from non-EU countries.<sup>33</sup>

In June 2008 a Communication "[A Common Immigration Policy for Europe: Principles, Actions and Tools](#)" was adopted by the European Commission,<sup>34</sup> which recognised that in the context of an ageing Europe, the potential contribution of immigration to EU economic performance was significant. This Communication proposed 10 common principles on

<sup>28</sup> Section 6 of Stockholm Programme, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:0038:EN:PDF>

<sup>29</sup> Article 79(5) of the Treaty on the Functioning of the European Union

<sup>30</sup> Available at <http://register.consilium.europa.eu/pdf/en/08/st13/st13440.en08.pdf>

<sup>31</sup> Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:0038:EN:PDF>

<sup>32</sup> Available at <http://ec.europa.eu/eu2020/>

<sup>33</sup> Where there is no particular reason to hire a non-EU national, the rule of Union preference must be applied and should apply at all stages of the recruitment procedure.

<sup>34</sup> COM(2008)359, see <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0359:FIN:EN:PDF>

which the common immigration policy would be articulated, with the matching of skills and needs considered as a common principle for prosperity and immigration. The European Commission identified that immigration for economic purposes should respond to a common needs-based assessment of EU labour markets, addressing all skills levels and sectors in order to enhance the knowledge-based economy of Europe, to advance economic growth and to meet labour market requirements. This Communication outlined that the principle of Union preference should be respected when Member States determine volumes of admission. In order for this principle to be fulfilled, the European Commission indicated that the EU and its Member States should 'engage [...] in a comprehensive assessment of the future skills requirements in Europe up to 2020.' The Communication built on the 2005 "Policy Plan on Legal Migration,"<sup>35</sup> which had defined the first road-map for actions and legislative initiatives to pursue the coherent development of EU legal migration policy.

The European Pact on Immigration and Asylum, adopted by the European Council in October 2008, has, as one of its five commitments, to "organise legal immigration to take account of the priorities, needs and reception capacities determined by each Member State, and to encourage integration." The European Council considered that legal immigration should be the result of a desire on the part of both the migrant and the host country, to their mutual benefit, and has encouraged cooperation with countries of origin when Member States decide on the conditions of admission of legal migrants to their territory through the setting of quotas. The European Council also called on Member States to implement an immigration policy that is both managed, with respect to all labour market needs, and concerted, given the impact it may have on other Member States.

To that end, the European Council agreed:

- a) *to invite Member States and the Commission to implement policies for labour migration, with due regard to the *acquis communautaire* and Community preference, bearing in mind potential human resources within the European Union, and using the most appropriate resources, which take account of all the needs of the labour market of each Mem-*

*ber State, pursuant to the conclusions of the European Council of 13 and 14 March 2008;*

- b) *to increase the attractiveness of the European Union for highly qualified workers and take new measures to further facilitate the reception of students and researchers and their movement within the EU;*
- c) *to ensure, in encouraging temporary or circular migration, pursuant to the conclusions of the European Council of 14 December 2007, that those policies do not aggravate the brain drain;*
- d) *to improve information on the possibilities and conditions of legal migration, particularly by putting in place the instruments needed for that purpose as soon as possible;*

In the "[\*Stockholm Programme – An open and secure Europe serving and protecting the citizens\*](#),"<sup>36</sup> the European Council recognised that labour immigration could contribute to increased competitiveness and economic vitality and therefore encouraged the creation of flexible admission systems that are responsive to the priorities, needs, numbers and volume determined by each Member State.

The European Council thus invited:

- ◆ *the Commission and Council to continue to implement the Policy Plan on Legal Migration,*
- ◆ *the Commission to consider how existing information sources and networks can be used more effectively to ensure the availability of the comparable data on migration issues with a view to better informing policy choices, which also takes account of recent developments,*
- ◆ *the Commission and the Council to evaluate existing policies that should, inter alia, improve skills recognition and labour matching between the European Union and third countries and the capacity to analyze labour market needs, the transparency of European on-line employment and recruitment information, training, information dissemination, and skills matching in the country of origin,*
- ◆ *The Commission to assess the impact and effectiveness of measures adopted in this area with a view to determining whether there is a need*

<sup>35</sup> Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005DC0669:EN:NOT>

<sup>36</sup> Available from: [http://ec.europa.eu/home-affairs/doc\\_centre/docs/stockholm\\_program\\_en.pdf](http://ec.europa.eu/home-affairs/doc_centre/docs/stockholm_program_en.pdf)

for consolidating existing legislation, including regarding categories of workers currently not covered by Union legislation.

In March 2010, the Commission proposed the “[Europe 2020: a European strategy for smart, sustainable and inclusive growth](#).”<sup>37</sup> This Strategy is designed to enhance the EU’s growth potential and deliver high levels of employment, productivity and social cohesion, aimed at constituting the point of entry into a new sustainable social market economy, a smarter, greener economy where prosperity will result from innovation and from using resources better.<sup>38</sup> The Commission, in its *Working Document* launching this debate,<sup>39</sup> stated that despite its substantial contribution to growth, the potential of migration was not fully factored into policymaking at EU or national level and proposed that employment rates of migrants could be improved, particularly for specific categories, such as migrants with low levels of education, women and those recently arrived.

## 2.2 EU Instruments

This Section provides an overview of EU Instruments relating to economic migration, including the EU legislative acquis ([Section 2.2.1](#)), funding ([Section 2.2.2](#)) and other relevant instruments, including networks such as EURES ([Section 2.2.3](#)).

### 2.2.1 EU legislative instruments<sup>40</sup>

With regard to EU acquis, a number of EU legislative instruments currently exist which regulate the admission and residence of third-country nationals for the purposes of employment.

- ◆ [Directive 2009/50/EC](#) on the conditions of entry and residence of third-country nationals for the

purposes of highly qualified employment (“Blue Card Directive”) establishes common criteria and a fast track procedure for issuing residence and work permits, without prejudice to more advantageous conditions at national level.<sup>41</sup> The Directive aims to make the EU more attractive to highly-qualified third country nationals. Blue Card holders are also entitled to a number of socio-economic rights, and favourable conditions for access to the labour market as well as family reunification and movement across the EU.

- ◆ [Directive 2005/71/EC](#) on a specific procedure for admitting third-country nationals for the purposes of scientific research (“Researchers Directive”) lays down the conditions of admission for third-country researchers to the Member States for the purpose of carrying out a research project. The purpose of the Directive is also to contribute to the Lisbon objectives of making Europe the most competitive and knowledge-based economy of the world, by fostering the admission and mobility of third-country researchers, in order to enhance the EU’s attractiveness for researchers from around the world and boost its position as an international centre for research.<sup>42</sup>

- ◆ In order to combat irregular migration and illegal employment, [Directive 2009/52/EC](#) provides for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (“Employers’ Sanctions Directive”). Moreover, [Directive 2008/115/EC](#) provides common standards and procedures in Member States for returning illegally staying third-country nationals.

In addition to the above instruments, the following draft legislative proposals, adopted by the Commission as part of the aforementioned Policy Plan on Legal Migration, and currently being negotiated with the European Parliament and Council; aim to further economic migration policy in the EU.

- ◆ The [Proposal for a Directive on a single application procedure for a single permit](#) aims to establish a single residence and work permit for third-country national workers, as well as equal treatment with nationals, for example with regard to working conditions, social security and access to goods and services.

<sup>37</sup> See <http://ec.europa.eu/europe2020>

<sup>38</sup> Europe 2020 Communication from the Commission COM (2010)2020, Europe 2020: A strategy for smart, sustainable and inclusive growth, available at <http://ec.europa.eu/eu2020/>. Furthermore, in the State of the Union address in 2010, the President of the European Commission outlined proposals for a “European Vacancy Monitor” (see Section 2.2.3) which aimed to show where jobs exist in Europe and elaborate which skills are needed. Furthermore, he outlined the importance of an EU that is social and inclusive with regard to employment in order to ensure that all new opportunities are seized.

<sup>39</sup> Commission Working Document COM(2009)647, available at: [http://ec.europa.eu/eu2020/pdf/eu2020\\_en.pdf](http://ec.europa.eu/eu2020/pdf/eu2020_en.pdf)

<sup>40</sup> Details of the transposition of the following EU acquis are given in the EMN Annual Policy Reports available from <http://www.emn.europa.eu> under “Annual Policy Reports.”

<sup>41</sup> Further details at [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/misc/107989.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/misc/107989.pdf)

<sup>42</sup> Information available at [http://ec.europa.eu/home-affairs/policies/immigration/immigration\\_training\\_en.htm](http://ec.europa.eu/home-affairs/policies/immigration/immigration_training_en.htm)

- ◆ The [Proposal for a Directive establishing common entry and residence conditions for third-country seasonal workers](#) aims to establish a fast track procedure for the admission of third-country seasonal workers, based on a common definition, common criteria and requirements, for example concerning the need for a work contract or a binding job offer that specifies a salary. The proposal introduces a multi-seasonal permit or a facilitated re-entry procedure for a subsequent season, with the overall aim of encouraging legal migration for seasonal work. The proposal also aims to promote circular migration between the EU and the countries of origin of the migrants, as well as to protect seasonal workers from exploitation.<sup>43</sup>
- ◆ In order to face the obstacles encountered by businesses relating to the complexity and diversity of rules within the EU, the [Proposal for a Directive defining conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer](#) aims to facilitate intra-corporate transfers of skills both to the EU and within the EU in order to boost the competitiveness of the EU economy and complement the measures put in place by the EU 2020 strategy. The proposal for this Directive is particularly aimed at responding effectively and promptly to demand for managerial and qualified employees for branches and subsidiaries of multinational companies through the setting up of transparent and harmonised conditions of admission for this category of workers. The Directive will create more attractive conditions of temporary stay for ICT workers and their families as well as promoting efficient allocation and reallocation of transferees between EU entities.<sup>44</sup>

## 2.2.2 EU funding

The [European Social Fund](#) aims to promote employment in the EU by financially supporting Member States in reducing differences in prosperity and living standards across the EU Member States and regions. The ESF promotes economic and social cohesion. Over the period 2007-2013, the ESF will distribute approximately 75 billion euro to EU Member States in order to achieve its goals. Key activities of the ESF include providing access to employment

to migrants through social inclusion,<sup>45</sup> as well as fighting discrimination of migrants, promoting the employment of migrants in the workforce and ensuring that the EU makes full use of the talents of all its people and the capacities that they could bring to the workforce.<sup>46</sup>

Within the ESF, [PROGRESS](#), the EU's employment and social solidarity programme, provides funding to institutions and organisations, which fight against vulnerable or socially-excluded groups, including migrants.<sup>47</sup> Its activities are also implemented in response to the EU's 'Lisbon' Growth and Jobs Strategy. For example, PROGRESS funds European observatories, such as the European Employment Observatory (see below), to track employment policies and labour market trends. It has also funded EU networks of NGOs fighting social exclusion and discrimination.

As part of the General Programme on Solidarity and Management of Migration Flows, the European Integration Fund, established by [Council Decision 2007/435/EC](#), for the period 2007-2013 outlines the importance of contributing to national efforts of Member States in developing integration policies for migrants, in order to facilitate their integration in European societies, including their participation in the labour market. Past projects funded by the European Integration Fund have focused on migrants' access to the labour market and their effective integration.<sup>48</sup> The fund is primarily targeted to newly arrived third-country nationals for actions supporting their integration. In addition, the [European Refugee Fund](#), established through Decision 573/2007/EC of the European Parliament and of the Council, provides for funding of actions including the integration of refugees into the labour market, language training, as well as facilitating the recognition of qualifications and diplomas, for the period 2008-2013.<sup>49</sup>

<sup>43</sup> See <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/10/323&type=HTML>.

<sup>44</sup> Further information available at <http://register.consilium.europa.eu/pdf/en/10/st12/st12211.en10.pdf>.

<sup>45</sup> ESF Field of Activity: Access to Employment available at [http://ec.europa.eu/employment\\_social/esf/fields/employment\\_en.htm](http://ec.europa.eu/employment_social/esf/fields/employment_en.htm).

<sup>46</sup> ESF Field of Activity: Fighting Discrimination, available at [http://ec.europa.eu/employment\\_social/esf/fields/discrimination\\_en.htm](http://ec.europa.eu/employment_social/esf/fields/discrimination_en.htm).

<sup>47</sup> More information available from <http://ec.europa.eu/social/main.jsp?catId=437&langId=en>.

<sup>48</sup> For past projects, see Annual Work Programme Reports, available at [http://ec.europa.eu/home-affairs/funding/integration/funding\\_integration\\_en.htm](http://ec.europa.eu/home-affairs/funding/integration/funding_integration_en.htm).

<sup>49</sup> Article 3(3) of Decision 573/2007/EC, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:144:001:0021:EN:PDF>.



### 2.2.3 EU networks and other structures

[Eurocities](#), the network of major European cities, focuses on knowledge exchange and policy work in the name of major European cities. With regard to labour migration, the Working Group on Migration and Integration, as well as the Working Group on Economic Migration provide updates on policy developments between cities, including activities relating to the access of migrants to the labour market, as well as their integration.<sup>50</sup> These Working Groups have contributed to this EMN Study, with further information provided by Eurocities on labour migration and satisfying labour demand presented in [Section 7](#) of the Synthesis Report.

The EU has also supported economic migration throughout the EU and EEA countries through the provision of online information, such as [EURES](#), the European Job Mobility Portal, and the more recently established [European Job Mobility Bulletin \(EJMB\)](#) and the [European Vacancy Monitor \(EVS\)](#).

Another network providing analysis and advice on economic migration and labour market integration of third country nationals is the [Independent Network of Labour Migration and Integration Experts \(LINET\)](#) created in 2009 by the International Organisation for Migration (IOM). The network unites experts from 27 Member States of the European Union, Croatia, Norway and Turkey, and aims to support the European Commission (in particular DG Employment, Social Affairs and Equal Opportunities) in evidence-based decision-making and mainstreaming issues of labour market integration of migrants in achieving Europe 2020 goals.

The [European Employment Observatory](#)<sup>51</sup> (EEO) makes an important contribution to the European Employment Strategy (EES) by providing information, comparative research and evaluation on employment policies and labour market trends in all Member States, EFTA countries and Croatia, Turkey, FYROM, Serbia and Iceland. The EEO aims to improve the information base for policymakers and other stakeholders of the EES. A number of EEO Thematic Reports have been published concerning labour market measures undertaken in Member States, including the **Slovak Republic** and **Estonia**, concerning access to the labour market and sat-

isfying labour market needs.<sup>52</sup> In a 2010 Thematic Report on *“Active Labour Market Measures in Slovak Republic,”*<sup>53</sup> the importance of systems for skills identification and monitoring tools to measure the scale of labour demand were highlighted in order to ensure the satisfying of labour market needs at local and national level.

### 2.2.4 EU Statistics

The [European Labour Force Survey](#) is a large household sample survey which provides quarterly results on labour participation of people aged 15 years and over, as well as persons outside the labour force. The survey is conducted in all 27 Member States as well as in three candidate countries and three EFTA countries.<sup>54</sup> The results of the survey, undertaken by national statistics institutes, are centrally processed by Eurostat using the same definitions as well as common classifications, following the International Labour Organisation’s guidelines for statistics on employment and unemployment, and recording the same set of characteristics in each country. In 2010, the sample size for the quarterly Labour Force Survey across the EU was 1.5 million persons, with the survey covering all industries and occupations.<sup>55</sup> In 2008, an ad-hoc module on the situation of immigrants and their immediate descendants was launched to provide a complete identification of this group, allowing for analytical flexibility as well as providing comparable statistics on the labour market situation of migrants and their immediate descendants and analysing the factors affecting their integration and adaptation to the labour market.<sup>56</sup>

The [Eurostat](#) database also accumulates statistics on the employment permits issued to third-country nationals, with annual statistics provided on first permits issued for remunerated activities by reasons, length of validity and citizenship. These

50 Eurocities: the network of major European cities, available at <http://www.eurocities.eu>

51 Information available from <http://www.eu-employment-observatory.net/en/about/AimsObjectives.htm>

52 EEO Thematic Reports available from <http://www.eu-employment-observatory.net/en/documents/EEO-Thematic-Reports.aspx>

53 Active Labour Market Needs in Slovak Republic, available at <http://www.eu-employment-observatory.net/resources/reports/Slovakia-EmploymentServicesLaw.pdf>, <http://www.eu-employment-observatory.net/resources/reports/Slovakia-EmploymentServicesLaw.pdf>

54 The LFS microdata for scientific purposes contain data for all 27 Member States except Malta and in addition Iceland and Norway

55 Information available from <http://epp.eurostat.ec.europa.eu/portal/page/portal/microdata/lfs>

56 See Employment of Foreign Workers: Focus on Eurostat Ad-Hoc Module 2008, available at <http://www.statistics.gov.uk/articles/nojournal/ForeignWorkerEmploymentEurostatAdFeb09.pdf>

statistics cover all EU Member States as well as Iceland, Norway, Liechtenstein and Switzerland.<sup>57</sup> The Eurostat database also provides statistics on job vacancies.<sup>58</sup> [Section 4.1](#) below provides an overview and analysis of these statistics.

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<sup>57</sup> Statistics available at [http://epp.eurostat.ec.europa.eu/portal/page/portal/product\\_details/dataset?p\\_product\\_code=MIGR\\_RESOCC](http://epp.eurostat.ec.europa.eu/portal/page/portal/product_details/dataset?p_product_code=MIGR_RESOCC)

<sup>58</sup> Statistics on job vacancies available at [http://epp.eurostat.ec.europa.eu/portal/page/portal/labour\\_market/job\\_vacancies](http://epp.eurostat.ec.europa.eu/portal/page/portal/labour_market/job_vacancies).

### 3. MEMBER STATES' APPROACH TO ECONOMIC MIGRATION POLICY

This Section provides an overview of Member States' overall approaches to economic migration policy, in relation to satisfying labour demands for highly skilled, skilled and low skilled labour. The National Vision and Policy of each Member State is firstly outlined ([Section 3.1](#)) identifying some common points and differences between Member States. This is followed by an overview of the Institutional and Legislative Framework in Member States ([Section 3.2](#)) to support the implementation of policy, as well as current political debates and involvement of stakeholders ([Section 3.3](#)) on national economic migration policies.

#### 3.1 National Vision and Policy

During 2004-2010, there have been notable changes to European economy and society, which have affected the way in which migration policy is developed. Firstly, there have been major changes to the European (and global) economy. Whilst before 2008, there was substantial economic growth in Europe, this was followed by a large drop as a result of the economic crisis. Before this crisis, the study shows that the economic growth had encouraged many Member States to establish policies which aimed at stimulating innovation and the further development of the "knowledge society." The employment or admission of third country nationals was perceived as one potential way to achieve this. Whilst the crisis has not led to drastic changes to Member States' overall strategic vision, it has led to a more "cautious" approach, which is reflected, for example, in delays in the development and implementation of policy.

Secondly, the EU, as a whole, is also still experiencing the transition from "traditional" industry-based economic development to the "knowledge society," with many Member States requiring new skills, competences and know-how, some of which cannot be directly found amongst the domestic workforce nor directly generated by changes to national education<sup>59</sup> and training systems. The study shows that this also influenced political thinking about accessing such skills from abroad, either from within or outside the EU.

Finally, Member States which acceded to the EU since 2004 (i.e. EU-10 and EU-2 countries), have generally experienced high emigration levels of their

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<sup>59</sup> In some cases educational reforms may have even deepened the problems with satisfying professionals demand in labour market (**Poland**).



nationals towards other (primarily) EU-15 Member States. Their visions and policies are increasingly being shaped by the need to address the gaps in the labour market caused by this trend.

### 3.1.1 Member State visions on the possible future role of migration in addressing labour shortages

Most Member States have incorporated migration into their overall vision and strategic thinking on how to combat current and future shortages in labour. The degree to which migration is considered a “desirable” strategic means to addressing labour market needs, however, varies. Indeed, political debates are often centred on the question of whether migration has a role to play in addressing labour shortages at all, and, if so, to what extent and for what purpose, e.g. addressing short-term versus longer term needs, addressing the overall demand for labour versus specific aspects of the latter (e.g. to contribute to the above-quoted transition to the knowledge society).

Visions often reflect the need to carefully balance the striving for economic development and increased competitiveness, with the need to ensure social inclusion, educational attainment and overall development of the domestic population (including third-country residents and persons with a migrant background). Linked to this, they also often incorporate considerations on the concept of national identity and “belonging.” Therefore, while having a vision of the role of migration in satisfying labour demand, as well as some policy or legislation in place to support this, the majority of Member States consider such policies as secondary, or supplementary to strategies aimed at increasing employment amongst the domestic population.

The drivers behind the national visions and strategic views on attracting immigrants, and the type of immigrants, to satisfy labour demand also differ and can be broadly grouped as follows:

- ◆ Strengthening historical ties and traditions, related to, for example, ex-colonies (e.g. **Spain** and various South-American countries), or countries which previously were part of a bigger nation (e.g. ex-USSR);
- ◆ Proximity, further improving close relations developed with neighbouring (non-EU) countries;
- ◆ Socio-cultural homogeneity or similarity, often linked to the two drivers above;

- ◆ Foreign trade policy, in view of, for example, developing closer relations with third countries, for example, emerging economies (e.g. China);
- ◆ Reaching out to diaspora;
- ◆ Development policy, in view of, for example, supporting economic reform and the development of human resources in third countries.

The vision of most Member States outlined below is based on a combination of these drivers. **Austria, Belgium, Czech Republic, Finland, France, Germany, Ireland, Italy, Netherlands, Sweden and United Kingdom** all have a clearly defined vision in place aimed at facilitating the immigration of (certain categories of) third-country nationals to their Member State for the purpose of employment.

In **Austria**, an admission system for third-country nationals is in place which takes into account labour market needs. Furthermore, the Austrian government is currently working on the development of a new immigration model which is capable of attracting highly skilled third-country economic migrants. **Belgium** mainly focuses on using the existing domestic workforce to satisfy labour demand, and economic migrants are selected and employed on a case-by-case basis. While, in 2008, there was some discussion at governmental level on the possibility of using labour migration from third countries as a way to address certain labour market shortages, no concrete measures have since been introduced.

According to the *Ministry of Interior* of the **Czech Republic**, “in a modern society, it is necessary to regard migration as one of the tools for economic development of a country.”<sup>60</sup> This vision resulted in the introduction of legislative changes and projects to attract highly skilled migrant workers. In **France**, labour migration is used to contribute to national economic needs, with the list of economic sectors requiring foreign labour being updated regularly. **France** therefore aims to develop economic migration to benefit the French economy by facilitating access of third-country nationals in occupations contributing to economic development. In **Italy**, since the late nineties, the national vision acknowledged the importance of developing a longer-term approach towards immigration in general, including the development of policies and measures for labour immigrants, whilst, at the same time, the Member State aims to increase its internal man-

60 For more information see: <http://www.mvcr.cz/mvcren/article/migration.aspx?q=Y2hudW09Mw%3D%3D>.

power supply in order to satisfy labour demand. Similarly, **Ireland** has a vision of migration that focuses on attracting the high-skilled, who are considered strategically crucial to the development of the economy. However, maximising the potential for EEA nationals to fill areas of skills and labour shortage is also considered as a vital part of their vision. **Ireland** draws an important distinction between “skills” and “labour” shortages, with a skills shortage referring to a situation where there is an insufficient number of trained/qualified individuals in the domestic market to meet the demand for an occupation while labour shortages occur where there is an insufficient number of individuals willing to take up employment opportunities in a particular occupation. In the context of the current recession and resulting high unemployment, labour shortages do not exist in **Ireland** at present, while skills shortages are limited.

In **Germany**, while the Government envisages resolving the problem of gaps in the labour market primarily by improving education and training of national workers, encouraging the employment of women and older persons and by upgrading the skills of persons with a migration background already living there, it also has a vision of how incoming migrant workers could contribute, with particular emphasis on highly skilled workers, as a decline in their number is anticipated. In 2009, an agreement between the coalition governments’ parties stated the determination to further enhance Germany’s attractiveness to highly-qualified migrants and to eliminate red tape for skilled workers.

Similarly, the **Netherlands** has a vision of migration that prioritises “knowledge-migration” – i.e. immigration which contributes to the overall skills, qualifications and “knowledge” of the Netherlands thus improving the Member State’s ability to compete on the international market. The employment of migrant workers is also mainly “demand-driven,” with efforts being made to render the admission process “simpler and quicker” for migrants whose skills are strongly required. At the same time, the Member State also focuses on improving the alignment between education and the labour market and an increased participation of unused domestic labour potential (women, persons of migrant background and older citizens). Migration is seen as an addition to these national measures.

In **Sweden**, there is no particular focus on specific skills sets or levels: one of the aims behind a major reform to immigration policy that took place in 2008, was to ensure that employers could hire individuals with the skills level they needed, irre-

spective of the country of origin or residence of the candidate (even though third-country nationals can only be employed when no Swedish nationals or other EU citizens are available). The reform helped to create a system of labour migration governed by labour market demand. With the reform, the previous “*Labour Market Review*,” used to determine labour shortages overall, was abolished.

The **United Kingdom’s** approach to economic migration has changed significantly since the mid 1990s when it was regarded as offering a basis for selecting skilled workers from third countries to support economic competitiveness. Since the election of a new government in 2010, the emphasis in the United Kingdom has been placed on reducing net third country labour immigration while ensuring that the “brightest and the best” can still come to the UK to work. In 2008, a Points Based System (PBS) for labour migration by third-country nationals was introduced in order to manage the inflows of economic and student migrants from outside of the EU. This consolidated 80 separate routes of entry for labour and students into five tiers. Under the PBS, third-country labour migrants and students must accumulate a certain number of points based on attributes including age, language ability, experience and qualifications. Until April 2011, the five tiers of the PBS were: Highly skilled workers, investors, entrepreneurs, (Tier 1); Sponsored skilled workers with a job offer (Tier 2); Low skilled workers (Tier 3 – currently suspended); Students (Tier 4) and Temporary workers (Tier 5). Following the election of a new government, several interim measures were introduced while the new Government consulted on longer term measures. These measures included increasing the number of points required under Tier 1 (highly-skilled worker) migrants entering the United Kingdom and the imposition of a temporary limit imposed on Tier 2 labour migrants. Following the temporary measures, in April 2011 the Tier 1 General (highly skilled workers) route was closed and the limit on Tier 2 was implemented.

A second “group” of Member States (**Bulgaria, Estonia, Hungary, Latvia, Malta, Lithuania, Poland, Slovenia, Slovak Republic, Spain**) places greater emphasis on addressing labour shortages primarily by utilising the national workforce to the extent that they often have not elaborated a strategy for using economic migration to meet the demand for labour, as migration is not perceived as a core necessity. In some cases, a vision may exist as to how the employment of particular groups of economic migrants – especially highly skilled workers – could benefit the national economy (e.g. contributing to its knowledge base or its regional competitive-

ness). Consequently, policies to promote or facilitate economic migration will not exist or only focus on particular groups of economic migrants. On the other hand, the depletion of the domestic workforce through emigration is a major concern in **Estonia**, **Latvia** and **Lithuania** and these Member States prefer a policy of re-emigration of their own nationals to immigration of third-country nationals.

In **Bulgaria**, the *2008-2015 Government Strategy for Immigration and Integration* prioritises the return or immigration of individuals with Bulgarian citizenship who live on the territory of other countries or those of Bulgarian origin with foreign citizenship. While **Bulgaria** aims at favouring economic immigration of individuals having close ethnic and cultural links, it also recognises the need to attract highly skilled third-country nationals, including students with a Bulgarian degree, researchers and highly skilled specialists.

**Hungary**, which does not have a long history or tradition of immigration, refers to the employment of third-country nationals in its *2009 – 2014 Strategy for Freedom, Security and Justice*, but this does not set out a vision on satisfying labour shortages through immigration. In **Poland**, the employment of third-country nationals is set out in its *National Action Plan for Employment 2009-2011*. This is similar to the situation in the **Slovak Republic**, where to date there has been little need to search for workers outside of the domestic market to fill job vacancies. However, the recently published *Concept of Foreigners Integration* prepared by Ministry of Labour in 2009 suggests that a transition from a vision based solely on the principle of covering scarce professions in the labour market to a model of controlled legal immigration of highly-qualified workers from third countries, would contribute to their overall competitiveness.

**Latvia** has, in recent years, developed its first strategic views on how immigration might be used to address labour shortage. In 2004, following accession to the European Union, they began to experience the emigration of nationals of working age to other Member States, which led to notable labour shortages in its domestic labour market. The ensuing debate focussed on how to fill the shortages through re-emigration policies and stimulation of the domestic workforce, but also on the use of a migrant workforce, which resulted in the establishment of the *Migration Policies Working Group*. In July 2006, the Working Group drafted *Concept for Migration Policies in Connection with Employment*, which had, as one of its aims, to simplify admission procedures for third-country nationals. This Con-

cept paper has been included several times in the agenda of the Government, but formal consideration has, to date, been postponed, partly due to the economic crisis.

In **Slovenia**, while a migrant workforce is used to fill short-term or cyclical shortages in the labour market, the further development of the domestic workforce is prioritised over the use of a migrant workforce. Furthermore, since the economic crisis, access of third-country nationals has been restricted, for example, by reducing the quota from 2009 to 2010.

**Lithuania** has developed its migration policy by taking into account economic realities and the overall migration situation. Following labour shortages in the end of 2006, a Strategy to regulate economic migration was developed in 2007 which established a Commission for economic migration. The main objective of the strategy was to avoid labour shortages during the economic boom. In 2008, the Government adopted its main labour migration policy document, *Immigration Guidelines*, which views immigration as a secondary measure in filling labour shortages. The Guidelines set out a number of principles including “compensation and accommodation” which provides that the migrant workforce should only fill shortages that cannot be filled by nationals, EU residents and returning nationals. The Guidelines also outline the principle of “flexibility and selectivity” in order to ensure that immigration policy should match labour market needs and that priority should be given to workers from Belarus, Ukraine, Moldova and the Southern Caucasus.

In **Luxembourg**, no clearly defined policies and measures exist regarding the use of third-country nationals to satisfy labour demand as labour market needs are mainly filled by cross border commuters, with the government addressing labour shortages by primarily using the regional workforce rather than the national workforce. The share of third-country nationals in the domestic labour market<sup>61</sup> is only 3%, whereas 65% of domestic workers come from EU-15, EU-10 and EU-2. The 2009 Governmental Programme outlined that the new *Immigration Law of 29<sup>th</sup> August 2008* would assist in adapting immigration to the needs of the national economy. An inter-ministerial reflection group was created to

61 Because of the important share of cross-border commuters working in **Luxembourg**, we refer to the “domestic labour market” that includes all the people working in Luxembourg irrespective of their country of residence, as opposed to the “national labour market” that comprises only the workers residing in Luxembourg.

formulate guidelines and recommendations for a proactive and coherent immigration policy. In 2010, the included employers have been allowed to select highly-qualified migrants on a case by case basis in order to answer the labour market needs.

### 3.1.2 Member State policy towards addressing labour shortages

The visions or strategies that Member States have regarding the role of migration in satisfying labour demands are subsequently laid down in national or regional policies. This Section describes the different types of policies adopted, including the most recent policy developments.

Policies adopted by the Member States with regard to addressing labour shortages vary greatly. Several Member States, such as **Austria, France, Netherlands** and **Germany**, for example, indicated that they could somewhat benefit from earlier “lessons learnt,” as during the economic boom, which started in the earlier sixties up to the global economic crisis in the mid-seventies, they received and/or recruited high numbers of “guest workers,” both from within the European Union and from third countries, such as Turkey. Other Member States have more recent experiences, whilst for some, since immigration is a very recent phenomenon, policies need to be drawn up “from scratch.”

Some Member States (**Latvia, Lithuania, Slovak Republic**) policies focus on filling gaps in the labour market purely in the short term while other Member States also address longer term employment needs (**Austria, Czech Republic, Estonia, Finland, Germany, Ireland, Italy, Netherlands, Portugal, Sweden**). To some extent, variations in these Member State policies are associated with the methods used in the Member State to identify and forecast shortages in the labour market. The methods for doing so are described in [Section 4.1](#) of this report. Where long-term considerations are made, a number of Member States (**Austria, Czech Republic, Finland, Germany, Ireland, Italy, Netherlands**) focus on responding to demographic or structural labour needs by creating or attracting a more highly skilled workforce. Migration is considered by these Member States as a strategy to achieve this. In Member States where migration is principally used to fill short term positions, there appears to be a tendency for drawing on migrant workers who are more often low skilled.

**Austria** and the **Slovak Republic** distinguish between shortages which can potentially be filled with temporary migrant workers, and long-term

shortages which would require societal changes, such as educational development of young people and re-training of the national population. In **Estonia, Finland, Ireland, Portugal** and **Sweden**, policies towards labour shortages also concentrate on longer term needs. Whereas in **Finland** and **Sweden**, economic migration is viewed as a way to also achieve long-term economic aims (by increasing the overall skills base and stimulating innovation), the Governments of **Estonia** and **Latvia** prioritise the stimulation and retraining of its non-working national population. Moreover, **Lithuania** prioritises the retraining of their national population as well as encouraging the return of their emigrants. In **Ireland** highly skilled workers are offered longer term residence while lower skilled workers are given shorter periods of residence. **Belgium, Bulgaria, Czech Republic** and **Luxembourg** in general, do not distinguish between long-term and short-term needs in their labour policies.

When looking specifically at how migration is incorporated in Member States’ policies to address labour shortages, in **Germany**, for example, migration is envisaged to be used to fill both short-term and long-term needs: seasonal work and low skilled positions are often filled on a short-term basis, with migrant workers from specific third countries with which Germany has bilateral agreements and from within the EU (primarily EU 10), but highly skilled workers are, by contrast, encouraged to stay in Germany to satisfy long-term needs (see also [Section 6.1](#)). The policy of **France** also makes a distinction between different types of migrant workers, to either address short-term and longer-term labour market needs (seasonal workers, workers in transnational companies and highly skilled workers). Despite the national population growing, shortages in certain sectors are increasing; thus French policy tends to concentrate on using migrants (whether short-term or long-term) to fill gaps in these sectors, in addition to training unemployed workers to meet labour demands.

The **Czech Republic, Finland** and **Sweden** also incorporate migration into their policies to satisfy long-term needs. In **Italy**, every three years, a “long-term programme on immigration policy and foreigners on State territory” is prepared, which sets out the policies on immigration and each year a quota for incoming migrants is set in the “Flows Decree” – which implies some element of using migrant workers to satisfy long-term needs. Furthermore, a new programme will be adopted in **Italy** in 2011, in order to address the increased need for highly-qualified workers. In **Portugal**, current immigration law distinguishes two types of admission to the ter-



ritory for the purposes of short-term and long-term employment. Legislation provides for either entry with a temporary stay visa for low skilled work for up to six months or a residence visa leading to the granting of residence permit for two to five years.

Several Member States (**Austria, Estonia, Czech Republic, Finland, Germany, Ireland, Luxembourg, Netherlands, Portugal, United Kingdom**), as further discussed in [Section 8.2](#), focus on attracting migrant workers who are highly skilled. In **Austria**, this does not necessarily mean recruiting workers who have high educational qualifications (e.g. university degrees), but rather have well-developed professional competences and experiences. There has also been discussion in Austria over the possibility of facilitating the transition of third-country nationals graduating from Austrian universities onto the national labour market. In the **Czech Republic**, policies of economic migration have since 2003 favoured the entry of highly skilled workers. According to a recent *Resolution* of the Czech Government of May 2010,<sup>62</sup> introducing a new concept of immigration policy, economic migration preference for permanent settlement should be given to skilled and highly skilled only. **Estonia**, in order to make the labour market more flexible, initiated, in 2008, a programme for recruiting temporary labour force necessary for product development of small- and medium-sized companies. In **Finland** and **Germany**, highly skilled refers, at least in part, to 'highly-qualified', as their policies encourage students from third-countries graduating from their universities to stay in order to find employment. In particular, **Germany** prioritises the employment of skilled workers from third countries who have higher education qualifications in the field of information and communications technology. A Highly-Skilled Migrants Scheme entered into effect in the **Netherlands** on 1 October 2004. Also, in anticipation of the *Modern Migration Policy*, the entry of self-employed highly skilled migrants is regulated through a system based on points allocated to, for example, professional experience and "added value" to the economy. In **Ireland** an important part of labour policy is attracting small numbers of highly skilled niche workers in tandem with an overall "up-skilling" of the Irish population.<sup>63</sup>

62 Resolution of the CR Government No 344 of 10 May 2010 on the Analysis of the Current Developments and Problems in Migration.

63 The future policy aims to attract the highly skilled in **Ireland** with a Green Card, the long term residency element of which will be put on a statutory basis through the adoption of the *Immigration, Residence and Protection Bill 2010*.

In **Belgium**, certain (mainly) skilled and highly skilled migrants from the EU-2 are targeted to fill certain 'bottleneck' occupations.<sup>64</sup> In **Lithuania**, a Shortage Occupation List is used, updated every six months, which allows for workers from professions on this list to come to the Member State through a facilitated and faster procedure with the use of a national "D" visa. In **Luxembourg**, the reform of the *Immigration Law* in 2008 anticipated the adoption of Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment by facilitating the immigration process of highly skilled workers and responding more quickly to the demands of employers. The new legislation also facilitated the immigration of researchers.<sup>65</sup> In **Poland**, a new system of managing labour migration is based not only on attracting third-country national workers but also on making it easier for employers to hire third-country nationals.

In the **United Kingdom**, the number of points in the PBS may be adjusted to labour market conditions at a particular time and to the broader strategic migration objectives of the government. However, the PBS was not in itself established specifically to address labour shortages. Prior to the PBS, sector based schemes were in place to address shortages in lower skilled occupations such as food processing and hospitality. Overall, the previous Work Permit System was aimed at filling shortages in the labour market (though this was based on the assumption that immigration would be temporary, with work permits issued up to four years), and that chronic shortages would be alleviated by the training of domestic workers.

In **Spain**, migrant labour needs are monitored by a series of mechanisms such as a catalogue of "difficult" positions and a shortage list. These mechanisms forecast the number and type of labour vacancies to be filled by migrants, either to be hired in **Spain** or in the country of origin, based on a continuous labour market analysis. As the labour market has evolved, migrant workers, generally used to fill shortages in labour intensive sectors requiring less skilled workers, such as construction, are now used to fill highly skilled occupations.

64 The Flemish bottleneck list also comprises various (low skilled) horticultural workers. For Flanders they compose 66% of the work permits granted in 2008.

65 The new legislation gives the possibility to hire a low or skilled third-country national in an activity sector or for a profession for which labour shortage was defined by grand-ducal regulation; but this option hasn't been used yet.

In **Estonia** and the **Slovak Republic**, policies do not focus on particular categories of migrant workers by skill or sectoral expertise. In **Bulgaria**, the *2008-2015 Government Strategy* aims to attract third-country nationals having qualifications corresponding to the need of the sectors experiencing labour shortages. However, these sectors are not further defined. In addition, **Bulgaria** envisages prioritising, to a certain extent, third-country nationals graduating from Bulgarian universities, researchers and highly skilled specialists. In **Portugal**, job vacancies are divided immediately on the website for the *Institute for Employment and Professional Training* into both “offers of employment for temporary or seasonal activities” (maximum six months duration) and “offers of employment for permanent activities” (twelve months to permanent contract), therefore targeting both skilled and low skilled workers.

In line with the underlying drivers of national visions and strategic views described (previously in [Section 3.1.1](#)), Member State policies on using migration to satisfy labour demands also differ with respect to the (extent to which) cultural and political considerations and/or relationships with third countries are taken into account. In **Bulgaria, Italy, Lithuania** and **Slovenia**, for example, an interest in the diasporas can be detected in labour migration policies. In **Bulgaria**, the *2008-2015 Government Strategy* invokes the remigration, return and permanent settlement of Bulgarian citizens but also favours immigration and settlement of individuals applying for the Bulgarian citizenship, third-country nationals of Bulgarian origin and third-country nationals graduating from Bulgarian universities. In **Italy**, migrant workers who have one parent of Italian origin are prioritised and these individuals may also be entitled to Italian citizenship. In **Slovenia** workers from the former Yugoslavia and Western Balkans are given priority to enter the national labour market.

In very few Member States (**France, Germany, Italy**), policies for migrant workers include considerations on their eventual return, other than a general expectation that the time-limited validity of work permits issued will prompt return by the migrant upon/before expiry. In **Bulgaria**, for example, as the work permit is valid for a limited period of time, the third-country national is expected to leave the country after the work permit has expired. In **Germany**, it is assumed that migrants filling certain occupations will return home “naturally” (e.g. au-pairs and contracted workers). **France, Germany** and **Luxembourg** have policies in place to encourage or support the return of persons who have been trained or educated in the Member State. In **France**,

this is only applicable to migrants from certain countries (Senegal, Cameroon and Tunisia) with which it has a specific agreement. In **Germany**, the policy focuses only on a certain skills-level (the programme is called the “*Returning Experts Programme*”). In **Luxembourg**, the main return incentive is the limit of two years for work permits issued to third-country nationals graduating from institutions in the Member States who wish to gain a first relevant work experience before returning to their country of origin. In these Member States, these policies are aimed at reducing the ‘brain drain’ from third countries (see [Section 6.2](#) for further details). In **Italy**, the entry of migrant workers from third countries with which re-admission agreements have been signed, or with which readmission has proven to be overall successful, is prioritised.

The effects of the economic crisis on Member States have, in some cases, resulted in return gaining a (more prominent) place in economic migration policies. In the **Czech Republic**, a temporary assisted return programme was set up for third-country national migrants who had lost their jobs and did not have sufficient financial means to return home. This was also set up to avoid these migrant workers turning to illegal employment in order to make a living. In **Spain**, according to the new economic and immigration cycle, a programme has been introduced to offer voluntary return for unemployed economic migrants by proposing the “capitalisation” of their unemployment insurance payments as an incentive.

### 3.2 Political debate and involvement of stakeholders

Immigration for the purposes of employment, specifically to address labour shortages, has formed an important topic of debate in many Member States over the period covered by this study (2004 – 2010). For **Austria, the Czech Republic, Estonia, Ireland, Italy, Poland** and **Spain**, this topic is currently debated. For example, in **Italy**, as in other Member States, the political debate is influenced by considerations about the effects of economic crisis. However, in other Member States, for example in **Germany**, labour migration has repeatedly been a topic of public debate since the 1970s, in keeping with its longer immigration history. The various debates ongoing in the political, public and media sphere are discussed below in [Section 3.2.1](#) and [Section 3.2.2](#) the extent to which dialogue with relevant stakeholders, (e.g. private sector, social partners, labour market agencies of Member States, temporary staffing agencies, and

relevant third countries) has influenced policy-making in this field is outlined in [Section 3.2.3](#).

### 3.2.1 Debate in the political arena

A first topic for debates in most Member States is the general function and usefulness of economic migration. For example, in **Austria**, political debates regarding immigration focus on whether labour migration should be encouraged or not. In **Belgium**, the political attitudes towards labour migration differ among the Flemish and French speaking political parties, with the Flemish parties considered to be more in favour of some forms of labour migration. In **Estonia**, the principal parties (Reform Party, the Res Publica and Pro Patria Union) do not tend to view economic migration as the best way to fill shortages in the labour market and instead prefer to look for other solutions. In **Finland**, all three major parties are pro-immigration for economic purposes, although they differ in their focus. For example, some focus principally on aspects of social inclusion and integration, whilst others emphasise the need to develop specific tools to use migration to meet labour market demands.

In **Italy**, debates centre on the fact that migration is not being fully utilised to satisfy labour demand in the country. In **Lithuania**, debates relate to the return of emigrated nationals and how they can be attracted back to their Member State. In the **Netherlands**, the “perverse effects” of labour migration dominated the political debate with the most prominent discussions focusing on the displacement of the domestic labour market potential, as well as the consequences for social security, the integration issue<sup>66</sup> and the danger of brain drain. The “Highly Skilled Migrants Scheme” was also a point for discussion, as some politicians considered that this scheme could be subject to abuse since the salary of the third-country national is only taken into account to determine whether they are highly-skilled workers rather than education and the nature of the vacancy to be filled. It was therefore believed that this could facilitate the settlement of third-country nationals who could not be considered as highly skilled. In **Portugal**, debates have focused on the articulation between the regulation of migra-

<sup>66</sup> The integration issue has an important place in the current political debate on labour migration. The Cabinet’s point of view is that highly educated and highly skilled migrants do not constitute risk as regards the integration issue. The government expects a positive effect on the (future) integration problems as a result of the enforcement of the restrictive nature of the admission of labour migrants in the middle and lower segment of the labour market.

tory fluxes and the labour needs of the national economy, as well as the effectiveness of the quotas on labour migration. In **Spain**, since 2004, political debate has centred on the extent to which the economy requires the inflow of immigrant labour, as well the effects of the economic crisis including the prevention of xenophobia as a side effect to the rise of unemployment as well as the use of successful social integration methods to prevent social outbursts against migrant workers.

By contrast, in **Hungary** and **Latvia** political debate over economic migration is minor or non-existent; in **Bulgaria**, this is because migration only became a public policy topic in 2008 and because the main priorities of migration policy are currently being re-defined; in **Hungary** this is because of lack of coordination between stakeholders; and in **Latvia** it is because the government prioritises concerns over its rising domestic unemployment. In **Lithuania** immigration is a very sensitive topic. There is a prevailing viewpoint in society and among politicians that with such a large scale of emigration, and at such a high level of unemployment, it is “politically incorrect” to discuss the immigration of third-country nationals, particularly labour immigration.

Elsewhere, political debate (in government, between parties and at public level) has centred around particular elements of the national strategy and policy towards using migration to address gaps in the labour market, often within the framework of a proposed introduction of draft bills or other pieces of legislation. In **France**, political debate was prompted by a proposal to regularise migrants working illegally, in order to meet the labour demand in the sectors in which they were often illegally employed. The *Ministry of Immigration*, the *Ministry of Labour*, trade unions and certain employer representatives launched a public consultation<sup>67</sup> concerning the regularisation of persons working illegally. In **Ireland**, political debate centred on the adoption of a long-term residence status and of a Green Card for third-country workers. Additionally, the employment of non-EEA nationals in the healthcare sector was considered to be potentially problematic, especially in the context of the moratorium placed on public sector recruitment and promotion issued in 2009 due to the economic crisis.

In **Italy**, the Government’s decision to not set quotas for economic migrants in 2009 was met with much

<sup>67</sup> This included consultation with trade unions and other stakeholders.



criticism and debate. The Government argued that the economic crisis had caused high unemployment rates and that third country nationals already living in Italy had to be prioritised.<sup>68</sup> However, opponents to the decision argued that this created inflexibility in the skills-base of the migrant community, particularly in the care-sector. In September 2009, the Government launched a large-scale regularisation of non-nationals, formerly illegally working in the care sector, in response to the substantial labour demand driven by population ageing. In **Portugal**, intensive debate in 2009 focused on the reduction of quotas for third-country nationals admitted for the purposes of employment due to the economic crisis, with political parties taking contrasting stances on the positive effects of such action. In **Slovenia**, political debates took place regarding the introduction of the *Ministry of Labour, Family and Social Affairs' Draft Strategy of Economic Migration* (February 2008). This Strategy proposes using economic migration to reduce the negative effects of the aging working population and labour market imbalances. Political debate has also focussed on social issues concerning migrant workers, such as amendments to conditions for gaining work permits and minimum standards of accommodation and hygiene for third-country nationals working in **Slovenia**. In the **United Kingdom**, debates on immigration have focused on the large scale movements from Eastern Europe after enlargement in 2004 with particular attention paid to the local implications for the provisions of housing, education and health services.

### 3.2.2 Public Debate

In the public arena, debate has tended to focus on the working conditions and integration of third-country nationals coming to the Member State for the purpose of work and, hence, in a limited manner or only indirectly on the necessity and desirability of drawing on migrant workers to satisfy national labour demands.

In **Bulgaria**, the media announced in 2009 that salaries of Bulgarian workers were lower than those of Turkish workers working for a Turkish company involved in the construction of a motorway in Bulgaria. Some Bulgarian workers started a hunger strike to obtain equal working conditions and wages. Reversely, in the **Czech Republic**, at the onset of the economic downturn, there was much debate on the low-pay conditions of migrant work-

ers. The first suicide among the Vietnamese and Mongolian workers occurred and further fuelled debate on this topic. Government-developed projects such as temporary assisted return for unemployed third-country nationals also received considerable attention in media and gained public interest. Another concern at the time was potential risk of growing xenophobia in some urban centres, as unemployment encouraged greater concentrations of migrant workers in urban areas.

In **Finland**, working conditions of migrant workers entered both public and political debate. An increasing proportion of non-national workers in **Finland** are used as 'cheap labour', e.g. in industries such as hospitality, cleaning, construction and metal industries, and berry-picking, which have a part-time/temporary nature. Exploitation of berry-pickers was in particular debate in the media. The *Central Organisation of Finnish Trade Unions (SAK)* has argued that two separate labour markets are emerging: one for immigrants and one for Finnish citizens. In particular, concern was expressed for the exploitation of Philippine and Chinese workers, through intermediary agencies. In **Ireland**, some media attention was focused on welfare payments made to third-country and EEA economic migrants, adding to government expenditure at a time of financial crisis.

In **Latvia** debates on issues of labour immigration often emerge in academic circles among those seeking to elaborate long-term forecasts for national economic and demographic development the ways to facilitate economic growth. The results of some research studies demonstrate a contradiction between the national economic need for immigrants and society's prejudices and fear of immigrants.

In **Luxembourg**, public debates address the problem that the vast majority of nationals work in the public sector and 70% of the labour force in the private sector is from other countries. As a result, there is a duality between the political sphere that is administrated by nationals and the economic sphere that is mainly run by third-country nationals.

In the **Netherlands**, media debate focused on the undesirable side-effects of labour migration, such as displacement of the labour potential, integration problems and abuse of labour migrants. Interest in the media in **Poland** related to the advantages of employing third-country nationals in the development of large infrastructure investments related to the Euro 2012 football tournament, with the major stimulus for employing third-country workers con-

<sup>68</sup> Following a prolonged break, the quota was reintroduced in **Italy** at the end of 2010 with 98 800 new entries.

sidered to be the related price competitiveness of such recruitment.

In **Slovenia**, societal debate has centred on the living conditions and legal situation of economic migrants, e.g. their accommodation and housing, and the abuse, poor working-conditions and trafficking of economic migrants. Public and political debate in **Sweden** has tended to focus on the integration and working conditions of third-country nationals. In 2008, at the introduction of the new *Labour Immigration Act*, there was concern, in particular, amongst trade unions, that new rules and regulations would not provide adequate protection against disreputable employers, not living up to the conditions promised.

In the **Slovak Republic**, public discussions over migration have been limited, although the *Ministry of Labour, Social Affairs and Family* has tried to boost a positive attitude towards labour migration by hosting an international conference, entitled, "From the Lack of Job Opportunities to Skilled Labour Shortages," in 2008. However, the Ministry noted that, due to the impact of the economic crisis on the labour market, the general public attitude towards using migration to fill labour shortages was not positive, and it was "no longer possible to approach this question based upon the economic situation of the middle of the year 2008, which has been radically altered by the crisis.

### 3.2.3 Stakeholder involvement and opinion

In several Member States, national governments have entered into dialogue with relevant stakeholders, including regional authorities, representatives of employers and employees, migrant associations, to discuss policy on labour migration.

In **Bulgaria**, the *National Council for Labour Migration*, established in 2008, comprises Government representatives, confederations of employers and trade-unions. Both confederations of employers and trade-unions consider the current procedures to recruit third-country national workers overly-complicated and not-well coordinated. Trade-unions advocate the centralisation of the procedures, with a reduction of the number of administrative bodies involved. Furthermore, while confederations of employers support the Government's 'Back to Bulgaria' initiative favouring the return of emigrated nationals, they deplore too high a focus on highly skilled workers and advocate for the admission of skilled workers, with the possibility to set up an annual quota of third-country national workers in machine building and electrical engineering. In

**Belgium**, policy regarding immigration and labour is debated at national and regional level. The *Advisory Council for Foreign Workers* incorporates federal authorities (Government departments of work, foreign affairs, social security, internal affairs), regional institutions (regional migration services) and social partners (representatives of employees and employers), and advises on federal initiatives to change labour migration regulations. In **Italy**, regional authorities have argued for greater future involvement in policy decisions over quotas on migrant workers, as they claim to have a firm knowledge base on the sectors which suffer labour shortages in their regions. At present, they represent one of the stakeholders consulted by the *Ministry of Labour and Social Policy* and the Prime Minister in order to inform the *long-term programme on immigration policy and foreigners on State territory*. In **Malta**, the *Malta Council for Economic and Social Development* is used as a forum through which employers, trade unions, civil society, and the government, are consulted on economic issues. Working groups are also set up which discuss topics such as the impact of population ageing. In the **Slovak Republic**, regional authorities have an influence, to some extent, on immigration and labour policy via the *Steering Group for Migration and Integration*. The Ad-hoc Members of the Steering Committee include representatives of the Association of Towns and Municipalities, the Association of Self-Governing Regions (SK8), the Confederation of Trade Unions and the International Organisation for Migration amongst other organisations.

In **Germany**, relevant labour interest groups are involved in the policy making process; for example, labour authorities and business associations have helped to analyse and forecast labour shortages. In **Ireland**, the *Expert Group on Future Needs*, comprising relevant government departments, trade unions, educational establishments and employers, advises the Irish Government on current and future skills needs of the economy and on other labour market issues that impact on Ireland's enterprise and employment growth. This group plays a central role in ensuring that labour market needs for skilled workers are anticipated and met, thus influencing the formation of labour migration policy.

In **Latvia**, the Government consults with the following stakeholders on immigration and labour issues: research institutes; the *National Economy Council* (under the *Ministry of Economics*); the *Office of Citizenship and Migration Affairs*; the *Working Group for Coordination of Implementation of Business Environment Improvement Plan* (under the Ministry of Economics); and the Labour market *Forecasting*

*Consultative Council*. There is also cooperation in the form of working groups between State Ministries. In **Luxembourg**, the Economic and Social Council, a tripartite entity comprising employers' organisations, trade unions and the government provides opinions on all legislative and regulatory measures concerning occupational settings and the national economy as a whole.<sup>69</sup> This Council plays an important role in the drafting of the new immigration legislation. Moreover, civil society and employers are consulted. The employers assist in the facilitation of recruitment of highly qualified third-country nationals.

The formulation and development of labour market policy in the **Netherlands** takes place in consultation with various stakeholders, including advisory bodies and social partners, such as employers' and employees' associations. For instance, the *Council for Work and Income* is a consultative body and an expertise centre, with representatives from trade unions, business and trade organisations and municipalities, providing reports on various issues including the labour market position of highly-educated persons of migrant background.

In **Poland**, trade unions, chambers of commerce, the confederation of private employers and the craft association are all consulted concerning employment policy, with employment projects also discussed between Ministries and social partners. In **Portugal**, the collection of opinions from diverse actors has played a prominent role in shaping economic immigration with regard to the setting of quotas, with stakeholders from both national companies and migrant worker groups consulted on the effects of quotas to assist the *Ministry for Labour and Social Solidarity's* reports on this issue. In **Spain**, since 2004, several bodies have been set up to enable trade unions, business organisations and regional authorities to participate in migration policymaking and, in particular, in the management of labour migration. For example, they participate in the drawing up of the *Catalogue of Shortage Occupations*, as well as in the collective management of hiring in the countries of origin. In **Sweden**, the Swedish employment agency plays a role in promoting Sweden as a country of employment to foreign nationals. In many Member States, national policy towards immigration and labour shortages has seen reactions from trade unions, business associations and other interested parties. For example, in **Austria** and **Belgium**, employer and employee

representatives take different stances. Whereas employer organisations (industrialists and the Chamber of Commerce in **Austria**) wish to increase labour migration (specifically skilled migration in **Austria**), trade unions (and the Chamber of Labour in **Austria**) are more cautious. In **Belgium**, labour unions say that one should bear in mind high unemployment rates and the existence of vulnerable groups on the national labour market (i.e. long-term third-country residents and their Belgian descendants) in considering the immigration of new third-country nationals.

The **United Kingdom** established a *Migration Advisory Committee (MAC)* primarily to advise the Government on where immigration from outside the EEA might sensibly fill shortages of skilled labour in the UK economy.<sup>70</sup> This established a continuing dialogue between MAC and corporate partners, including employers, education providers, trade unions and individuals, with respect to which skilled occupations were experiencing shortages that may sensibly be filled by immigration from outside the EEA. Such dialogue has assisted the MAC in developing its advice to the UK Government. It offers evidence based advice on other migration matters at the specific request of the UK Government.

### 3.3 Recent changes to national vision and policy

**Austria, Czech Republic, Estonia, Germany, Luxembourg, Malta, Poland and Sweden** note changes to their labour and migration policies, which were informed by shortages in the labour market. **Austria** is currently rethinking its migration policy by discussing options to raise the inflow of highly skilled migrants in general and of highly skilled third-country nationals in particular. In **Estonia**, amendments made to the *Aliens Act* in 2008 were clearly aimed at facilitating (highly) skilled workers to take employment in Estonia. For that purpose, the processing terms for applications for residence permits were shortened (from six months to two months), the immigration quota was increased from 0.05% to 0.1% of Estonian population and the salary criteria was established for the employers.

In the **Czech Republic**, it was decided to turn a pilot project entitled "*Selection of Qualified Foreign Workers*"

<sup>69</sup> <http://www.luxembourg.public.lu/fr/politique/concertation/modele-social/index.html>

<sup>70</sup> The MAC is an independent body, funded by the UK Border Agency, made up of economists and migration experts. It was set up in 2007 to primarily advise the Government on where immigration from outside the EEA might fill shortages of skilled labour in the UK economy.

into a permanent programme in 2008<sup>71</sup> and a Green Card system was introduced in 2009. **Germany**, in 2009, made a number of policy changes to stimulate the employment of third-country nationals. As a result, several legal amendments were made to facilitate the admission of highly-qualified migrants, students and researchers via the *Labour Migration Control Act* in January 2009. Individuals whose removal had been temporarily suspended were allowed to access the labour market; the maximum employment duration for seasonal workers was extended from four to six months per year; and the *Act to Safeguard Employment and Stability in Germany* was adopted (February 2009) which simplified the means of using short-time work for companies and employees. In **Poland**, the provision for employing third-country nationals was simplified in 2009, continuing on from the liberalisation of employment for third-country seasonal workers in 2006 due to the high demand for this group.<sup>72</sup> In **Sweden** reforms to policy in 2008 were made to facilitate the use of migration to address long-term labour needs. In **Luxembourg**, the reform to the *Law on Immigration* facilitated the admission of highly qualified migrants and researchers. In addition, a major reform of the Luxembourg public employment agency was envisioned. A bill was drafted in December 2010 which intends among others, to clarify, facilitate and possibly accelerate the administrative procedure for third-country nationals to obtain a work permit in Luxembourg.

In **Malta**, changes were foreseen in the future due to the recognition, following the discussions of the 2010 Lisbon Strategy, of the benefits of migration for economic growth and for preventing labour shortages. In the **Netherlands**, the *Modern Migration Policy* which will enter into force in 2011, will introduce a number of changes to labour migration policy. Such changes include the improvement of selectivity of migrants by making a distinction between permanent and strictly temporary labour migration, as well as simplifying procedures to guarantee a quick and simple admission procedure for labour migrants.

The economic crisis, while affecting the labour market in all Member States, had a varied impact on their policies in relation to labour immigration. In a number of Member States (**Finland, Italy, Latvia, Lithuania**), the economic crisis led to delays in

the development and implementation of policies encouraging economic migration, or even to their interruption. In **Finland**, the process of amending the *Aliens Act* and *Act on the Register of Aliens* to improve the residence permit system for migrant workers were halted, and in **Latvia**, high unemployment rates meant that immigration in connection with labour shortages was no longer on the Member State's political agenda, nor was it expected to be discussed in the near future. In **Lithuania**, the implementation of the Strategy for regulating economic migration and its plan of measures 2009-2012 has been suspended. In **Italy**, access to the labour market was only granted for short-term workers filling the seasonal quota until the end of 2010 as a result of the crisis.

In **Luxembourg**, the Government analysed the economic situation of Luxembourg as a result of the crisis. Cross-border commuters were harder hit by the crisis than the resident labour force due to the fact that the private sectors where they worked were more sensitive to the effects of the crisis.<sup>73</sup> The *Minister of Economics and External Commerce* addressed the need to converge immigration policy with economic needs. Proposals were made to introduce a "fast-track" procedure for new highly-qualified residents providing added value to the national economy.

**Ireland and Portugal** implemented other changes linked to the economic crisis. In **Ireland**, the economic crisis led to stricter conditions concerning labour market needs with the labour market needs test extended, meaning that a vacancy must be advertised within the National Employment Agency and EURES for at least eight weeks, rather than the previous four weeks. The test must now be applied at both first application and renewal stages. In addition the list of occupations ineligible for new work permit applications was extended. **Portugal** reduced the quotas of third-country nationals admitted for the purpose of employment. The means of subsistence necessary to extend a stay and to renew residence permits or documents for applicants of family reunification was also reduced

71 This programme was turned down at the end of 2010 due to the economy measures of the new government.

72 The liberalisation of employment for third-country nationals in 2006 included a reduction in fees for the issuing of work permits as well as the facilitation of work permit procedures.

73 For the first time, the rise of the inflow of cross-border commuters was lower than the workers residing in **Luxembourg** in 2008; and the inflow of cross-border commuters was negative in 2009. This can be explained by the fact that the proportion of cross-border commuters is higher in the sectors that were harder hit by the economic crisis (industry, finances, business services among which in particular the temporary work agencies). In addition, the workers residing in Luxembourg are more present in the non-profit sector. In the commercial sector, the employment of workers residing in Luxembourg and cross-border commuters evolves similarly.



through legislative amendment in 2009. This was adopted in order to ensure that the impact of the economic crisis would not impact too much on the stay of third-country nationals, particularly those in a situation of involuntary unemployment. By contrast, in **France, Poland, Slovak Republic and Sweden**, the economic downturn has not brought about any significant changes to their policies to date.

### 3.4 Legislative Framework

All Member States have a legislative framework in place to regulate, facilitate and organise the admission of economic migrants and their access to the national labour market. As one would expect, legislative frameworks necessarily incorporate elements of both immigration and labour law. Furthermore, as migration in itself is a complex issue, involving different aspects of national policy such as *inter alia* law enforcement, social and labour policies, development and international relations, immigration for the purposes of employment depends, to a large extent, on national legislative structures and differs greatly between Member States.

In **Austria, France and Germany** legislation, or provisions within their legislation, explicitly regulates the use of migration to satisfy labour demand.<sup>74</sup> Legislation solely regulating the employment of third-country nationals (e.g. *Foreign Employment Act*) is in place in some Member States (**Austria, Italy, Lithuania, Ireland, Netherlands, Poland, Slovenia**) while in others, broader immigration legislation (e.g. *Immigration Law*) regulates third-country national employment (**Latvia, Luxembourg, Malta, Portugal, Slovak Republic, Spain, Sweden**). Moreover, an aggregate of provisions from various pieces of immigration and legislation is used in **Bulgaria, Czech Republic, Estonia, Finland, Germany, Hungary, Slovak Republic**.

[Section 3.4.1](#) outlines legislation in Member States which specifically regulates the use of migration to satisfy labour demand. [Section 3.4.2](#) describes legislation regulating the admission and access to employment of third-country nationals. [Section 3.4.3](#) looks at the types of permits granted to third-country nationals when seeking to enter the Member State for the purposes of employment;

<sup>74</sup> Other Member States (**Czech Republic, Finland, Netherlands**) have developed separate Decisions, Acts or Programmes to regulate the use of migrant workforces to satisfy labour demand. These are discussed in Section 3.1.3.

and [Section 3.4.4](#) describes the specific conditions related to these permits. [Section 3.4.5](#) lists and describes the specific groups for which specialised permits are issued in certain Member States.

#### 3.4.1 National Legislation regulating the use of migration to satisfy labour demand

In terms of satisfying labour demand, **Austria, France, Germany and Luxembourg** highlighted in their National Reports the specific *legislative* measures in place to regulate the use of migration to satisfy labour demand. In **Austria**, the *Foreign Employment Act* provides that a work permit can only be issued “if the situation and development of the labour market allows employment [of non-nationals] and there are no conflicting public or macroeconomic interests.”<sup>75</sup> In **France**, the *Immigration Law* (2006) outlines the circumstances under which migration can be used to satisfy labour demand: (i) to satisfy the needs of companies, where these needs cannot be fulfilled by the domestic workforce; (ii) to encourage the settlement of highly skilled workers; and (iii) to support the fight against the illegal employment of migrant workers. In **Germany**, the *Residence Act* Section 18(1) stipulates that the admission of foreign employees must be “geared to the requirements of the German economy, according due consideration on the situation on the labour market and the need to combat unemployment effectively.”<sup>76</sup> In **Luxembourg**, the 2008 *Law on Immigration* intends to adjust immigration legislation to the national economic needs. The actual law applies the labour market test on a “case by case” situation, but the law exempts the application of the labour market test in certain cases. This legislation provides that the minister may issue a residence permit to any third-country national intending to work in a sector or profession experiencing recruitment difficulties, as determined by the *Grand Ducal Regulation*, with these applications not subject to the opinion of the *Advisory Committee for Employees* as is the norm.<sup>77</sup>

#### 3.4.2 National Legislation regulating the admission and access to employment of third-country nationals

All Member States have a system which regulates the admission of economic migrants and their

<sup>75</sup> Article 4 of *Foreign Employment Act*

<sup>76</sup> See also <http://www.iuscomp.org/gla/statutes/AufenthG.htm> for a translation of this Act.

<sup>77</sup> The applicant only needs to prove that he/she has the required qualifications and has a contract. As reported in February 2011, this provision has not yet been used.

access to the labour market. **Austria, Ireland, Netherlands, Lithuania, Poland and Slovenia** have in place comprehensive legislation, to specifically regulate the employment of third-country nationals separately from other elements of immigration or employment. In **Austria**, this access to the labour market is generally regulated by the *Foreign Employment Act* and also by the *Settlement and Residence Act*, that stipulates the conditions of entry and stay, and to some extent also access to labour market; in the **Netherlands** there is the *Labour Act for Aliens*; and in **Slovenia**, the *Employment and Work of Aliens Act* (January 2001 - amended twice since in 2005 and 2007) governs aspects of the employment of third-country nationals. In **Poland**, the *Act on employment promotion and labour market institutions* determines various categories of third-country nationals who are entitled to perform work, with or without a work permit, and provides for five basic rules on which third-country nationals can function in the Polish labour market. In **Ireland**, the *Employment Permits Act 2003* put the requirement for employment permits on a statutory basis for the first time, while the *Employment Permits Act 2006* contained the basis for more detailed provisions regarding the application and renewals processes.

In **France, Ireland, Italy, Latvia, Luxembourg, Malta, Netherlands, Portugal, Slovak Republic and Spain** the entry and stay of economic migrants is covered by provisions in one or more general aspects of immigration legislation. For instance, in **Italy**, third-country national workers are subject to norms specified by the *consolidated text on the provisions governing immigration and the conditions of foreigners* (1998, amended in 2002). In **Latvia**, amendments to immigration legislation were introduced in July 2010 specifically to cover issues specific to economic migrants. In **Lithuania**, the *Law on the Legal Status of Aliens* (2004) governs labour immigration rules and procedures; for example, it sets out the rules on work and residence permits. In **Luxembourg**, the 2008 *Immigration Law* covers different aspects: immigration and reasons for immigration, intra-EU mobility, rights of certain groups of migrants, authorisation to work for third-country nationals, family reunification, long-term residence, etc.

In the **Bulgaria, Czech Republic, Estonia, Finland, Germany, Hungary** and the **Slovak Republic**, economic migrants' conditions of entry and employment are regulated under a mixture of immigration and labour legislation. For example, in **Bulgaria**, the *Law on the Foreigners in the Republic of Bulgaria 1998*, amended in 2011, lists the persons who may be granted permanent residence and outlines the per-

sons who can obtain work permits. In addition, the *Employment Promotion Act 2001*, amended in 2011, and several ordinances (among which the *Ordinance for the conditions and the order of issuing, refusal and revoking of work permits of foreigners in the Republic of Bulgaria*) regulate the conditions of entry and stay of migrant workers. In **Estonia**, the entry and stay of economic migrants is regulated by the *Aliens Act* (1993), but aspects of their employment are regulated by various pieces of labour legislation including the *Employment Contracts Act*. Similarly, in **Finland**, the *Aliens Act* (2004) predominantly governs the immigration of workers from third countries, but aspects in relation to their employment and working conditions are covered by other acts. In **Germany**, the conditions of entry and stay for migrant workers are regulated by the *Residence Act* (created by the *Immigration Act* in 2005) and a number of ordinances (among others the *Employment Ordinance*). In **Hungary**, the *Act on the Entry and Stay of Third-country Nationals* and the *Ministerial Decree* (1999 -amended several times) regulates the employment of third-country nationals. In the **Slovak Republic**, the central law regulating the stay of migrants is the *Act on Stay of Aliens* (2009); however in the case of economic migrants, the provisions in this Act are supplemented with various provisions from other immigration and labour acts, with the most important being the *Act on Employment Services*.

### 3.4.3 Type of permits granted

Third-country nationals seeking employment in the EU will usually have to apply for a work permit. However, Member States differ as to whether they issue a residence permit in addition to a work permit, and/or whether they issue a joint residence/work permit. All Member States have provisions in place outlining certain migrants who may be exempt from the obligation to obtain a work permit or for whom facilitated admission procedures are in place. These, too, differ from Member State to Member State.

Most Member States administer work and residence permits separately (**Austria, Belgium, Bulgaria, Czech Republic, Estonia, Finland, France, Hungary, Ireland, Latvia, Lithuania, Netherlands, Poland, Slovak Republic, Slovenia, Sweden, United Kingdom**), but a number of these (and others) also administer joint permits, such as in **Czech**

**Republic** and **Estonia**.<sup>78</sup> For example, in **Austria**, both a work and residence permit is required, but, for a limited number of persons, work and residence permits are administered jointly. Workers benefiting from this admission condition comprise “key worker” (highly skilled); inter-company transfers (“Rotationskräfte”), persons on business assignments and other special cases, such as researchers. The requirements for a ‘key worker’ are defined in terms of minimum earnings level (the person’s monthly gross earnings have to be 60 percent or beyond the social security contribution ceiling<sup>79</sup>), plus prior work experience, as well as education. Similarly, in the **Czech Republic** in 2009, a Green Card scheme was introduced to issue joint work and residence permits (Green cards) to migrants with the skills most in demand. In **Latvia**, proposals for the draft *Amendments to the Immigration Law*, approved in April 2010, brought about the creation of the One Stop Agency for employers who wish to invite third-country nationals as ‘guest workers’; in this case, the employer will only need to gain a permit from the *Office of Citizenship and Migration Affairs* (the same institution responsible for issuing residence permits), rather than also gaining a work permit from the *State Employment Agency*.

In **Italy**, a third-country national who intends to work must obtain a work visa before entry, which, after entry, will be converted to an ‘authorisation to work’ (“nihil obstat”) at the Single desk for Immigration (an operative structure set up in all Territorial Governmental Offices to run this kind of practices involving various public offices: Ministries of Interior, of Labour, of Economy, of Treasury; National Institute for Social Security, National Institute for Insurance against Labour Injuries and, at the level of care practices, institutions of patronage) and then a residence permit. In **Spain**, a joint card incorporates both work and residence permits. Though the **United Kingdom’s** PBS replaced over 80 separate routes of entry for work and study the Work Permit System is still used for EU-2 nationals wishing to work there.

78 According to the results of a recent EMN Ad-Hoc Query at least ten Member States have a single application procedure in place for a joint residence/work permit. These include **Austria** (for highly skilled third-country nationals), **Germany**, **Estonia**, **Finland**, **France**, **Italy**, **Luxembourg**, **Portugal** and **Sweden**. In some Member States, separate work permits are not required in all cases as many different permits exist. For example, in **Austria**, there are in total about 20-30 different permits and an additional work permit is not always necessary, as some permits grant direct access to the labour market. In **Slovak Republic**, once a third-country national obtains a permanent residence permit, a work permit is no longer required.

79 In 2009 this had to be a figure equal to or above €2412.

### 3.4.4 Specific conditions applying to permits

Several work and residence permits are subject to further conditions, such as, for example, the “labour-market test” (**Austria, Belgium, Bulgaria, Czech Republic, Estonia, Germany, Ireland, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden** and **United Kingdom**). Such tests look at, for example, whether no national citizen or other EU/EEA national, or their family member, are available for the position (in line with the Union Preference principle), or whether certain wage levels are being respected.

A work permit subject to a labour-market test is also delivered in **Slovenia**, namely an “employment permit,” which is administered for individual job vacancies which cannot be filled by national workers, whilst “permits to work” apply to seasonal jobs and are not subject to a labour-market test. Work permits in **Austria, Belgium, Bulgaria, Germany, Ireland, Lithuania, Netherlands** and **Portugal** are also administered on the basis of “labour market test.” However, in **Belgium**, many groups of third-country nationals are exempt from this test. These exemptions represent the biggest share of labour permits, making the basic rule of the “labour market test” the exception rather than the rule. In **Germany** certain types of migrants are exempt from this test. These include trainees, those participating in a holiday employment scheme and certain highly skilled workers (e.g. those coming from the ICT sector). In **Ireland**, the *Employment Act 2006* regulates the issuing of employment permits after application of the labour market test. In **Lithuania** this involves an employer registering a vacancy in the territorial *Lithuanian Labour Exchange* for one month; if no national or other EU workers are found, the employer may submit an application to employ a foreign worker to the regional labour exchange, along with necessary documents. **Bulgaria** applies a similar approach. In **Luxembourg**, the labour market test is undertaken by the Employment Agency (ADEM). Future reform is currently being debated in order to certify employers prior to third-country nationals applying for a work permit to fill the employers’ vacancy. No labour market test exists for highly qualified migrants, researchers, freelancers, intra-corporate transferees, sportsmen and –women, and people hired due to labour shortages. With regard to highly qualified migrant workers, the labour market test applies however to family members applying for family reunification, a year following their arrival in the Member State.



In the **United Kingdom**, a resident labour market test is undertaken if an occupation is not on the shortage occupation list or when the third-country national is not an Intra-Corporate Transferee. This test subsequently determines whether a suitably qualified EEA worker is not available for the position.

Permits are also linked to quotas set by Member States (**Austria, Estonia, Italy, Portugal, Slovenia**) or limits (**United Kingdom**); see also [Section 4.1.1.3](#) below). Work permits in **Austria** are subject to annual quota regulations: the total number of work permits is capped (Federal State quotas) to the extent that the number of employed and unemployed foreigners does not exceed 8% of the total dependent labour supply (291 000 for 2010).<sup>80</sup> In some special cases, a work permit can be granted by the governor beyond this quota up to a limit of 9% of the labour supply. Similarly, **Slovenia** also links work permits to a quota limiting the number of third-country nationals allowed on the labour market annually. It fluctuates from year to year, dependent on conditions of the labour market, but may not exceed 5 % of the actively working national population. In **Estonia**, the immigration quota of maximum 0.1% of the permanent population is also applicable for labour migration to Estonia. The immigration quota is mostly distributed to third-country nationals applying for residence permits for the purpose of employment. In **Italy** annual quotas for incoming economic migrants are set each year, which also determine the number of work permits issued. An overall quota is fixed for third-country national workers in **Portugal** every year, based on the annual estimates of the needs of the labour market established by the Cabinet after reports from the Permanent Council for Social Coordination and the *Ministry for Labour and Social Solidarity*. The **United Kingdom** did not establish quotas or limits following the introduction of the PBS since it was assumed that the number of points required for entry could be changed as circumstances or policy dictated. However, the new government, after the General Election in May 2010 announced that third-country national workers would be subject to new limits.<sup>81</sup>

### 3.4.5 Specific groups addressed

In most Member States different types of work permit can be issued depending on the occupation and circumstances of the migrant. For example, in **France**, three new permit types were introduced

under the Law of 24<sup>th</sup> July 2006: the “skills and talents” permit (for migrants who contribute to the economic development of France and their own country, or to their intellectual, scientific, cultural, humanitarian or sporting reputation); “seasonal worker” permit (with a duration of 3 months, but with possibility to renew for up to 6 out of 12 months for up to 3 years); the “intra-corporate transferee” permit (for employees of companies seconded to France for temporary assignments). A particular kind of ten-year residence permit has also been introduced for non-nationals who make an exceptional economic contribution to France (i.e. an investment of at least €10 million or create/save at least 50 jobs). In **Slovenia**, there are three different types of work permit: (i) an employment permit, (ii) a permit for work; (iii) a personal work permit. A permit for work can be issued to seasonal workers. These permits last only three-months, but can be renewed up to a maximum of six months per year. A personal work permit relates to those who are self-employed – there are five different types of personal permit which differ in time validity.

Since July 2010, every guest worker with temporary employment in **Latvia** (up to 90 days within one half-year starting from the first day of entry) is entitled to receive a visa and a work permit. In general these amendments have made the procedure for issuing visas is simpler, faster and less expensive.

Most Member States utilising work permit systems have exemptions to work permit obligations in place. For example, **Austria** exempts researchers, mariners and diplomats amongst others from obtaining a work permit. As already mentioned, in **Belgium**, certain categories of worker are exempt from first undergoing a labour-market test to obtain a work permit; these include highly skilled employees; managers; specialist technical workers; researchers and guest professors.<sup>82</sup> Such exemptions apply for certain categories in **Bulgaria**,<sup>83</sup> the **Netherlands** and **Ireland** as well. **Bulgaria** and **Estonia** allows third-country national migrants taking up

<sup>80</sup> Art.12a Aliens' Employment Act

<sup>81</sup> For more detail about the limit to Tiers 1 and 2 see the UK Border Agency website: <http://www.ukba.homeoffice.gov.uk/sitecontent/newsfragments/35-t1-t2-annual-limits>

<sup>82</sup> It also includes special types of workers such as au-pairs, sportspersons, and the spouses and children of labour migrants.

<sup>83</sup> In **Bulgaria**, the following third-country national worker are exempted from the requirement to have a work permit: (a) third-country nationals, whose employment on the territory of the country ensues from the fulfilment of international agreements to which the Republic of Bulgaria is a party; (b) company managers and members of managing boards and boards of directors, when they are not under employment relationship; (c) family members of Bulgarian, EEA and Swiss citizens, as well as of third-country nationals with a long-term residence status; (d) foreign media accredited correspondents; and (e) students – 20 hours per week and during official breaks.

short-term employment (of six months or less) to work legally without a work permit and residence permit providing the employment is in a certain stipulated professions. In **Estonia**, these professions include *inter alia* teaching, performing arts, research and diplomacy while in **Bulgaria**, this concerns also third-country nationals, employees of tourist companies, commissioned for the duration of one tourist season for the fulfilment of concrete tasks, with a Bulgarian tour-operator or hotel and/or third-country nationals, commissioned by a foreign employer to perform concrete tasks.<sup>84</sup> In the **Czech Republic**, individuals whose work will not exceed 30 days/year need not obtain a work permit.<sup>85</sup> **Hungary** exempts foreign nationals who comprise: chief executives and supervisory board members of business associations with foreign participation; foreign nationals engaged in activities in registered churches; and those lawfully working in a self-employed activity. In **Ireland**, provisions are in place to favour third-level graduates who wish to remain in the Member State for reasons of employment following their education, while certain healthcare workers may come to Ireland to work in the public health system with no work permit, simply a job offer.

**Poland** provides simplified access (without the obligation to possess a work permit) to different groups of migrants including those who work as teachers of foreign languages in educational institutions as well as graduates from secondary schools or full-time university study courses in Poland. In addition, third-country nationals with a seasonal employment visa or with residence permits issued for other purposes (e.g. family reunification or studies) do not require work permits. In the **Slovak Republic**, a third-country national migrant need not obtain a permit in a number of instances including when they have been accepted in employment, based on an international agreement which stipulates that the employment is not contingent upon the issuance of a work permit.<sup>86</sup> In **Spain**, new provisions in

2009 specifically regulate the entry of researchers into the Member State with researchers free to find employment once the research project for which they have been granted a residence and work permit terminates.

In **Sweden**, concerning the rights of family members, accompanying persons can also get a work permit regardless of whether they have an offer of work when leaving their country of origin.

With regard to the PBS, the **United Kingdom** imposes different conditions depending on the category of worker. For instance, before the category was abolished in April 2011, third-country nationals coming to the UK as Tier 1 Highly Skilled workers, could enter the Member State without holding a job offer. However, under Tier 2 (Sponsored Skilled Workers with a job offer), third-country nationals must have a job offer and be sponsored by an employer licensed by the UK Border Agency.

Nationals from the European Economic Area (EEA) usually have freedom to work without a permit in the EU Member States; however, some EU-15 Member States have a “transitional scheme” in place whereby workers from the so-called “EU-8” (**Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Slovenia and Slovak Republic**) and the recently EU-2 Member States (**Romania and Bulgaria**) do not have the same rights to freedom of movement as the remaining EU-25 Member States.<sup>87</sup> In **Belgium**, only vacancies in specific “bottleneck” occupations (see [Section 4.1.1.1](#) of this report) can currently be filled by workers from **Romania and Bulgaria**. In **Germany**, a transitional period currently applies to the EU-8 (until April 2011) and to **Bulgaria and Romania** (until December 2011, with the possibility of an extension until 2013). In **Italy** the transitional period for nationals of Romania and Bulgaria workers will be effective until the end of 2010, when the Government will decide on whether to remove the restrictions or extend them for another year. In any case, since 2007, simplifications were applied to the restrictions in several job sectors. In the **Netherlands**, due to the recent financial crisis, this transitional period has been extended to January 2012.

84 These concrete tasks include assembly and warranty repair of machines and facilities supplied from abroad; training in servicing or approval of ordered facilities, machines or other equipment; participation in training within an export contract or a license contract.

85 This is also the case in the **Czech Republic** for the following: Active artist, pedagogue, academic university worker, scientist, researcher, development worker participating in scientific meeting, pupil or student aged less than 26 years of age, athlete, person who arranges deliveries of goods or services in the Member State or who delivers these goods or carries out assembly under a commercial contract or possibly carries out warranty and repair works.

86 For the exhaustive list of third-country nationals who do not required a work permit, see footnote 31 of **Slovak Republic** National Report.

87 **Austria and Germany** have restrictions in place for citizens from the EU-8. **Belgium, Austria, France, Germany, Italy, Ireland, Luxembourg, Malta, Netherlands and United Kingdom** have restrictions in place for citizens from **Bulgaria** and Romania.

In **Austria**, while workers from EU-8<sup>88</sup> and EU-2 Member States are subjected to a labour-market test and are required to obtain a work permit, preference is still given to them over third country nationals and, after one year employment in Austria, they are granted free access to the national labour market with a so-called “confirmation of free mobility”. In **Luxembourg**, the government lifted in November 2007 all the restrictions imposed on the workers from EU-10, except **Malta** and Cyprus who had no such restrictions, while workers from EU-2 Member States are still restricted to obtaining a joint residence/work permit.

Following on from Member State responses to the EMN Ad-Hoc Query on Seasonal Workers and Intra-Corporate Transferees, [Table 1](#) and [Table 2](#) below provide an overview of duration periods for both seasonal workers and intra-corporate transferees.<sup>89</sup>

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88 Until 30<sup>th</sup> April 2011.

89 The Member States listed in the Table below represent those who provided duration periods for seasonal workers and intra-corporate transferees in their Ad-Hoc Query response. This does not represent an exhaustive list of those Member States who responded to the Ad-Hoc Query.

**Table 1: Duration periods for Seasonal Workers in Member States**

Member State	Duration	Additional Comments
<b>Austria</b>	Generally, maximum 6 months, the permit can be extended to another 6 months, however the work permit can only be issued for 12 month within a 14 month period;  Work permits for the harvest are limited for maximum 6 weeks and cannot be extended	The number of work permits issued for seasonal work is subject to quota regulations.
<b>Belgium</b>	$\leq 10$ days $> 10$ and $\leq 20$ days $> 20$ and $\leq 30$ days $> 30$ and $\leq 40$ days $> 40$ and $\leq 50$ days $> 50$ and $\leq 60$ days $> 60$ and $\leq 65$ days $> 65$ days	Seasonal workers (non-nationals) in 2008 (horticulture and agriculture sectors) : $\leq 10$ days – 4 620 $> 10$ and $\leq 20$ days – 2 227 $> 20$ and $\leq 30$ days – 1 551 $> 30$ and $\leq 40$ days – 1 063 $> 50$ and $\leq 60$ days – 991 $> 60$ and $\leq 65$ days – 1 834 $> 65$ days – 388
<b>Estonia</b>	Up to 6 months during a one year period	Seasonal worker has to register his/her short-term employment, which allows a third-country national who has a legal basis (e.g. visa) to work without a work permit and residence permit.
<b>Finland</b>	Maximum 3 months within 6 month period  40 working days average	Seasonal workers exempt from residence permit obligation but subject to visa obligations  In 2007, the number of foreign labour force on FI farms was 14 496, with their average input being 40 working days per person.
<b>France</b>	Minimum 3 months, maximum 6 months	Seasonal Residence Card valid for 3 years and renewable. Seasonal workers committed to maintaining their habitual residence outside of FR.
<b>Germany</b>	Max. 6 months within 12 months period	Seasonal workers (max. 9 months for fairground helpers)
<b>Hungary</b>	3 to 6 months on average	Seasonal work permit can be issued for one year maximum
<b>Ireland<sup>90</sup></b>	Maximum 2 years	Work permits are issued for periods between 90 days and 2 years. Many work permits issued for the minimum duration are to Ukraine Nationals employed in Agriculture Sector

<sup>90</sup> **Ireland** does not operate a scheme for seasonal workers. The data supplied relate to permits issued for under 1 year duration in the agriculture sector.

Member State	Duration	Additional Comments
Italy	From 20 days to 9 months	The entry is subject to quotas. The employer can also apply for a seasonal work permit lasting for a maximum of 3 years
Luxembourg	1) Max. 3 months per calendar year or 2) Max. 10 months within 12 consecutive months	1) No joint work/residence permit, nor registration at the local authorities, nor registration for social security needed for third-country nationals working under three months per calendar year for specific professional occupations (as enumerated in art. 35). 2) Third-country nationals can sign a contract for "work of a seasonal nature" for more than three months if they apply for a joint work/residence permit. In such cases, the third-country nationals have to report to the local authorities as well as to the social security agency. Very few permits are issued; most of them in entertainment Sector 2010.
Poland	Maximum 6 months within 12 consecutive months	Citizens of neighbouring and partnership countries entitled to work for this period without work permit (only for citizens of Belarus, Ukraine, Russia, Moldova and Georgia)
Slovak Republic	Maximum 180 days per calendar year	Temporary residence permit granted by Police Unit. The permit for seasonal employment is the subcategory of the temporary residence permit for the purpose of employment.
Sweden	3 months	
Spain	Maximum 9 months within a year	In the case of BG and RO nationals in 2008, the length of stay used to be between 1.5 and 2 months
United Kingdom	6 months maximum	Quota based system for BG and RO nationals. In 2009, quota was 21 250 places



**Table 2: Duration of Stay for Intra-Corporate Transferees**

Member State	Duration	Additional Comments
<b>Estonia</b>	Maximum 2 years	-
<b>France</b>	3 – 9 months average	Exception in the case of BG and RO nationals in 2008, whose length of stay was between 1.5 and 2 months
<b>Germany</b>	Max. 3 years	-
<b>Ireland</b>	From <1 year to 2 years and may be extended for up to 5 years in total	In IE, the duration of stay for ICTs depends on the reason for the transfer. Data indicate that this can range from less than two years for the construction sector to less than one year for the IT sector.
<b>Luxembourg</b>	Max. 1 year renewable	For stays exceeding three months, a third-country national with a permanent contract can be transferred to Luxembourg within the same company for a period of maximum 1 year, renewable under the same conditions.
<b>Poland</b>	Longer than 30 days	Work Permit for third-country nationals working for a foreign employer and posted to PL
<b>Slovak Republic</b>	< 3 months to more than one year	Of the 590 ICTs in 2008, 102 third-country nationals stayed for less than three months while 225 stayed in SK for a long stay of more than 12 months.
<b>Spain</b>	One year maximum	Possibility of extension of another year

### 3.4.6 Other aspects of the migration process regulated by legislation

In most Member States, family reunification is also addressed by the legislation outlined above. Though [Directive 2003/86/EC](#) has as its purpose to determine the conditions for the exercise of the right to family reunification by third-country nationals residing lawfully in the territory of the Member State, a number of “may” clauses exist, such as Article 4(2) which enables Member States to extend the scope of the Directive to other family members including “first-degree relatives” and “adult unmarried children.” The numerous “may” clauses in this Directive enable Member States to address a number of additional aspects of family reunification in their national legislation. In some Member States (**Czech Republic, Italy, Latvia, Slovenia**) this merely regulates whether and under what circumstances family members of economic migrants can join their kin, but in other Member States (**Belgium, Estonia, France, Germany, Hungary, Lithuania, Luxembourg, Netherlands, Portugal, Spain, Sweden, Slovak Republic**), it also regulates whether

these family members can work or not. In **Italy**, the number of migrants who can convert their residence permit for family reunification into another type of permit is not restricted to a quota. In **Ireland**, family reunification for third country nationals (other than recognised refugees) exists as an administrative scheme only. In **Estonia, Hungary, Lithuania, Slovenia and Sweden**, family members can work without needing a work permit. In **Belgium**, family members can obtain a temporary work permit without a labour market test. In **France**, some permits facilitate the spouse/dependent’s access to the job market, and in the **Netherlands**, family members can work providing their spouse/parent is allowed to work too.

In **Luxembourg**, the *Law on Immigration* provides that family members are allowed to work occasionally to provide a subsidiary source of income under their family reunifications status. If these third-country nationals wish to work on a full-time basis, they need to obtain a separate work permit which is bound by the labour market test. In the administra-

tive practice, the labour market test is only done the first year after arrival.

**Bulgaria, France, Germany, Lithuania, Portugal, Spain and Slovenia** have regulated some aspects of the return of economic migrants in their legislation. In **France**, the return of certain migrants is addressed by legislation, specifically in order to encourage circular migration and avoid brain drain. For example, under the “skills and talents” permit, permit holders must undertake to return to their country of origin after six years (see [Section 8.3](#) for further details). Holders of a young professionals permit must also undertake to return to his or her country of origin at the end of the authorised work period. In **Germany**, on the one hand, highly qualified workers are encouraged to remain; whilst, on the other hand, the ‘Returning Experts Programme’ (see [Section 3.1.2](#)) specifically supports the return of third-country university graduates from developing, emerging and transition countries, who have completed their training in **Germany** within the framework of the programme. In the **Czech Republic**, there is no legal instrument in place to regulate the return of migrant workers, but the Government has recently set up a temporary project to facilitate the return of migrant workers who lost their job in economic crisis. Finally, in **Slovenia**, under the *Aliens Act (1999)*, the right of an economic migrant to reside is bound to his/her job; if they lose their job they must leave within 3 months. This is the same in **Bulgaria** and **Lithuania**, where a worker must return to his or her country of origin on completion of a two-year permit (**Lithuania**) or of a one-year, renewable, work-permit (**Bulgaria**).<sup>91</sup> In addition, where an employment contract is terminated, the third-country national employee loses his/her work permit and residence permit and must therefore leave the country. In **Portugal**, as a result of the crisis, an increasing number of migrant workers make use of the support available through the Voluntary Return Programme. In **Spain**, specific return requirements are imposed on seasonal workers, who are obliged to return to their country of origin at the end of the period for which they have been hired. These individuals are required to prove that they have returned, by appearing before the diplomatic or consular authority. Additionally, preferential treatment is granted for participation in subsequent recruitment processes.

<sup>91</sup> In **Bulgaria**, a work permit is granted for a year, with up to 3 years extension for operational staff and more than 3 years for managerial staff.

### 3.5 Programmes, initiatives or practical measures to use migration to satisfy labour demand

Measures which are undertaken by a number of Member States (Austria, Belgium, Czech Republic, Estonia, Italy, Netherlands, Portugal, United Kingdom) include programmes targeting specific categories of third-country national workers. For example, the imposition of limits and the modifications of the PBS in order to prioritise certain occupations in the United Kingdom. These various programmes, initiatives or practical measures make the best use of migration to address gaps in the national labour markets. While in some, these programmes or initiatives were set up to implement policies and, ultimately, the national strategy or vision on the role of migration in satisfying labour demand, in others these are not framed by a national policy or strategy favouring economic migration by third-country nationals, but rather developed to address an emerging need.

As to the target groups of these programmes or initiatives, the majority of Member States introducing these, aim specifically to attract highly skilled workers. For example, **Austria's** *Schlüsselkraftverfahren* implements its policy to use migration only to fill key skills in demand by facilitating the entry of workers with these key skills into the national labour market. The **Czech Republic**, which since 2003 pursues a policy of economic migration prioritising the entry of highly skilled workers, launched the pilot project *Selection of Qualified Foreign Workers* in 2003. Upon its completion in 2008, it was made a permanent programme.<sup>92</sup>

In **Finland**, the *Ministry of Education's Strategy for the Internationalisation of Finnish Higher Education Institutions (2009–2015)*, promoting the education of immigrants already residing in the country, also includes considerations on labour migration. In line with this strategy, the *Ministry of Employment and the Economy HYVÄ project* aims to recruit skilled migrant workers for the healthcare industry. In **Germany**, the Action Programme entitled *Contribution Towards Securing the Skilled Labour Basis in Germany by Labour Immigration* was established to encourage the migration of highly skilled workers to the Member State. In the **Netherlands**, three schemes have been introduced with the aim to make the Netherlands “more attractive as country of establishment

<sup>92</sup> This programme was turned down at the end of 2010 due to the economy measures of the new government.

for highly educated migrants.”<sup>93</sup> The *Highly Skilled Migrants Scheme* (2004) and the *Highly Educated Migrants Scheme* (2008) allowed companies to hire foreign employees with specific skills or qualifications in a simplified and rapid manner. In addition, the *Self-Employed Persons Scheme* (2006) ensured that highly skilled migrants who wanted to start their own company could do so more easily. The latter two above-mentioned programmes were introduced “in anticipation” of the *Modern Migration Policy*, which regulates the entry of migrant workers to satisfy labour demand in the near future. Since 2008, the Government of **Austria** has been discussing the possibility of introducing a more general model based on the UK points-based model, which will aim to attract highly skilled workers.

By contrast, **Estonia’s** *Increasing Qualified Labour Offer Programme* (2007-2013), which was also developed to address shortages in the labour market, prioritises encouragement of nationals into the labour market and the return of emigrated Estonians above third-country nationals. **Lithuania** has no special programmes for attracting third-country workers. Instead priority is given to attracting its emigrated nationals. In 2009 the Government supported the organization of two job fairs in the United Kingdom and Ireland with an aim of attracting Lithuanian emigrants home. The Government also adopted a “Brain return and attraction programme” in November 2008 which aimed to return and attract highly-qualified Lithuanian and third-country nationals to do research and increase Lithuania’s competitiveness.

In **Italy**, the Prime Minister is required by the *Consolidated Text*<sup>94</sup> to develop a “long-term programme on immigration policy and foreigners on State territory” setting out the policies on immigration. This is done upon the advice of the Ministers involved, the [National Council of Economy and Labour \(CNEL\)](#),<sup>95</sup> the permanent Conference on the relations between the State, the Provinces and the autonomous Provinces of Trento and Bolzano, the State-City and Localities Conference, the NGOs involved in assisting and integrating immigrants, the municipal organisations and those of employers who are well represented at the national level. On the basis of this programme, the Prime Minister sets the quotas for

the maximum amount of third-country workers who can be admitted each year, which are outlined officially in annual Flow Decrees.

According to the **United Kingdom**, the flexibility of the PBS has been demonstrated through its response to the new Government’s priorities. The new Government set a target for annual net immigration to be scaled back by 2015. This led to the introduction of interim measures including raising to £40 000 the minimum salary for those coming as ICTs under the Tier 2 route for more than 12 months and restricting Tier 1 to all but entrepreneurs, investors and the “exceptionally talented”.

93 Only the Highly Educated Migrants Scheme is still a pilot project in the **Netherlands** in 2011.

94 “Consolidated Text on the Provisions Governing Immigration and the Condition of Foreigners” (Decree no. 286, July 25, 1998; taking into account the amendments of Law no. 189, July 30, 2002)

95 More information available at <http://www.cnel.it/>

## 4. IMPLEMENTATION OF ECONOMIC MIGRATION POLICY AND LEGISLATION

Member States have a number of mechanisms in place to assist in the implementation of their economic migration policy and legislation. This Section provides information on the methods used for identifying and managing labour demands ([Section 4.1](#)), on mechanisms for job matching ([Section 4.2](#)), mechanisms for skills assessment and recognition of qualifications ([Section 4.3](#)) and, finally, mechanisms for the prevention of “brain drain” and “brain waste” ([Section 4.4](#)).

### 4.1 Approaches and tools for the identification and management of labour demands

The varied national visions and policies that Member States have concerning the role of migration in satisfying of labour demand ([Section 3.1](#) above) provide Member States with their choice of approaches to identify national, regional and/or local labour demands. Also, the type of mechanism used is dependent on the legislative framework, setting out entry and admission procedures and conditions (see [Section 3.4.3](#) above).

After an introduction to the three broad ‘types’ of approaches (i.e. occupation lists, employer needs analysis and quota/limit setting) used for identifying and managing labour demands and an overview of the Member States that draw upon (a combination of) these ([Section 4.1.1](#)), the different actors responsible for their organisation and practical implementation are discussed, such as (government) institutions ([Section 4.1.2](#)) and sectoral and occupational organisations (e.g. employer services) ([Section 4.1.3](#)). The Section ends with an overview of the specific ‘tools’ (e.g. consultations, forecasting) that each approach for identifying and managing labour demands draws upon ([Section 4.1.4](#)).

#### 4.1.1 Approaches for identifying and managing labour demands

All Member States make use of specific approaches to identify and manage labour demands, with some of them using a combination of these. These include the drawing up of occupation lists ([Section 4.1.1.1](#)), the analysis of employer needs on a more case-by-case basis ([Section 4.1.1.2](#)) and the setting of quotas/limits ([Section 4.1.1.3](#)). Both the creation of occupation lists, as well as the more direct case-by-case assessment of employer needs, can be viewed as a *form* of labour market situation analysis. Some of these methods benefit from specific tools, which are described in [Section 4.1.4](#) below. [Table 3](#) below provides an overview of the approaches used by Member States to identifying and managing labour demand.

**Table 3: Approaches used by Member States to identify and manage labour**

Method	Occupation Lists (Section 4.1.1.1)	Employer Needs Analysis (Section 4.1.1.2)	Quota/ Limit Setting (Section 4.1.1.3)
Austria	•	•	•
Belgium	•	•	
Bulgaria		•	
Czech Republic		•	
Estonia		•	•
Finland	•		
France	•		
Germany	•	•	
Hungary		•	•
Ireland	•	•	
Italy		•	•
Latvia	•		
Lithuania	•	•	
Luxembourg		•	
Malta		•	
Netherlands		•	
Poland	•	•	
Portugal			•
Slovak Republic <sup>96</sup>		•	
Slovenia			•
Spain	•	•	
Sweden		•	
United Kingdom	•		•

#### 4.1.1.1 Drawing up of Occupation Lists

**Austria, Belgium, Finland, France, Germany, Latvia, Lithuania, Poland, Spain and United Kingdom** create lists of occupations where labour/skills shortages exist. The basis, content and format of these lists, however, varies across Member States.

<sup>96</sup> The demand for specific skilled labour is solved on an ad-hoc basis by the employers themselves rather than systematically

In **Belgium**, lists of labour shortages are only used to grant work permits flexibly to citizens of new EU member states (only Romanians and Bulgarians since May 2009). Each region draws the list, updated annually, for labour migration purposes from their general lists of “bottleneck” occupations (e.g. secretary, sales person), regardless of the sectors (e.g. healthcare sector) in which they feature.<sup>97</sup> Quite a few occupations have been omitted from the labour migration bottleneck lists, such as the occupation of cleaner, as it is deemed that such unskilled labour should be sourced from the large national or regional labour reserve which is present.

In **Finland**, an ‘Occupational Barometer’ is used which provides an insight into the occupations requiring labour by providing development prospects of key occupations including trends in labour supply.

In **France**, a list of occupations experiencing labour shortages is drawn up through coordination between different Ministries. The occupations which experience a shortage of candidates benefit from special measures.<sup>98</sup> A list of 30 occupations was compiled for third-country national workers, grouping skilled occupations in varied sectors from construction and industry to executive posts in business administration, banking and insurance. This list has been extended to 150 occupations for nationals of Romania and Bulgaria.

In **Germany**, employers’ associations and economic research institutes analyse the situation of the labour market. For example, the *Cologne Institute for Economic Research* has examined the demand for specialists in the area of maths, informatics, natural sciences and technology. A more comprehensive analysis of vacancies and labour shortages is provided by the *Institute for Employment Research (IAB)* in Nuremberg. Such regular analyses, however, do not directly impact on the regulation of access of foreign workers to the labour market. The general approach regarding the admission of third country nationals to Germany for employment purposes is demand-

<sup>97</sup> In **Belgium**, a distinction is made between identifying labour demand and labour shortages, with mechanisms to identify both co-existing. For identifying labour demand, a labour market test is carried out. However, whether or not it concerns a bottleneck profession is not relevant in this instance. This procedure is only carried out in a small minority of cases, as most labour migrants enter for occupations that are on the list of exceptions to the labour market test. For further information, see Belgium National Report.

<sup>98</sup> For professions that have a shortage of candidates, the employment situation is not enforceable.



driven, i.e. foreign workers can be admitted on the basis of approval by the *Federal Employment Agency*.<sup>99</sup>

**Lithuania** introduced a similar Shortage Occupations List in 2007 which is updated every six months. Third-country nationals who have professional qualifications that are on the list can arrive to Lithuania immediately after receiving the work permit with a national “D” visa and receive a residence permit upon arrival. The main tool used to identify labour shortages is an analysis of the registered labour supply and demand. The list is drafted based on three criteria: (i) high demand for labour; (ii) difficulties in filling vacancies; and (iii) analysis of professions of third-country nationals already employed in Lithuania.

In **Poland**, monitoring is undertaken of occupations which are in deficiency. This monitoring, at local and regional levels, leads to the creation of lists of professions and type of work which are in demand and subsequently are exempt from certain work permit conditions. **Spain** published a “Catalogue of Shortage occupations” on a quarterly basis which list the occupations unfilled by the domestic workforce, disaggregated by sector, subsector and province.

A variation of the shortage list exists in **Ireland** where a list of occupations eligible for medium-paid green cards is published, other occupations are ineligible at the medium salary range. **Ireland** also publishes and keeps under review a list of occupations for which new (lower paid) work permits will *not* be issued in the Member State. In 2010, this list included labourers, childcare workers and hotel and tourism workers.

In the **United Kingdom**, the *MAC* recommends the inclusion of occupations and job titles on the Shortage Occupation List taking into account the removal of obstacles for home recruitment as well as the improvement of national training regimes. In order to draw up this list, the *MAC* uses a three-stage approach by considering whether (i) individual occupations or jobs are sufficiently skilled to be included on the shortage occupation list; (ii) there is a shortage of labour within each skilled occupation or job; and (iii) it is sensible for immigrant labour from outside the EEA to be used to fill the shortages. Occupations or job titles may be placed on the Shortage Occupation List with the list subject to partial reviews every six months and a full scale review every couple of years. Since there is no universal definition, or measure, of “skill”, “shortage” or “sensible”, the *MAC* has developed a range of indicators draw-

ing on national level data to draw up the list which it dovetails with bottom-up evidence from corporate partners. These indicators include price and wage signals, along with employment trends, qualification levels within occupations and vacancy levels.

#### 4.1.1.2 Employer needs analysis

**Austria, Belgium, Bulgaria, Czech Republic, Estonia, Germany, Hungary, Ireland, Italy, Lithuania, Luxembourg, Netherlands, Malta, Poland, Slovenia, Spain, Slovak Republic and Sweden** require employers to directly analyse their labour needs, which can lead to the employment of labour migrants.

The Employment Agency and the employers’ organisations in **Bulgaria** do analyses of their workforce needs, which reflects the economic sectors where third-country nationals are sought. In **Estonia**, after having publicly advertised a position, an employer is generally obliged to apply for a permit from the *Unemployment Insurance Fund* for filling the position with a third-country national. The respective permit is granted if the employer has not found a suitable candidate from among the persons permanently residing in **Estonia** and filling the position with a third-country national is justified, considering the situation of the labour market. **Hungary** identifies and manages labour market needs by obliging the employer to announce their workforce demand to the competent labour centre at least 30 days before submitting a request for a general work permit and 15 days before providing a seasonal work permit.

In **Ireland**, the labour market needs test, which is employer led, was made more restrictive in 2009 in response to increased unemployment, with the effect that the time period a vacancy must be advertised at national level has been extended from four to eight weeks. **Lithuania’s** labour immigration policy is based on the principle of addressing a demand which cannot be met by the domestic workforce and of the employer initiating the process to recruit foreign workers. Under the current procedures, the employer has to register a vacancy in the territorial *Lithuanian Labour Exchange*. If no national or other EU workers skilled and willing to take the registered job has come forward after a month, the employer may submit an application to employ a third-country national worker to the regional *Labour Exchange*. In **Luxembourg**, joint residence/work permits are delivered after a labour market test is undertaken by the *Employment Agency* to ensure that the Union Preference principle is respected. A case-by-case analysis is also undertaken for categories of economic migrants such as highly qualified migrants

<sup>99</sup> This is based on analysis of a survey on national job vacancies carried out by the Institute for Employment Research

and researchers. The bill on the reform of the *Luxembourg Employment Agency* proposed to conduct the labour market test before a third-country national can apply for a vacancy. In the **Netherlands**, in order to get a work permit for a third-country national, an employer has to show that he has not been able to fill the vacancy with someone from within the EU, with the exception of people coming in through the highly skilled migrant scheme. In **Slovenia**, before an employer can employ a third-country national, they must declare a job vacancy and specify conditions to be met by the applicant. The *Employment Service* then has eight working days from declaration to conduct a 'labour market test', in order to investigate and declare whether the vacancy conditions are met by a national worker. If there are eligible national workers, the third-country national's application will be rejected. When there are no eligible candidates, the third-country national has 30 days from notification to apply for a work permit. In the **Slovak Republic**, the demand for specific skilled labour is solved on an ad hoc basis by the employers themselves rather than systematically.

In **Spain**, employers can hire third-country migrant workers for jobs that appear in the quarterly catalogue of shortage occupations. If an employer wishes to hire a migrant worker for a job not appearing in the catalogue, they have to report this to the provincial employment service, who will publicise the job offer for 15 days, after which a migrant worker can be employed if no national or already residing third-country national candidates are found. In **Sweden**, the assessment of needs is always conducted by the employer themselves as the employer can determine the need for labour, as well as from where in the world the employer wishes to recruit.<sup>100</sup>

Though a "strict" form of employer's needs analysis does not exist in the **United Kingdom**, employers play a key role in the employment of Tier 2 (Sponsored Skilled Workers with a job offer) as these third-country nationals must be sponsored by an employer who must be licensed by the *UK Border Agency*. A threefold approach is adopted under Tier 2 which obliges an employer to carry out a resident labour market test to determine that a suitable qualified EEA worker is not available if the occupation is not on the shortage occupation list.

In addition to employer needs analysis, information is provided to a number of Member States (**Austria, Estonia, Finland, Germany, Italy, Ireland, Latvia, Poland, Slovenia** and the **Netherlands**) through

analysis undertaken by employers associations, research institutes and other stakeholders. Analysis of registered excess supply and demand of labour (vacancies, unemployment) is undertaken in **Austria, Czech Republic, Estonia, Finland, Germany, Ireland, Malta, Poland** and **Spain**. For example, in **Germany**, a survey on the "aggregate national supply of labour" has been undertaken since 1989 to measure the development of the demand for labour in order to examine the causes and scope of skilled labour shortages and to use this information as a basis for advising companies and politicians on how the shortages can be counteracted.

#### 4.1.1.3 Quota/Limit Setting

**Austria, Estonia, Hungary, Italy, Portugal, Slovenia** and **United Kingdom** set quotas/limits for the entry of third-country nationals for the purpose of employment when applying for a permit. These quotas/limits are established through consultation with relevant stakeholders, surveys, forecasting and/or other tools (as further elaborated in [Section 4.1.4](#)).

In **Austria**, the total number of work permits is capped, to the extent that the number of employed and unemployed third-country nationals should not exceed 8% of the total labour supply. An immigration quota of maximum 0.1 per cent of the permanent population of **Estonia** is applicable for some categories of third-country national with the quota mostly distributed to residence permit applicants taking up employment. From 2008-2010 the quota of 0.075 per cent of the permanent population of Estonia has been annually set by the Government. The *Minister for Labour and Social Affairs* in **Hungary** is responsible for setting the number of work permits to be issued to third-country nationals. This quota may not exceed the requested workers reported during the previous year.<sup>101</sup> In **Italy**, instructions are prepared on the basis of employment and unemployment rates at national and regional levels. Assessments are carried out by regional and local organisations and associations of entrepreneurs, which form the basis for the Prime Minister to produce circulars which divide the global entry quota for work between the Regional Directorates and the autonomous provinces. In **Slovenia**, the setting of quotas is the main instrument of limiting the number of third-country nationals in the labour market. The quota is proposed by the *Minister for Labour* and is set annually taking into account fluctuations and conditions of the labour market. The quota

<sup>100</sup> This is not based on Labour Market Needs Analysis

<sup>101</sup> This quota exceeds the number of third-country nationals working legally in **Hungary** in the given years. According to the available data in 2009, the number of the issued work permits hardly reached 30% of the quota.

may never exceed five per cent of the actively working population in the country, on an annual basis.

The **United Kingdom**, since 2010, has placed a limit on third-country nationals entering through the PBS with an annual limit introduced in April 2011 of 21 700 for those coming into the United Kingdom under the skilled and highly skilled routes. This limit is composed of 20 700 places under Tier 2 and 1 000 places under a new Tier 1 “exceptional talent” route.

#### 4.1.2 Institutional bodies responsible for the identification and management of labour demand

For **Austria, Bulgaria, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia**,<sup>102</sup> **Lithuania, Netherlands, Portugal, Slovenia** and **Spain** identifying and managing labour demand falls under the responsibility of one or more government institutions or bodies, specifically:

- ◆ *Ministry of Labour/Ministry of Labour, Social Affairs and Consumer Protection/Ministry of Labour and Social Affairs/Policies* – This is the case for **Austria, Bulgaria**,<sup>103</sup> **Czech Republic, France, Hungary, Italy, Lithuania, Netherlands, Poland**,<sup>104</sup> **Portugal**;
- ◆ *Ministry of Immigration* – This is the case for **France**;
- ◆ *Ministry of Labour and Immigration and Employment Service* at regional level: **Spain**;
- ◆ *Ministry of Economic Affairs and Communications/Ministry of Employment and the Economy/Ministry of Economics* – This is the case for **Estonia, Finland** and **Latvia**;
- ◆ *Ministry of Welfare* – **Latvia**;
- ◆ *Federal/State Employment Agency or Employment Service* – **France, Germany, Latvia, Lithuania** and **Slovenia**;
- ◆ *Department of Enterprise, Trade and Innovation/Department of Education and Skills* – **Ireland**.

102 In **Latvia**, the *Ministry of Economics* is used for long-term forecasting, in comparison with the *Ministry of Welfare* and the *State Employment Agency* which is responsible for forecasting labour demand in the short and medium term.

103 In **Bulgaria**, the *National Council for Labour Migration*, is chaired by the *Ministry of Labour and Social Affairs*. The Deputy Minister for migration and the Director of Migration Directorate are also part of its management's board.

104 This includes local governments in **Poland**

In **Austria, Czech Republic, Belgium, Finland, France, Italy, Lithuania, Netherlands** and **Poland, Slovenia, Spain** methods for identifying and managing labour needs are organised at a regional level and, consequently, require the involvement of regional authorities (e.g. analysis of the regional labour market situation, establishment of quotas at regional level). The Industry Occupation matrices in **Austria**, for example, can produce specific forecasts for particular federal provinces. In **France**, the list of shortage occupations drawn up at regional level assists in pinpointing labour demand by region.

#### 4.1.3 Participation of employers and occupational organisations in the identification and management of labour shortages

**Austria, Belgium, Bulgaria, Czech Republic, France, Ireland, Italy, Latvia, Lithuania, Malta, Netherlands, Poland, Portugal, Slovenia** and **Spain** place particular importance on cooperating with organisations relating to employment, including employer organisations and trade unions, for identifying labour shortages and satisfying labour demands. In the **Czech Republic**, a government-led project in 2009 entitled “*Development of Services and cooperation with employers under the changing conditions on the labour market*,” aimed to pilot cooperation between employment services and employers in creating job offers for interested parties and job candidates reflective of (changes to) the labour market. In accordance with necessities and opportunities in **Latvia**, employers, industry associations and other industry experts can be involved in the elaboration of short-term forecasts. In **Poland**, the regional employment board (located in each voivodship) consists of representatives of various social groups including employers, trade unions, NGOs and scientific centres. These groups provide information which contributes to labour market analysis, as well as the monitoring of professions in oversupply and in demand. In **Portugal**, a qualitative approach is used which consists of compiling information by means of semi-directed interviews from companies in key sectors of activity, as well as from employers.

**Belgium, France, Ireland** and **Lithuania** actively cooperate with several organisations in order to identify skills and labour demand. The list of bottleneck occupations in **Belgium** involves the participation of social partners (employer and employee organisations) and technical groups of labour mar-

ket specialists.<sup>105</sup> In **France**, employers' organisations assist the relevant Ministries in drawing up a list of shortage occupations. In **Ireland**, the *Expert Group on Future Needs* is comprised of a range of representatives including business and employer groups, trade unions and educational bodies. In making decisions on occupations to include on the ineligible/restricted lists and on the implementation of other mechanisms, the *Department of Enterprise* receives information and consultation from this group. In **Lithuania**, social partners are involved in drafting the list of understaffed occupations and in discussing qualification requirements for those professions, through regular meetings between labour exchange officials from national and regional employment agencies and employers' associations. Trade unions are also consulted.

The central government body<sup>106</sup> in the **Netherlands** cooperates intensively with public and private parties at local, regional and national level concerning vacancies and potential shortages. This cooperation is considered to be important, since the timely reporting of a vacancy ensures the proper coordination of supply and demand. In **Spain**, employer organisations and trade unions participate on a regular basis through a consultative body entitled the Tripartite Labour Commission, under the scope of the *Ministry of Labour and Immigration* and regulated by the Law 2/2009.

#### 4.1.4 Tools for identifying and mapping labour demands

Dependent on the approaches that Member States have adopted to identify and map labour demands, they make use of specific tools, which include national surveys (Section 4.1.4.1) and short and long-term forecasting (Section 4.1.4.2). Table 4 below provides an overview of the specific tools used in the implementation of approaches for identifying and managing labour demand.

**Table 4: Overview of the use of specific tools in the implementation of approaches for identifying and managing labour demand**

	National Surveys	Forecasting	Analysis of registered supply and demand	Administrative Data	Occupation matrices	Analysis by employers' associations	Consultation
Occupation Lists	•	•	•	•	•	•	•
Employer Needs Analysis	•	•	•	•		•	
Quota/Limit Setting	•	•	•	•	•	•	•

##### 4.1.4.1 National Surveys

**Austria, Estonia, Finland, Germany, Ireland, Italy, Latvia, Malta, Poland, Portugal, Sweden** undertake, or have undertaken, national surveys in order to identify labour needs. In **Austria**, employer reports and surveys provide data which is analysed and integrated into the cyclical labour demand forecasts. The *Institute for Employment Research* undertakes a representative survey in **Germany** measuring the development of the aggregate demand for labour based on reliable statistics. The *Recruitment Agency Survey* was used in **Ireland** to identify labour shortages in the past but has been discontinued. In **Italy** the *Union of Chambers*, on behalf of the *Ministry of Labour*, since 1997 implements the Excelsior Information System<sup>107</sup> based on a survey of 100 000 private enterprises, recording the companies' intentions to hire third-country national workers. This survey is part of the official statistics produced on an annual basis within the *Italian National Statistical System*. In **Luxembourg**, since 2004, a common survey on the qualifications needed in the near future is conducted every year by several employer representatives in partnership with the Chamber of Commerce, the Employment Agency, the Ministry of National Education and Professional Training, and EURES. This survey focuses on: 1) the industry, and 2) information technologies and communication (alternating every year between these two topics).

<sup>105</sup> These are experienced vacancy consultants and economists of the employment office

<sup>106</sup> UWV WERKbedrijf (hereinafter referred to as *Werkbedrijf*) is the central (government) body for the promotion of labour participation and the filling of vacancies. *Werkbedrijf* is a merger of the former Centre for Work and Income (CWI) with the UWV and comes under the latter organisation from an organisational perspective.

<sup>107</sup> [http://excelsior.unioncamere.net/web/index\\_en.php](http://excelsior.unioncamere.net/web/index_en.php)



In **Latvia**, surveys are carried out twice a year by the respective Ministries with employers in order to gather information about planned changes in the number of employees, the reasons for the changes and the occupations in which employees will be needed. In **Malta**, employer surveys are undertaken by the *Central Bank of Malta* and the *Maltese Chamber of Commerce* concerning labour development.

In addition to identifying labour shortages, employment surveys in **Finland** are used to identify recruitment problems experienced by employers when hiring third-country nationals.

The **United Kingdom's** Migration Advisory Committee (MAC) uses data from the *National Employer Skills Survey*, in addition to a number of other surveys, to measure occupations against its skilled, shortage and sensible indicators.

In addition to national surveys, available statistics from censuses, social security records and population registers assist a number of Member States (**Belgium, Finland, France, Germany, Ireland, Estonia, Italy, Latvia, Lithuania, Poland, Portugal, Slovenia, Italy, Lithuania** and the **Netherlands**) in identifying and managing labour demand. Occupation matrices to identify regional demand are also used in **Austria** and **Finland**.

#### 4.1.4.2 Forecasting

Forecasting, both focusing on the long /medium term (**Austria, Czech Republic, Estonia, Finland, Germany, Ireland, Latvia, Portugal, Spain**) and the short term (**Latvia, Malta**), is considered as an important tool for the mapping of future labour shortages.

For forecasting, statistics from census, employment registries and occupational matrices are often used.<sup>108</sup> For example, in **Estonia**, the labour force studies of *Statistics Estonia* have been used as a basis for identifying future labour shortages in the market. In **Latvia**, three different methods were used by the *State Employment Agency* in 2010 to elaborate the short-term forecast. These were: (1) analysis of industry development trends; (2) collaboration with external experts and representatives of employment agencies and internet portals and; (3) in-depth statistical data analysis by occupations. In **Portugal**, data compiled by the *National Statistics Institute* is used to

draw quantitative conclusions about the future availability of jobs for migrant workers.

With regard to medium- to long-term forecasting, industry occupation matrices are used in **Austria** to predict particular occupational shortages. These matrices, built on the basis of census data and annual social security employment data, are elaborated into medium- to long-term forecasts of labour demand developments, by occupation and by industry. In the **Czech Republic**, though immediate shortages are monitored in the labour market, these were not considered useful to identify future trends. Consequently, a project, funded by the European Social Fund in 2009, entitled '*Forecasting the needs for Qualifications on the Labour Market*' aims to establish a system to forecast labour needs for the medium term, by examining developments in the supply and demand sides of the labour market.

**Estonia** compiles a long-term forecast of labour demand, for a five year period, on a biannual basis. These forecasts analyse all components that form the labour demand, such as changes in employment and movement between sectors, and assess labour demand by areas of activity, professions and levels of education. In **Finland**, annual forecasts are prepared to review the structure of the labour force and to prepare scenarios for trends in labour demand in different industries and regions. This includes the analysis of trends and identification of the future demand for workers hired from abroad.

In **Ireland**, the *National Skills Bulletin* provides an overview of the occupations where skills/labour shortages exist. Further research may then be carried out to identify the specific skill levels which are lacking. The objective of this bulletin is to identify areas of shortages rather than to quantify them. **Slovenia** uses the *Employment Service of Slovenia* which publishes an Annual Review of skills shortages and surpluses, which is drawn up in cooperation with employers and their associations according to a methodology laid out in the Rules concerning the implementation of active employment policy measures.

No official forecasts have been made in **Germany** on the future demand for labour which could be used by the Federal government to manage labour immigration. **Germany** has, however, set up an '[Alliance for Labour](#)' with the task of contributing to securing the labour basis by means of a system to monitor and forecast labour shortages.

<sup>108</sup> This data can in some instances be sourced from surveys, which in some instances serve as a basis for forecasting.



## 4.2 Mechanisms for the purposes of job-matching

Most Member States which undertake labour market situation analysis also undertake some form of labour matching. Employers play a key role in job matching in most Member States. In **Austria, Belgium, Bulgaria, Czech Republic, Estonia, France, Germany, Hungary, Ireland, Lithuania, Malta, Poland, Portugal, Slovak Republic, Spain, Sweden and United Kingdom** job matching is in many instances directly ensured by the employer. In **Germany**, high priority is attached to job matching, with an obligation placed on the employer to ensure that the third-country national applicant meets the requirements of the business in terms of training, qualification and language skills.<sup>109</sup> In **Germany**, job matching is of paramount importance for certain types of labour migrants, such as care workers.<sup>110</sup> Though job matching is the direct responsibility of the employer in **France**, professional organisations assist in this task.<sup>111</sup> Furthermore, decentralised employment services can indicate the qualifications required for certain jobs. In the case of an exceptional admission for residence procedure,<sup>112</sup> the correspondence between the employer's requirements and the third-country national worker's qualifications is checked by the French consulates also responsible for recognition of qualifications. In the **Netherlands**, employers rely on international employment mediators to ensure correct matching. In **Poland**, employers use specialised employment agencies that assist the employer in finding third-country employees with relevant qualifications. In addition, the Public Employment Services System can be of benefit for effective job matching due to the services provided by it to employers and administrative bodies. In the **United Kingdom**, an employer has to be first accepted by the UK Border Agency as a sponsor before worker skills are matched to market needs.

Apart from employers, a number of other institutional bodies assist in job matching in **France, Italy** and **Latvia**. The *Office of Immigration and Integra-*

*tion* in **France** has contributed to job matching through the organisation of professional training courses for third-country nationals, which are considered as a successful means to achieving a better match between the skills of third-country national workers and the requirements of French employers. In **Italy**, the *Single Desks for Immigration*, hosted in each territorial office of the Government, determines how to best link third-country labour supply with demand, including the preparation of specific profiles setting out the professional qualifications and job responsibilities. Local institutions and sector entrepreneurial organisations also participate in this process. In **Latvia**, branches of the *State Employment Agency* record vacancies declared by employers by specifying the occupation, desired education and work experience of the applicant, in order to ensure the compliance of third-country nationals with the requirements of the offered positions. In **Lithuania**, the Labour Exchange Office records vacancies registered by employers every six months with these records leading to the inclusion of professions on the Shortage Occupation List. Though workers on the list can enter Lithuania through a faster procedure, the employer can only employ a third-country national following the registration of the vacancy in the territorial labour exchange and only if no suitable national or EU candidate can be found after one month.

In **Portugal**, for third-country nationals engaging in research, teaching in higher education institutes or other highly skilled activities, a prior opinion issued by the *Ministry for Science, Technology and Higher Education* is compulsory, following the initial matching of the migrant's qualifications by the competent national authority. In **Spain**, within the mechanism of collective management of hiring in countries of origin, employers and employment services of the country of origin, in cooperation with representatives from the national Administration, match candidates with jobs on an official shortage list. This process is somewhat limited, however, as employers are required to apply for hiring at least ten workers for each location and province, which subsequently prevents many small-sized companies from using the mechanism.

In the **Czech Republic** and **Germany**, databases have been set up to assist national authorities in job matching. For example, the "work for foreign nationals" database in the **Czech Republic** is designed to match economic migrants with jobs available.

109 In **Germany**, the *Act on the Reorganisation of Labour Market Policy Instruments* in 2009, strengthened job placement as the 'backbone of labour market policy and red tape was slashed.'

110 See page 41 of Germany National Report.

111 These professional organisations consisted of counselling organisations which help businesses and employers to recruit third-country national workers.

112 This exceptional admission refers to permission granted to irregular migrants to reside in France with a residence card for an "employee" or "temporary worker"

Vacant job positions not filled with a domestic candidate after 30 days<sup>113</sup> are entered into the database, and third-country nationals can register their CV on the portal of the database. The Green Card System database, based on the same principle, is also used in the **Czech Republic**. Vacant job positions marked by the *Ministry of Industry and Trade* as suitable for key-staff in this database can be immediately filled by third-country nationals without the obligation of advertising the position to the national workforce.

**Austria, Estonia and Germany** have identified issues with job matching in certain instances. In **Austria**, it has been noted that while low skilled workers can be easily matched with jobs, job matching becomes more difficult as the skills and the skill requirements for a particular position become more complex. An issue which arises in **Germany** is that endeavours to use job matching and to find the best possible fit, relate primarily to job seekers who reside in Germany, rather than those who come from abroad. In **Estonia**, language barriers can be an issue when trying to match employers with employees, as recruitment companies publish information regarding vacancies mostly in Estonian, though sometimes also in Russian and English.

In **Luxembourg**, no job matching is undertaken when third-country nationals first arrive for employment. The third-country nationals must apply for the position from their home countries before entering the Member States. Even if their qualifications are required, they will be refused ipso facto by the local authorities.

Some international agreements, which are further described in [Section 6.1](#) below, have also assisted some Member States in job matching. In **Italy**, for example, the framework agreements with Moldova, Morocco and Egypt, allow for an exchange of information on both the available third-country manpower and the actual needs of the Italian labour market. This information also includes details on the professional skills and the work experience of the candidates, which subsequently enables the selection of qualified and specific third-country national workers.

<sup>113</sup> Provided employer agrees on having this vacancy published in this database.

## 4.3 Mechanisms for skills assessments and recognition of qualifications of migrants

This Section provides an overview of the mechanisms in place in the Member States for skills assessment ([Section 4.3.1](#)) and recognition of qualifications of migrants ([Section 4.3.2](#)) when arriving in EU Member States for the purpose of employment. Skills assessments are 'tests' to identify any skills and competences that persons might have, whether these are obtained through 'formal' education and training (with certifications / qualifications as a result) or through work and life experiences. Such skills are then 'validated', i.e. recorded and registered in official documents. Recognition is a formal process through which certificates / qualifications obtained abroad are checked and, if deemed in correspondence with the national equivalent, recognised. Sometimes additional education or training is required. When there are doubts or more evidence is needed that the individual has the necessary knowledge and competences, skills assessments are sometimes used to support the judgment.

### 4.3.1 Skills assessment

The assessment of skills is vital in order to avoid brain waste and to ensure that the qualifications of migrants are beneficial to the European labour market and economy. In **Germany**, improved skills assessments and the recognition of qualifications obtained abroad are considered to be of great importance, since studies have shown that many migrants are overqualified for the jobs they have. In some cases, they have skills which are urgently needed, but not used to their full potential, because qualifications from abroad are often not recognised or relevant work experience is not documented or verifiable. In **Belgium, Bulgaria, Hungary, Italy, Latvia, Luxembourg, Malta, Netherlands, Slovak Republic, Slovenia, Spain and Sweden** however, no special mechanisms are in place for skills assessment of migrant workers.

In those Member States where skills assessment does take place, a number of different groups are responsible for undertaking the assessments. For

example, in **Austria**, social partners are responsible for assessing vocational skills. Furthermore, similarly to job matching, the assessment of skills can also be considered as the responsibility of the employer, as is the case in the **Czech Republic** and **Sweden**. In **Germany**, the *Federal Länder*, as well as, in some cases, professional associations and/or chambers are responsible for assessing occupational and professional skills. In **Italy** a system of training abroad has been in practice with a number of third countries, which is currently under revision, to ensure the training of skills before leaving the country of origin.<sup>114</sup> In **Slovenia**, the *Employment Relationship Act* stipulates that workers must meet the conditions provided by the employer with regard to skills assessment. In **Spain**, training in the country of origin is provided, free of charge, for those workers who have been recruited under bilateral migration agreements.

In **Lithuania** skills assessment is undertaken by the territorial Labour Exchange before the work permit is issued. In order to receive a permit to employ a third country national an employer must submit a document (seniority book) attesting that a third-country national has at least two years professional experience (seniority) acquired during the last three years in the profession in which s(he) will be employed. If a third-country national will be employed in a profession that is legally regulated, an employer must seek a decision of the competent institution (depending on the profession the institution may differ) certifying that the third-country national's qualifications are in line with the national requirements of the equivalent profession. In **Luxembourg**, there is no skills assessment specifically designed for third-country nationals. However, once third-country nationals are settled in Luxembourg, they can use the skills assessments that exist for general purposes, such as the "validation of acquired experience" and "competence assessment." For unemployed people, a "competence assessment" can be done by the Employment Agency, in collaboration with private companies, in order to assess their qualifications, professional competences and social skills. The *Sector Skills Councils* are responsible for skills assessment in the **United Kingdom**. These councils work towards four key goals which include reducing skills gaps and shortages as well as increasing opportuni-

ties to improve the skills and productivity of all those in the workforce.

#### 4.3.2 Recognition of qualifications

Procedures exist in all Member States concerning the recognition of qualifications, though these vary considerably for many of them depending on the specific qualification or training and where it was obtained (**Austria, Belgium, Bulgaria, Czech Republic, Estonia, Finland, France, Germany, Italy, Lithuania, Malta, Poland, Portugal, Slovenia, Slovak Republic, Spain** and **United Kingdom**). In general, qualifications which are recognised at European level do not require national recognition.<sup>115</sup> Also, recognition is "automatic" or at least facilitated for qualifications included in international conventions or treaties between Europe and third countries, mainly in the area of higher education. However, when no treaty exists, a decision recognising the qualification has to be made. In **France**, the suitability of skills is based on the mutual recognition of educational and other qualifications between France and the main countries that are the source of economic immigration. In **Poland**, employers are responsible for the recognition of foreign qualifications when the profession is not regulated. In these instances, the employer may require the confirmation of equivalence of the third-country national's educational qualification with Polish qualifications or may require validation of the level of education obtained abroad.

Different institutions are responsible in **Austria, Czech Republic, Estonia, Finland, Germany, Italy, Lithuania, Poland, Portugal** and the **Slovak Republic** for the recognition of education and qualifications, depending on the occupational sector concerned. For example, in **Austria**, educational authorities directly recognise educational qualifications. In **Bulgaria**, the competent authority for the recognition of higher education degrees is the *Minister of Education, Youth and Science* while professional qualifications of third-country national workers in any regulated profession can be recognised under reciprocal terms when the qualifications match the normative requirements for obtaining the same professional qualification in Bulgaria.<sup>116</sup> In the **Czech**

<sup>114</sup> During the pilot phase (2004-2005) the competent Governmental Evaluation Committee has approved programmes that have involved on site citizens of Tunisia, Sri Lanka and Moldova. In the following years new programmes were implemented in Albania, Moldova, Russia, Ukraine; Ethiopia, Nigeria, Morocco, Tunisia; China, India, Nepal, Philippines; Brazil, Peru.

<sup>115</sup> See Directive 2005/36/EC of 7 September 2005 on the recognition of professional qualifications, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:255:0022:0142:en:PDF>

<sup>116</sup> In **Bulgaria**, recognition of higher education degrees is regulated in the *Higher Education Act* while recognition of professional qualifications is regulated in the *Act for the Recognition of Professional Qualifications*

**Republic**, the recognition of university education is generally carried out by a university or, in the specific fields/states, by the *Ministry of Defence* (military degree), *Ministry of Interior* (security services) or *Ministry of Education*. In **Estonia** regulates recognition by a number of different acts, depending on the professions concerned. Everyone who comes to **Estonia** in order to work in a regulated profession must contact the competent authority recognising the professional activities. This authority will take a recognition decision within four months from the submission of the application. In **Finland**, the *National Board of Education*, as well as other authorities, is responsible for recognising vocational and educational qualifications of migrant workers. In **Germany**, the *Federal Länder* are responsible for recognising qualifications from abroad. For educational profiles that are not regulated however, self-governing bodies, such as professional associations and chambers, are involved in the recognition process. Several different Ministers are competent for recognition depending on the specific academic or professional titles in **Italy**. In **Lithuania**, recognition of academic qualifications is carried out by the *Lithuanian Centre for Quality Assessment in Higher Education*. Academic qualifications need to be recognised only if there is a requirement in the job description to have higher education. If there is no such requirement and the profession is not legally regulated, an employer decides whether a third country national's qualifications correspond to the job. In **Luxembourg**, no general recognition mechanism is in place with requests assessed on an individual basis. Moreover, **Luxembourg** does not have bilateral agreements on the recognition of qualifications with third countries, and third countries do not have a role in facilitating the recognition of their qualifications in Luxembourg. The Ministries in charge of recognising diplomas obtained outside the EU are the *Department for Diploma Recognition* the *Ministry for Education and Vocational Training* which is competent for the recognition of secondary school leaving diplomas and vocational training certificates and the *Ministry for Higher Education and Research*, in cooperation with the University of Luxembourg, which is responsible for the recognition of university and higher education diplomas. **Slovenia** regulates the recognition of qualifications through a number of legislative acts, allowing for a flexible system for migrants to enter the Member State. The *Recognition and Evaluation of Education Act* stipulates that all economic migrants and all those who have completed their education abroad can request the *Ministry of Higher Education, Science and Technology*, to recognise their education for the purpose of employment in **Slovenia**. This process was made more efficient with the introduction of an obligation for the *Employment Service* to verify qualifications

from the country of origin and to translate them into the Slovenian language.<sup>117</sup> The recognition process in **Slovenia** can be compared to that in the **Slovak Republic**, where the recognition of qualifications depends on the country of origin of the migrant and the purpose for which the qualification is to be recognised. In the **Slovak Republic**, although the mechanism for the evaluation and recognition of qualifications is governed by a number of statutory rules,<sup>118</sup> the recognition of qualifications from third countries depends largely on international and bilateral intergovernmental agreements. In the case of bilateral agreements, the qualification document is recognised, but not the qualification itself. When a third-country national wishes to work in a particular profession, their qualifications are recognised immediately when the activity falls within the scope of regulated activities.<sup>119</sup> In **Poland**, the recognition of qualifications depends initially on whether the migrant's profession is regulated in national law. Following official recognition of the third-country national's level of education by the *Ministry of Science and Higher Education*, the professional experience of a migrant worker is accepted by the regional Labour Offices.

In **Germany**, a database (ANABIN)<sup>120</sup> exists to inform the responsible Ministries, universities and other authorities competent for the recognition of foreign university qualifications about foreign university systems and their qualifications. In **Ireland**, the *National Qualifications Authority of Ireland* provides a qualification recognition service. An *Online International Qualifications Database* has also been established which lists certain foreign qualifications and provides advice regarding the comparability of the qualification. The **United Kingdom** relies on the *National Recognition Information Centre* (NARIC) for the provision of comparative information and advice on international education and training systems and overseas skills and qualifications. NARIC assists both organisations and individuals by relating foreign qualifications to national qualifications as well as

117 Third-country national applicants in **Slovenia** also have the possibility to obtain a national vocational qualification by verification of their skills in accordance with the *National Professional Qualifications Act 2009*

118 National legislation are in compliance with EC Directives (89/48/EEC a 92/51/EEC) as amended by Directive 2001/19/EC and Directive 99/42/EC.

119 Concerning the regulation of diplomas in non-regulated professions in the **Slovak Republic**, this is governed by the same rules as the assessment of education of EU citizens which falls within the competency of the *Ministry of Education*.

120 ANABIN stands for "Anerkennung und Bewertung ausländischer Bildungsnachweise" (Recognition and Evaluation of Foreign Education Certificates)



providing translations of these qualifications when supplied as part of a visa application.

As a result of the different procedures in place for both skills assessments and the recognition of qualifications, uneven treatment exists within the EU as, for the same third-country national, some Member States would not require skills assessment or recognition, while others would subject this individual to a lengthy procedure to have their skills or qualifications validated and recognised, depending on the qualification. **Germany** has identified deficits in the system of recognition due to the different partners in the Federal system responsible for recognition of qualifications, leading to a lack of transparency.<sup>121</sup>

#### 4.4 Integration measures for migrant workers

Each Member State has a general integration programme in place, which targets the spectrum of third-country nationals who enter the territory legally. In **Belgium, Czech Republic, Estonia, Germany, Luxembourg, Malta, Portugal, Slovak Republic, Spain** and **United Kingdom** integration measures, including provision of language lessons, are not specifically developed for labour migrants, but rather apply to all legal migrants.<sup>122</sup>

However, **Austria, Czech Republic, Estonia, Finland, Italy, Latvia, Portugal** and **Spain** do provide specific, targeted opportunities for migrant workers to learn the national language. In **Austria**, the labour market service organises and funds classes in German for migrant workers. The **Czech Republic** provides participants of the *Selection of Qualified Foreign Workers scheme*<sup>123</sup> with information on where they can learn the Czech language. In **Finland**, two national projects ALPO and MATTO, funded by the European Social Fund, support the integration of labour migrants, by disseminating information and providing training. In **Ireland**, an Action Strategy to Support Integrated Workplaces was introduced in 2008 which involves groups such as employ-

ers' bodies to promote integration of all workers in the workplace. In **Italy**, integration measures are entrusted to the competence of local authorities (Regions and Provinces). Moreover the framework agreements with Moldova, Morocco and Egypt, include integration measures, such as special professional training programmes and Italian language courses pre-departure. The "Portuguese for All" Programme in **Portugal** enables migrant workers to receive linguistic training in technical Portuguese, which is adapted to a set of professional areas, so as to further promote the integration of migrants into the labour market. **Spain** has experienced an increase in the demand for language courses offered to migrant workers, due to the economic downturn and the migrant workers' recognition that the Spanish language is needed to secure a job.

Responsibility is placed on employers to ensure that their employees possess the right level of language competences in **Estonia, Finland** and **Latvia**. In **Estonia**, however, compulsory language learning is only obligatory for certain positions, set out in their *Language Act*, which establishes the requirements for language proficiency for employees. Such requirements are not applicable for persons who are temporarily working as foreign experts, or specialists. In addition, training and language studies in the country of departure, prior to employment, are primarily the employer's responsibility in **Finland** in order to ensure that migrant workers will be able to integrate into the workforce and society. In **Latvia**, every employer is responsible for the compliance of third-country nationals with the language proficiency requirements specific to the position, which, if not fulfilled, allows the *State Employment Agency* to reject the application of the third-country national.

In **Sweden**, though there are no special programmes of measures to integrate or train third-country nationals who come for the purpose of employment, an exception exists concerning those '*occupations requiring accreditation*,' such as the medical and dental professions, for which special provisions require knowledge of the Swedish language. In comparison to other Member States, employees must acquire these skills themselves and this is regulated by the *National Board of Health and Welfare*. Labour migrants who are registered in the population registry, like other immigrants, are entitled to free tuition.

**Estonia, Latvia** and **Slovenia** also impose different integration requirements, depending on the type of residence and work permit granted to the third-country national. In addition to exemptions for temporary workers in **Estonia**, integration requirements in **Latvia** are not imposed on third-

121 In addition to a lack of transparency in recognition procedures, the sometimes poor usability of official qualification recognition notices and a lack of networking between the competent agencies and integration of services have been identified as obstacles to labour migrants' successful integration.

122 Further information on general integration measures is available from the EMN Annual Policy Reports, available from <http://www.emn.europa.eu> under "Annual Policy Reports."

123 This programme was turned down at the end of 2010 due to the economy measures of the new government.



country nationals who apply for a temporary residence permit. For certain occupational and professional activities, requirements do exist with regard to the level of language proficiency level. Integration requirements are also imposed on third-country nationals who apply for permanent residence. **Lithuania** also does not apply integration requirements for temporary immigrants, including third-country workers. **Slovenia** regulates the integration of economic migrants through the *resolution on immigration policy* and the *resolution on migration policy*, which introduce measures in areas such as security of residence and family reunification, access to institutions, goods and services and labour market integration. The eligibility for integration measures depends, however, not on the levels of skills and qualifications, but rather on the type of residence permit provided. Though the **United Kingdom** does not place compulsory integration measures on migrants, there are requirements for English language ability for skilled migrants entering through the PBS.

Concerning future action for integration, the partnerships between the central bodies and municipalities in the **Netherlands** aim to embed the integration process of migrant workers into its services in the improvement and development of labour migration. In **Poland**, the integration of labour migrants is encouraged by extending the work permit validity period to three years. The aim of this extension is to enable more effective integration of third-country nationals within Polish society and longer employment perspectives for the employer.

## 5. STATISTICS ON MIGRANTS IN THE NATIONAL LABOUR FORCE

This Section presents statistics on migrants in the national labour force. Before examining these statistics in detail, [Section 5.1](#) presents occupations and sectors identified for labour shortages in the Member States. [Section 5.2](#) then provides an overview and in depth analysis of the statistics available in the Member States on the labour market and migration.

### 5.1 Occupations and Sectors identified for labour shortages in Member States

In all Member States specific sectors and occupations have been identified within which labour/skills shortages exist. A number of Member States experienced a shortage of labour in the following industries and/or occupations.<sup>124</sup>

- ◆ Engineers – **Austria, Belgium, Germany, Hungary, Ireland,<sup>125</sup> Latvia, Luxembourg, Sweden, United Kingdom**
- ◆ Health care – **Austria, Belgium, Finland, Germany,<sup>126</sup> Ireland, Italy (nurses), Latvia, Malta, Netherlands, Slovenia, Spain, Sweden, United Kingdom**
- ◆ Banking and Financial Services – **Ireland,<sup>127</sup> Luxembourg, Poland**
- ◆ Administrative and clerical work – **Finland, Germany**
- ◆ Construction – **Bulgaria, Finland, France, Italy, Lithuania, Poland, Portugal, Slovenia, Spain**
- ◆ Catering<sup>128</sup> – **France, Lithuania, Luxembourg, Malta, Poland, Portugal, Spain**
- ◆ Transport – **Italy, Lithuania, Spain, Latvia**
- ◆ Industrial – **Bulgaria, Finland, France, Italy, Malta, Netherlands, Spain**

<sup>124</sup> This list refers to the broad category of occupations or industries. In many Member States shortages of labour may have been experienced only in specific occupations and niche areas within these categories.

<sup>125</sup> In **Ireland**, this refers to engineers with specific niche experience. Moreover, the 2010 National Skills Bulletin in Ireland indicated that no labour shortages exist and that only limited skills shortages exist in the areas listed.

<sup>126</sup> A distinction is made in **Germany** between vacancies which need to be filled immediately and vacancies which need to be filled in the near future.

<sup>127</sup> In **Ireland**, this refers to high level niche occupations in banking and financial services.

<sup>128</sup> This list includes restaurant service workers.

- ◆ Machinery and Equipment Operators – **Belgium, Estonia, Lithuania**
- ◆ Agriculture and Forestry – **Bulgaria, Finland, Italy, Netherlands, Poland, Spain**
- ◆ IT Specialists – **Belgium, Bulgaria, Germany, Hungary, Ireland,<sup>129</sup> Latvia, Malta, Slovenia, Sweden**
- ◆ Science - **Ireland**
- ◆ Real Estate activities – **Poland, Portugal**
- ◆ Services – **Bulgaria, Italy, Malta, Netherlands, Portugal, Germany<sup>130</sup>**
- ◆ Secondary teachers of Mathematics and Science – **United Kingdom**
- ◆ Sales managers/ retail sale-persons – **Lithuania, Latvia**
- ◆ Tourism – **Bulgaria**
- ◆ Wood processing and furniture making – **Bulgaria**
- ◆ Domestic workers - **Spain**

Identified shortages in all Member States are mainly related to skilled and highly skilled positions. In **Austria**, in 2009, medium skilled positions comprised 54% of the 52 700 vacancies, followed by highly skilled jobs. Though **Belgium** lists skilled and highly skilled occupations in their regional lists of “bottleneck” occupations, the lists drawn in each region also included low skilled workers. In 2008, Wallonia counted 55 “bottleneck” occupations with a total of 36 145 vacancies, including sales representatives and electricians. In Flanders, 204 “bottleneck” occupations were identified with 123 086 vacancies, in occupations including cleaners and accountants. In **Bulgaria**, from 2004 to 2009, work permits were granted to 47 % of medium skilled workers, 35% of highly skilled workers and 18% of low skilled workers. Within **Estonia**, two thirds of the labour demand consisted of the need for specialists, skilled workers and machinery and equipment operators.

In **Ireland** skills shortages were often in “niche” areas such as telesales with specific language requirements, or sales representatives with par-

ticular technical knowledge. **Luxembourg** also anticipates a lack of workers in “niche” areas in the fields of credit and risk for its financial sector. Moreover, while low skilled shortages are not addressed, representatives of the government consider that the attraction of highly qualified workers will automatically lead to the development of services for low skilled workers.<sup>131</sup>

In **Slovenia**, a change has been experienced in labour demand. Between 2005 and 2009, the greatest labour shortages were experienced in low skilled positions in the construction sector and the metal industry. Current labour demand in **Slovenia** now mainly concerns skilled and highly skilled workers, with many vacancies found in the healthcare sector. Slovenia faces a shortage of nearly a thousand doctors, annually. Furthermore, in 2009, there was an estimated 20% shortage in the nursing profession, however only 40 new jobs annually are taken by third-country national workers.

In **Sweden**, shortages are experienced in technology, engineering and computing, as well as in care occupations, primarily work that requires long academic training, and within certain teaching professions. Occupational groups where a shortage is forecast in the future are mainly within the health and medical care service, as well as within technology, engineering and manufacturing. Concerning low skilled workers in the **Slovak Republic**, no significant lack of this group was identified, in spite of the relatively high educational attainment of the population, as such positions are often filled by older workers and so-called marginalised groups. The **United Kingdom** announced its first complete Shortage Occupation List for Tier 2 of the PBS in Autumn 2008, with the occupations on the list estimated to account for approximately 700 000 employees compared with over one million in the Work Permit System prior to the PBS. This list included a range of specialised roles including skilled chefs and senior care workers. The partial reviews of the list added a number of other occupations. Concerning recovery following the economic crisis, **Hungary, Latvia** and **Luxembourg** forecast an increase in the employment of migrant workers. In **Hungary**, it was predicted that the downward trend in recruitment is likely to be reversed following the global economic recovery, and that a growing number of companies would be confronted with labour shortages. In **Latvia**, the short-term labour market forecast predicts a demand for high skilled workers in 2010. The *Euro-*

<sup>129</sup> In **Ireland**, this refers to niche occupations.

<sup>130</sup> Job vacancies in the Services industry were particularly high in 2008

<sup>131</sup> **Luxembourg** noted that often highly qualified workers have a team already in place who wish to move with them.

pean Centre for Development Training forecast that following the improvement of the economic situation after the recovery of the global crisis, the need for skilled workers would increase in Latvia. In **Luxembourg**, following the recovery of the financial and economic crisis, experts predicted an increasing demand for experienced candidates in the bank sector, and mainly in the fields of credit and risk.

## 5.2 Statistics on labour market and migration

This Section provides an overview of the statistics provided by the Member States on labour markets and migration. The statistics which were provided in National Reports for this study include the following:

- ◆ Stock of third-country national workers by categories of skill level from 2004 to 2009
- ◆ Stock of third-country national workers by top ten nationalities
- ◆ Inflow of migrant workers by categories of skill level
- ◆ Proportion of migrant workers in selected occupations in Member States between 2004 and 2009
- ◆ Job vacancies and job vacancy rates in Member States by skill level between 2004 and 2009.

In addition to the above statistics, Eurostat statistics were included in the sections below in order to provide additional information on the realities of the labour market with regard to third-country national workers in the Member States. However, as outlined in [Section 1](#), not all Member States were able to provide statistics according to ISCO-88, and other definitions.<sup>132</sup> For example, **Estonia** does not make a distinction in legislation and in practice between migrants on the basis of skill-level (i.e. highly skilled, skilled etc.). Distinctions are only made as to whether the migrant works for a short time (i.e. up to six months during a year) or for a longer term (i.e. for up to two years). Hence, there are no statistics available for this Member State. **Latvia** was not able to provide statistics for national, EU and third-country stock or flow of workers aggregated by skills-level, as it does not distinguish between nationals and non-nationals in its employment statistics. In **Hungary**, the updated version of the occupation classification

structure ISCO-88 has not yet been introduced, so there are some differences in the definitions used in their statistics. For example, the definition of “highly skilled migrant” is dependent on whether or not the migrant has tertiary education and ignores level of work experience; the definition of “skilled worker” is similarly based on the level of secondary education. **Ireland** estimated approximately equivalent skill groups using available UK Soc Code classifications. In **Luxembourg**, statistical data, mainly provided by the General Inspection for Social Security (IGSS) are exhaustive but ISCO-88 data are only partly available. Since 2004, it is up to the employer to declare the ISCO-88 code of new employees. “Unknown” statistics therefore limited the reliability of data in instances where the ISCO-88 codes were missing as they represented a high percentage of all workers registered for social security in 2009.<sup>133</sup>

In **Spain**, categorisation in skill levels was not possible for a share of workers in stock data, since the data source does not provide the occupation for workers under special regimes of the Social security system. Moreover, stock data does not enable a distinction for seasonal workers. Flow data only refer to third country nationals, as the data source relates to residence and work permits granted, while stock data have been provided also for nationals and EU citizens.

The **Czech Republic, France, Slovak Republic** had problems in identifying stock and flow data on seasonal workers and were thus unable to present these data. This was sometimes because the kind of permit used by seasonal workers is not monitored in the same way as other permits. In **Finland**, figures for seasonal workers are based on estimates. In **Germany**, statistics on seasonal workers also include workers from **Poland**, Romania and other EU Member States.

Similarly, there was some difficulty in identifying researchers as a separate occupation group, as this group generally overlapped with or was incorporated into the “highly skilled worker” group in the Member States’ national statistics.<sup>134</sup> **Germany** noted that economic migrants who are granted a residence permit on grounds other than employment (e.g. family reunification) are missing from flow data.

<sup>132</sup> See footnote 9

<sup>133</sup> The “unknown” (i.e. missing ISCO-88 codes) represented 91% in 2004, 76% in 2005, 58% in 2006, 46% in 2007, 38% in 2008 and 33% of all the workers registered for social security in 2009. A risk exists that employers do not code occupations correctly in Member States.

<sup>134</sup> This is a consequence of the ISCO-88 structure, which does not identify ‘researcher’ as a separate occupation.

In **Slovenia**, data on occupations of economic migrants who have free access to the national market was lacking, so these workers were categorised as “unspecified” in the data tables. In terms of flow of workers into employment, many Member States were not able to provide statistics on outflows. For example, in **Sweden** there were no data on outflow. **Belgium** could not provide statistical data for 2004 and 2009.

Despite these deficiencies, Member States provided statistics providing a roughly comparative overview of the labour market situation relating to third-country nationals, as outlined in the Sections below. Firstly, [Section 5.2.1](#) provides an analysis on the stock of migrant workers by skill level and by main countries or origin. [Section 5.2.2](#) then presents the inflows of migrant workers entering the Member States as well as information on the prominent countries of origin. Finally, [Section 5.2.3](#) examines the vacancies recorded in the Member States.

### **5.2.1 Analysis of Stock of migrant workers<sup>135</sup>**

This Section provides an analysis of stock of migrant workers by main category of skill level ([Section 5.2.1.1](#)), by specific occupation ([Section 5.2.1.2](#)) and by top ten nationalities ([Section 5.2.1.3](#)).

#### **5.2.1.1 Analysis of stock of migrant workers by main category of skill level**

As shown in [Figure 1](#) and [Table 5](#) below, in almost all Member States between 2004 and 2008, skilled workers formed the largest group of third-country national migrant workers. Exceptions included the **Czech Republic**, where although skilled workers formed the highest group in 2004 and 2005, low skilled workers formed the highest group between 2006 and 2009. Additionally, in **Spain**, the number of low skilled third-country workers was significantly higher than skilled workers between 2005 and 2009, though the numbers decreased by 26% between 2007 and 2009, while the total employment of third-country national workers only decreased by 12%. In the same period, the number of highly skilled workers rose by 16%.<sup>136</sup> It must be noted that [Table 5](#) below compares statistics stemming from different sources at national level.

<sup>135</sup> These statistics refer to the total on 31<sup>st</sup> December of reference year

<sup>136</sup> Nevertheless, it must be borne in mind that the skill level is unknown for a significant share of third-country workers in predominantly low skilled regimes like agriculture and housework. Thus, the number and percentages for the low skilled category might be underestimated.



**Table 5: Stock of Third-Country National Workers by main category of skill level and by year**

Member State	Skills	Year					
		2004	2005	2006	2007	2008	2009
<b>Austria</b>	<b>Highly skilled</b>	27 062	24 447	38 904	33 654	36 792	41 334
	<b>Skilled</b>	121 630	120 036	122 586	124 522	127 075	112 585
	<b>Low Skilled</b>	81 425	84 906	80 547	95 108	85 401	88 310
<b>Austria Total</b>		<b>230 117</b>	<b>229 389</b>	<b>242 037</b>	<b>253 284</b>	<b>249 268</b>	<b>242 229</b>
<b>Belgium</b>	<b>Highly skilled</b>	-	16 251	17 487	18 751	18 634	-
	<b>Skilled</b>	-	32 144	32 234	41 172	42 606	-
	<b>Low Skilled</b>	-	15 312	17 841	21 357	20 492	-
<b>Belgium Total</b>			<b>63 707</b>	<b>67 562</b>	<b>81 280</b>	<b>81 732</b>	
<b>Czech Republic</b>	<b>Highly skilled</b>	4 955	6 964	7 792	8 878	11 831	11 647
	<b>Skilled</b>	16 688	24 783	28 512	41 307	60 636	31 343
	<b>Low Skilled</b>	11 394	23 565	29 123	45 446	71 131	48 575
<b>Czech Republic Total</b>		<b>33 037</b>	<b>55 312</b>	<b>65 427</b>	<b>95 631</b>	<b>143 598</b>	<b>91 565</b>
<b>Germany</b>	<b>Highly skilled</b>	170 000	-	395 000	399 000	424 000	454 000
	<b>Skilled</b>	464 000	-	986 000	1 044 000	1 054 000	1 054 000
	<b>Low Skilled</b>	168 000	-	380 000	395 000	405 000	389 000
	<b>Other</b>	1 100 000	-	38 000	31 000	40 000	39 000
<b>Germany Total</b>		<b>1 902 000</b>	<b>1 759 000</b>	<b>1 799 000</b>	<b>1 869 000</b>	<b>1 923 000</b>	<b>1 937 000</b>
<b>Finland</b>	<b>Highly skilled</b>	5 389	5 962	6 736	7 598	-	-
	<b>Skilled</b>	8 373	9 346	10 671	12 594	-	-
	<b>Low Skilled</b>	5 097	5 368	6 563	8 341	-	-
<b>Finland Total</b>		<b>18 859</b>	<b>20 676</b>	<b>23 970</b>	<b>28 533</b>		
<b>France</b>	<b>Highly skilled</b>	119 190	128 675	126 947	143 950	163 315	-
	<b>Skilled</b>	348 109	344 159	328 396	357 141	434 487	-
	<b>Low Skilled</b>	159 163	167 028	167 852	179 027	173 690	-
<b>France Total</b>		<b>626 462</b>	<b>639 862</b>	<b>623 195</b>	<b>680 118</b>	<b>771 492</b>	
<b>Hungary</b>	<b>Highly skilled</b>	1 271	2 037	2 320	2 163	2 246	2 524
	<b>Skilled</b>	3 992	4 647	5 133	5 325	5 334	5 773
	<b>Low Skilled</b>	5 075	5 627	6 023	5 872	6 100	6 064
	<b>Undefined</b>	5 982	1 544	1 355	3 953	4 391	6 219
<b>Hungary Total</b>		<b>16 320</b>	<b>13 855</b>	<b>14 831</b>	<b>17 313</b>	<b>18 071</b>	<b>20 580</b>
<b>Ireland</b>	<b>Highly skilled</b>	16 490	18 443	22 655	28 671	32 423	25 963
	<b>Skilled</b>	29 631	31 863	34 853	36 474	41 944	34 849
	<b>Low Skilled</b>	6 729	8 520	9 576	9 121	9 561	6 373
<b>Ireland Total</b>		<b>52 850</b>	<b>58 826</b>	<b>67 084</b>	<b>74 266</b>	<b>83 928</b>	<b>67 185</b>
<b>Italy</b>	<b>Highly skilled</b>	-	-	78 415	97 797	97 181	93 794
	<b>Skilled</b>	-	-	620 199	701 691	725 785	716 393
	<b>Low Skilled</b>	-	-	331 515	363 307	446 748	487 662
<b>Italy Total</b>				<b>1 030 129</b>	<b>1 162 795</b>	<b>1 269 714</b>	<b>1 297 849</b>
<b>Luxembourg</b>	<b>Highly skilled</b>	46	300	652	922	1 112	1 199
	<b>Skilled</b>	381	1 471	2 877	2 305	4 743	5 109
	<b>Low Skilled</b>	331	1 036	1 879	1 346	3 459	4 057
	<b>unknown/other</b>	8 044	6 834	5 246	4 322	3 646	3 147
<b>Luxembourg Total</b>		<b>8 802</b>	<b>9 641</b>	<b>10 654</b>	<b>8 895</b>	<b>12 960</b>	<b>13 512</b>
<b>Lithuania</b>	<b>Highly skilled</b>	250	314	262	261	294	299
	<b>Skilled</b>	303	715	2 099	3 957	4 939	1 232
<b>Lithuania Total</b>		<b>553</b>	<b>1 029</b>	<b>2 361</b>	<b>4 218</b>	<b>5 233</b>	<b>1 531</b>

Member State	Skills	Year					
		2004	2005	2006	2007	2008	2009
<b>Malta</b>	<b>Highly skilled</b>	901	782	1 159	1 052	1 118	947
	<b>Skilled</b>	782	1 129	2 002	1 993	2 522	1 734
	<b>Low Skilled</b>	52	129	330	474	853	688
<b>Malta Total</b>		<b>1 735</b>	<b>2 040</b>	<b>3 491</b>	<b>3 519</b>	<b>4 493</b>	<b>3 369</b>
<b>Netherlands</b>	<b>Highly skilled</b>	56 000	53 000	53 000	57 000	57 000	53 000
	<b>Skilled</b>	91 000	78 000	87 000	90 000	90 000	94 000
	<b>Low Skilled</b>	47 000	42 000	45 000	46 000	52 000	42 000
<b>Netherlands Total</b>		<b>194 000</b>	<b>173 000</b>	<b>185 000</b>	<b>193 000</b>	<b>199 000</b>	<b>189 000</b>
<b>Sweden</b>	<b>Highly skilled</b>	75 797	90 516	100 342	115 733	125 255	128 399
	<b>Skilled</b>	151 696	185 767	201 350	218 602	233 840	228 413
	<b>Low Skilled</b>	35 448	45 211	46 613	49 189	54 877	54 891
<b>Sweden Total</b>		<b>262 941</b>	<b>321 494</b>	<b>348 305</b>	<b>383 524</b>	<b>413 972</b>	<b>411 703</b>
<b>Slovenia</b>	<b>Highly skilled</b>	-	-	-	2 253	2 705	3 008
	<b>Skilled</b>	-	-	-	18 890	24 613	21 334
	<b>Low Skilled</b>	-	-	-	20 150	23 932	20 066
	<b>Undefined</b>	-	-	-	24 247	38 968	33 500
<b>Slovenia Total</b>					<b>65 540</b>	<b>90 218</b>	<b>77 908</b>
<b>Slovak Republic</b>	<b>Highly skilled</b>	925	948	1 361	1 710	2 033	2 338
	<b>Skilled</b>	352	796	849	1 143	2 573	1 672
	<b>Low Skilled</b>	15	33	54	77	243	296
<b>Slovak Republic Total</b>		<b>1 292</b>	<b>1 777</b>	<b>2 264</b>	<b>2 930</b>	<b>4 849</b>	<b>4 306</b>
<b>Spain</b>	<b>Highly skilled</b>	-	25 814	31 091	37 427	42 864	43 394
	<b>Skilled</b>	-	297 681	358 049	400 021	364 216	320 589
	<b>Low Skilled</b>	-	496 440	542 997	558 723	478 686	415 693
	<b>Undefined</b>	-	385 448	327 893	312 719	363 323	376 859
<b>Spain Total</b>			<b>1 205 383</b>	<b>1 260 030</b>	<b>1 308 890</b>	<b>1 249 089</b>	<b>1 156 535</b>
<b>United Kingdom</b>	<b>Highly skilled</b>	444 245	467 576	534 771	550 628	576 308	581 701
	<b>Skilled</b>	336 831	356 853	417 960	420 991	472 248	454 194
	<b>Low Skilled</b>	143 568	150 192	161 429	184 929	204 491	182 424
<b>United Kingdom Total</b>		<b>924 644</b>	<b>974 621</b>	<b>1 114 160</b>	<b>1 156 548</b>	<b>1 253 047</b>	<b>1 218 319</b>

Source: EMN NCP National Reports

#### Notes:

- As outlined in the Study Specifications, the ISCO 88 major group (Armed Forces) is not included in the totals, with the totals combining ISCO-88 major groups 1-9, excluding ISCO-99 major group 0.
- For **Austria, Belgium, Germany, France, Italy, Netherlands, United Kingdom** statistics are sourced from the Labour Force Survey.
- For **Czech Republic**, statistics sourced from the OK-prace system at Ministry of Labour and Social Affairs and Statistical Office.
- For **Finland**, statistics sourced from Statistics Finland and the definition of military personnel is included.
- For **Germany**, statistics sourced from the Labour Force Survey. As the LFS is not a full survey, the statistics determined represent extrapolations on the basis of the survey of 1 per cent of households. The statistics have been rounded to the nearest 1 000.
- For **Ireland**, statistics sourced from the Quarterly National Household Survey, special tabulations provided by Central Statistics Office.
- For **Hungary** and **Malta**, further information on statistical sources is available in the National Reports.
- For **Lithuania**, statistics sourced from the Lithuania Labour Exchange and Migration Department. Highly-skilled section includes company directors and managers for whom no work permit is needed. In Lithuania, work permits are generally not issued to low skilled workers and so statistics are not available on this.
- For **Luxembourg**, statistics sourced from the General Inspectorate of Social Security. In 2004, only about 9% of third-country nationals registered for social security had a code ISCO-88 and 67% in 2009 had an ISCO-88 code.
- For **Netherlands**, statistics sourced from Labour Force Survey at CBS (Statistics Netherlands).

11. For **Slovak Republic** statistics sourced from the Office of Labour, Social Affairs and Family.

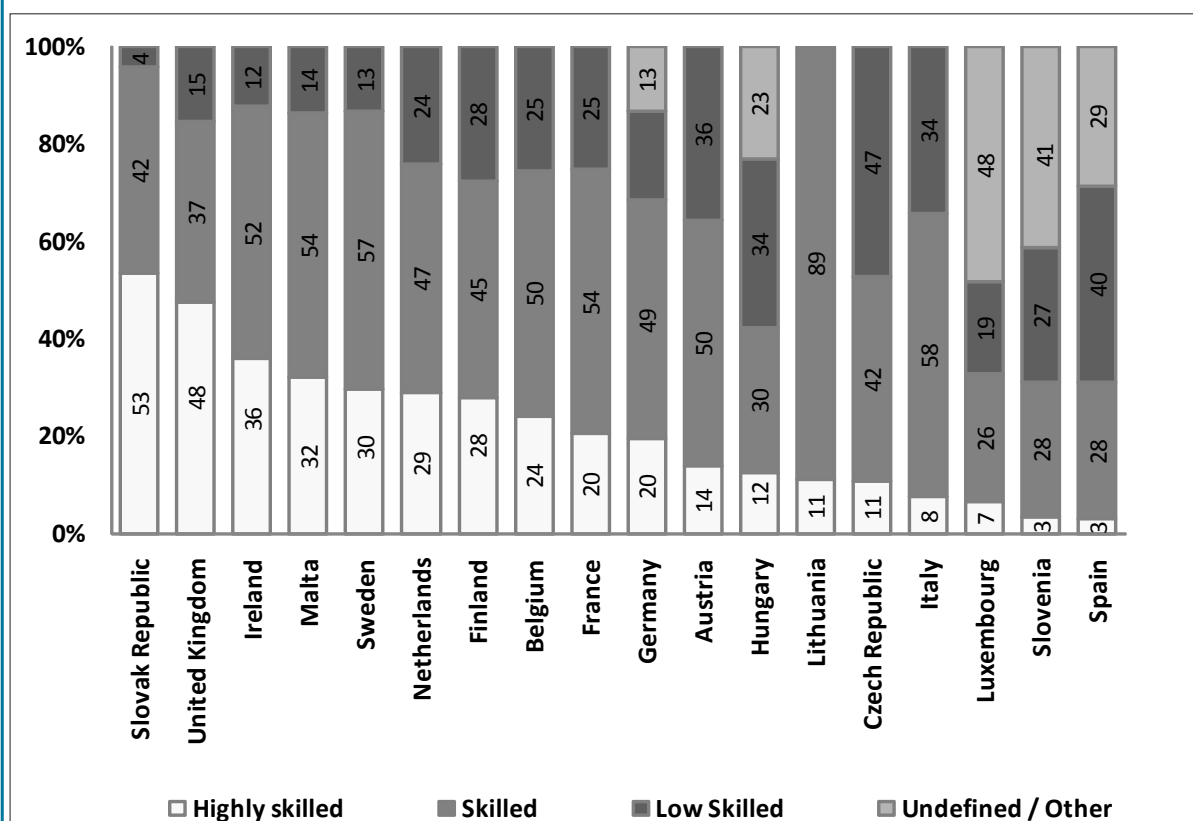
12. For **Slovenia**, Information on numbers of economic migrants who are nationals of EU Member States, obtained from official records of the Health Insurance Institute of Slovenia. Information on numbers of economic migrants who are third-country nationals from official records of the Employment Service of Slovenia, where these data are collected on the basis of work permits issued.

13. For **Spain**, statistics sourced from the Social Security Registry.

14. For **Sweden**, statistics sourced from regular labour surveys (AKU).

15. For **United Kingdom**, statistics relate to highly skilled workers and researchers.

**Figure 1: Distribution, by percentage, of Third-Country National Workers by main category of skill level, by average of total years available.**



#### Notes:

For some Member States, the data reflects the summing up of highly-skilled, skilled and low skilled workers

In the **Slovak Republic**<sup>137</sup> and the **United Kingdom**, highly skilled workers were the largest set of workers; this was also the case in 2004 in **Malta**. In general, **Germany, Italy, Spain** and the **United Kingdom** had the largest populations of migrant workers.

Between 2006 and 2009, in **Germany, Ireland, Malta**,<sup>138</sup> **Netherlands** and **Sweden**, highly skilled workers formed the second largest group of stock

of migrant workers after skilled workers; whereas in **Austria, Belgium, France, and Italy** the second largest stock of migrant workers was low skilled. In **Finland**, the second largest stock of migrant workers between 2004 and 2006 was highly-skilled workers, with low skilled workers constituting the second largest group in 2007. In the **Slovak Republic**, skilled workers formed the second largest group between 2005 and 2007, with these workers also forming the second largest group in the **United Kingdom** between 2004 and 2009.

<sup>137</sup> In 2008 skilled workers formed a greater number of stock of migrants than highly-skilled workers.

<sup>138</sup> In 2004 highly-skilled workers formed a greater number of stock of migrants than skilled workers.

### **5.2.1.2 Analysis of the stock of migrant worker by specific occupations**

As shown in [Table 6](#) below, in **Germany** and **Ireland** 10%, or more, of workers in the housekeeping and restaurant services sector were third-country national migrants in each of the years 2004-2009. This was also the case in **Austria**.<sup>139</sup> In **France** almost 10% of workers in this sector were third-country national migrants. In **Ireland**, between 2004-2009, on average, 22% of workers in this sector were EU nationals.

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<sup>139</sup> Due to sample errors, statistics for **Austria** on some specific occupations by nationality is not included.

**Table 6 (1): Proportion of workers in selected occupations, by Member State and year<sup>140</sup>**

Occupations: Housekeeping and restaurant services workers, Health professionals (except nursing), Medical doctors, Nursing and midwifery professionals

	Housekeeping and restaurant services workers (512)				Health professionals (except nursing) (222)				Medical doctors (2221)				Nursing and midwifery professionals (223)			
	Third-country nationals	EU nationals	Nationals		Third-country nationals	EU nationals	Nationals		Third-country nationals	EU nationals	Nationals		Third-country nationals	EU nationals	Nationals	
<b>Czech Republic</b>																
2004	0%	1%	99%						0%	3%	97%		0%	1%	99%	
2005	1%	1%	99%						1%	3%	96%		0%	1%	99%	
2006	1%	1%	98%						1%	4%	95%		0%	1%	99%	
2007	1%	1%	98%						1%	7%	92%		0%	2%	98%	
2008	1%	2%	97%						1%	8%	91%		0%	2%	98%	
2009	1%	2%	97%						1%	6%	93%		0%	2%	98%	
<b>Germany</b>																
2004	14%	21%	66%		0%	4%	96%									
2005																
2006	13%	9%	77%		1%	2%	97%									
2007	13%	9%	78%		1%	2%	96%									
2008	13%	9%	78%		2%	3%	96%									
2009	14%	9%	77%		2%	3%	94%									
<b>Finland</b>																
2004	3%	1%	96%						1%	1%	97%		0%	0%	100%	
2005	3%	1%	95%						1%	2%	97%		0%	0%	100%	
2006	4%	1%	95%						1%	2%	97%		0%	0%	100%	
2007	4%	1%	94%						1%	2%	97%		0%	0%	100%	
2008																
2009																
<b>France</b>																
2004	7%	3%	90%													
2005	7%	3%	90%													
2006	6%	3%	91%													
2007	8%	2%	89%													
2008	10%	3%	87%													
2009																

140 Source: EMN National Reports and Percentages rounded to the nearest whole number



	Housekeeping and restaurant services workers (512)			Health professionals (except nursing) (222)			Medical doctors (2221)			Nursing and midwifery professionals (223)		
	Third-country nationals	EU nationals	Nationals	Third-country nationals	EU nationals	Nationals	Third-country nationals	EU nationals	Nationals	Third-country nationals	EU nationals	Nationals
<b>Hungary*</b>												
2004	51%	49%					28%	72%		29%	71%	
2005	79%	21%					30%	70%		34%	66%	
2006	82%	18%					34%	66%		20%	80%	
2007	88%	12%					8%	92%		31%	69%	
2008	97%	3%					36%	64%		100%	0%	
2009	89%	11%					38%	63%		33%	67%	
<b>Ireland</b>												
2004	11%	9%	80%	15%	3%	82%				6%	3%	91%
2005	11%	14%	75%	10%	5%	85%				8%	3%	89%
2006	10%	18%	72%	11%	7%	82%				14%	4%	82%
2007	10%	23%	67%	11%	7%	81%				15%	4%	81%
2008	11%	24%	65%	18%	5%	77%				15%	5%	80%
2009	9%	23%	68%	13%	5%	82%				13%	4%	83%
<b>Malta</b>												
2004	4%	1%	95%				2%	0%	98%	0%	0%	100%
2005	3%	1%	96%				2%	1%	98%	0%	0%	100%
2006	6%	3%	91%				2%	1%	97%	0%	0%	100%
2007	6%	3%	91%				2%	1%	97%	1%	0%	99%
2008	7%	5%	89%				2%	1%	97%	1%	0%	98%
2009	5%	4%	91%				2%	1%	97%	1%	0%	98%
<b>Slovenia*</b>												
2004												
2005	0%	100%					0%	100%				
2006	0%	100%					0%	100%				
2007	96%	4%					95%	5%				
2008	99%	1%					98%	2%				
2009	99%	1%					98%	2%				

	Housekeeping and restaurant services workers (512)			Health professionals (except nursing) (222)			Medical doctors (2221)			Nursing and midwifery professionals (223)		
	Third-country nationals	EU nationals	Nationals	Third-country nationals	EU nationals	Nationals	Third-country nationals	EU nationals	Nationals	Third-country nationals	EU nationals	Nationals
<b>Slovak Republic*</b>												
<b>2004</b>	83%	17%					74%	26%		100%	0%	
<b>2005</b>	88%	12%					53%	47%		88%	13%	
<b>2006</b>	80%	20%					60%	40%		78%	22%	
<b>2007</b>	71%	29%					62%	38%		36%	64%	
<b>2008</b>	72%	28%					65%	35%		19%	81%	
<b>2009</b>	69%	31%					72%	28%		33%	67%	
<b>Spain**</b>												
<b>2005</b>	77%	23%	N.A.	97%	3%	N.A.	97%	3%	N.A.	85%	15%	N.A.
<b>2006</b>	84%	16%	N.A.	95%	5%	N.A.	95%	5%	N.A.	99%	1%	N.A.
<b>2007</b>	67%	33%	N.A.	99%	1%	N.A.	99%	1%	N.A.	82%	18%	N.A.
<b>2008</b>	70%	30%	N.A.	98%	2%	N.A.	98%	2%	N.A.	91%	9%	N.A.
<b>2009</b>	100%	N.A.	N.A.	100%	N.A.	N.A.	100%	N.A.	N.A.	100%	N.A.	N.A.
<b>United Kingdom</b>												
<b>2004</b>	6%	5%	89%				14%	5%	81%	9%	2%	89%
<b>2005</b>	7%	6%	86%				17%	6%	77%	10%	3%	87%
<b>2006</b>	8%	6%	86%				19%	4%	77%	9%	3%	86%
<b>2007</b>	7%	7%	86%				16%	5%	79%	9%	3%	87%
<b>2008</b>	9%	7%	83%				16%	5%	79%	10%	2%	88%
<b>2009</b>	9%	7%	84%				16%	5%	79%	9%	3%	88%

Blank cells means no data available for that particular Member State / Occupation.

\* Shares include EU nationals and third-country nationals *only*.

\*\* Shares include EU-12 nationals and third-country nationals *only*.

**Table 6(2): Proportion of workers in selected occupations, by Member State and year<sup>141</sup>**

Occupations: Skilled agricultural and fishery workers, architects, engineers and related professionals, teaching personnel, labourers in mining, construction, manufacturing and transport

	Skilled Agricultural and Fishery Workers (61)			Architects, Engineers and related professionals (214)			Teaching personnel (23)			Labourers In Mining, Construction, Manufacturing And Transport (93)		
	Third-country nationals	EU nationals	Nationals	Third-country nationals	EU nationals	Nationals	Third-country nationals	EU nationals	Nationals	Third-country nationals	EU nationals	Nationals
<b>Czech Republic</b>												
2004	3%	2%	95%	0%	2%	98%	1%	0%	99%	3%	5%	92%
2005	4%	2%	94%	0%	2%	98%	0%	1%	99%	11%	4%	85%
2006	4%	2%	95%	1%	3%	97%	0%	1%	99%	13%	5%	82%
2007	3%	2%	95%	1%	4%	96%	1%	1%	98%	18%	8%	74%
2008	4%	3%	93%	1%	4%	94%	1%	1%	98%	25%	8%	66%
2009	3%	3%	94%	1%	3%	96%	1%	1%	98%	20%	10%	70%
<b>Germany</b>												
2004	4%	5%	90%	2%	5%	93%	2%	5%	94%	18%	69%	
2005												
2006	3%	2%	95%	3%	3%	94%	2%	3%	95%	5%	83%	
2007	4%	2%	95%	3%	3%	94%	2%	3%	95%	5%	82%	
2008	3%	2%	95%	3%	3%	94%	2%	3%	95%	5%	82%	
2009	3%	2%	95%	3%	3%	93%	3%	3%	94%	5%	83%	
<b>Finland</b>												
2004	0%	1%	99%	1%	1%	98%	1%	1%	98%	1%	98%	100%
2005	0%	1%	99%	1%	1%	98%	1%	1%	98%	1%	98%	100%
2006	1%	1%	98%	1%	1%	98%	1%	1%	98%	1%	98%	100%
2007	1%	1%	98%	1%	1%	98%	1%	1%	98%	1%	97%	100%
2008												
2009												
<b>France</b>												
2004	3%	2%	95%	0%	4%	96%	0%	1%	99%	0%	93%	
2005	3%	2%	95%	0%	3%	97%				0%	94%	

<sup>141</sup> Source: EMN National Reports and Percentages rounded to the nearest whole number.

	Skilled Agricultural and Fishery Workers (61)			Architects, Engineers and related professionals (214)			Teaching personnel (23)			Labourers In Mining, Construction, Manufacturing And Transport (93)		
	Third-country nationals	EU nationals	Nationals	Third-country nationals	EU nationals	Nationals	Third-country nationals	EU nationals	Nationals	Third-country nationals	EU nationals	Nationals
2006	1%	2%	97%	0%	2%	98%				0%	93%	
2007	0%	2%	98%	0%	2%	98%	0%	1%	99%	0%	93%	
2008	2%	0%	98%	0%	2%	98%	0%	1%	99%	0%	94%	
2009												
Hungary*												
2004	9%	91%		63%	37%		40%	60%		96%		
2005	7%	93%		56%	44%		46%	54%		100%		
2006	10%	90%		65%	35%		50%	50%		90%		
2007	28%	72%		79%	21%		73%	27%		87%		
2008	51%	49%		86%	14%		98%	2%		79%		
2009	6%	94%		44%	56%		43%	57%		73%		
Ireland												
2004	--	--	95%	--	8%	89%	2%	5%	93%	3%	6%	91%
2005	--	--	90%	5%	9%	87%	--	5%	94%	4%	12%	84%
2006	--	--	84%	5%	11%	85%	1%	5%	94%	4%	19%	77%
2007	--	--	83%	4%	11%	86%	2%	5%	93%	2%	25%	73%
2008	--	1%	81%	6%	11%	83%	2%	4%	94%	2%	23%	75%
2009	--	8%	84%	3%	10%	87%	1%	4%	95%	--	22%	76%
Malta												
2004	0%	1%	99%	2%	3%	94%	1%	1%	99%	0%	100%	100%
2005	0%	0%	99%	3%	3%	94%	1%	1%	99%	0%	100%	100%
2006	1%	0%	99%	4%	5%	91%	1%	1%	99%	0%	99%	100%
2007	1%	0%	98%	3%	3%	94%	0%	1%	99%	0%	99%	99%
2008	1%	1%	98%	3%	3%	95%	1%	1%	98%	0%	98%	98%
2009	1%	0%	99%	2%	2%	95%	0%	1%	99%	0%	98%	98%
Slovenia*												
2004												
2005	0%	100%					0%	100%		100%		
2006	0%	100%					0%	100%		100%		
2007	94%	6%					77%	23%		2%		
2008	97%	3%					86%	14%		0%		
2009	97%	3%					87%	13%		0%		

	Skilled Agricultural and Fishery Workers (61)			Architects, Engineers and related professionals (214)			Teaching personnel (23)			Labourers In Mining, Construction, Manufacturing And Transport (93)		
	Third-country nationals	EU nationals	Nationals	Third-country nationals	EU nationals	Nationals	Third-country nationals	EU nationals	Nationals	Third-country nationals	EU nationals	Nationals
<b>Slovak Republic*</b>												
2004	46%	54%		13%	87%		49%	51%		55%		
2005	58%	42%		12%	88%		46%	54%		74%		
2006	44%	56%		14%	86%		44%	56%		79%		
2007	47%	53%		19%	81%		44%	56%		94%		
2008	65%	35%		21%	79%		39%	61%		84%		
2009	54%	46%		20%	80%		43%	57%		79%		
<b>Spain**</b>												
2005	68%	32%	N.A.	94%	6%	N.A.	92%	8%	N.A.	71%	29%	N.A.
2006	71%	29%	N.A.	96%	4%	N.A.	94%	6%	N.A.	76%	24%	N.A.
2007	20%	80%	N.A.	95%	5%	N.A.	93%	7%	N.A.	62%	38%	N.A.
2008	11%	89%	N.A.	96%	4%	N.A.	96%	4%	N.A.	58%	42%	N.A.
2009	100%	N.A.	N.A.	100%	N.A.	N.A.	100%	N.A.	N.A.	100%	N.A.	N.A.
<b>United Kingdom</b>												
2004	1%	1%	98%	3%	2%	95%	3%	3%	94%	2%	2%	95%
2005	1%	1%	98%	3%	3%	94%	3%	3%	94%	2%	3%	95%
2006	1%	1%	98%	3%	2%	95%	2%	3%	95%	2%	6%	92%
2007	1%	1%	98%	4%	2%	94%	3%	3%	94%	3%	6%	91%
2008	1%	1%	98%	4%	3%	93%	3%	3%	94%	4%	8%	88%
2009	1%	2%	97%	4%	3%	93%	3%	3%	94%	3%	8%	89%

Blank cells means no data available for that particular Member State / Occupation.

\* Shares include EU nationals and third-country nationals *only*.

\*\* Shares include EU-12 nationals and third-country nationals *only*

#### Notes:

1. For **Czech Republic, France, Germany, United Kingdom** statistics from Labour Force Survey.
2. For **Czech Republic**, statistics from Labour Force Survey (Nationals) and from OK-prace system at Ministry of Labour and Social Affairs (EU and third-country nationals)
3. For **Finland, Hungary, Malta, Slovak Republic, Slovenia** and **Spain** further information on source available in National Report
4. For **Hungary**, statistics from Hungarian Central Statistics Office
5. For **Ireland**, statistics from Quarterly National Household Survey, Central Statistics Office
6. For **Luxembourg**, it is estimated that only about 40% of vacancies are being declared at the Employment agency. This might change with the reform of the Employment Agency that is underway



Only three Member States (**Germany, Ireland and Spain**) provided data on categories of workers in the health and social care sector. Whereas in **Germany** and **Spain**, third-country national migrants formed only a small percentage of the workforce in this sector (2004-2009), in **Ireland** an average of 12% of workers in this sector came from third countries 2004-2009. In **Austria**, nursing personnel is best captured in the ISCO-88 category 323 “non-academic nursing and care.” In this group, more than 11% of all workers had foreign citizenship in 2009. The remaining Member States provided data on the workforce of medical doctors and nursing and midwifery professionals. In **Czech Republic, Finland, Lithuania** and **Malta** medical doctors were mostly domestic nationals (2004-2009). In the **United Kingdom**, however, third-country national medical doctors represented over 10% of the total over the period 2004-2009. In **Ireland**, more than 10% of the nursing staff over the period 2006-2009 came from third countries. In all of the Member States which provided data, the skilled agricultural and fishery sector makes little use of a migrant workforce. The Member States which make the most use of migrant workers in this sector are **Czech Republic** and **Germany**. The situation is similar in the Architecture and Engineering and the teaching professions.

In **Austria, Czech Republic, Germany, France, Spain**, the number of third-country national migrants working in the Mining, Construction, Manufacturing and Transport sector is much larger than the proportion of third-country nationals working in other sectors. In **Lithuania** third-country national workers are mainly (over 80%) employed in construction, transport and manufacturing sectors. The biggest share of third country nationals work are drivers (2007 – 42%, 2008 – 35%, 2009 – 32% of all work permits).

In **Slovenia**, in the skilled agricultural and fishery sector, the teaching profession and the mining, construction, manufacturing and transport sector, medical doctors and housekeeping and restaurant services, third-country national migrants are much more represented than EU nationals over the period 2007-2009. In **Hungary**, EU nationals form a larger proportion of the workforce compared to nationals in the mining, construction, manufacturing and transport sector, the skilled agriculture and fishery sector and in the doctor and nursing professions, but third-country national migrants form a larger proportion of the workforce in the housekeeping and restaurant sector and the architecture and engineering sector.

In addition to the table above, in 2009, in **Italy**, an average of 21.5% of workers in the housekeeping sector were EU and third-country nationals (+1.4% from

2008); 8.4% in restaurant and hotel sectors (-0.7% from 2008); 18.1% in construction sector (-5.1% from 2008). In **Spain**, the most prominent occupations for EU citizens and third country nationals who entered the country in the period 2005-2009 were Labourers in Mining, Construction, Manufacturing and Transport and the unskilled occupations of personal housekeeping services and other indoor cleaning personnel. Unskilled workers in agriculture and fishing also figured prominently. These three groups of occupations covered 70% of the total inflow of foreign workers in 2005 and 46% in 2007.

### 5.2.1.3 Analysis of Stock of migrant workers by top ten nationalities

As shown in [Table 7](#), data on the main third-country national migrant worker stock was provided for the years 2004 and 2009 for **Austria, Bulgaria, Czech Republic, Germany, Hungary, Lithuania, Luxembourg, Malta, Slovak Republic, Spain** and the **United Kingdom**; for 2004 and 2008 in **Finland**; 2005 and 2009 in **Slovenia** and for 2006 only in **Ireland**. In order to facilitate comparison, the years 2004 and 2009 were chosen for the purposes of these tables in order to demonstrate the changes in the Member States over this five years period. When statistics for these years were not available, other years were chosen for the Member States in question.

The Russian Federation formed one of the ten largest third-country national migrant worker groups in most Member States which provided data. They were the largest group of third-country national migrant workers in **Finland**, in 2004, representing 36% (6 759) of the total third country population in 2004 and 30% (9 601) in 2009. Nationals of Ukraine were the most represented national group of the stock of third-country workers in the **Czech Republic, Hungary, Lithuania**, and the **Slovak Republic** in 2004. In the **Czech Republic**, they formed the largest majority of all third-country nationals in 2004, with 22 398 working (68% of the total) and 57 466 in 2009 (63%). In **Hungary** in 2004 they also formed a notable majority (8 821 or 58% of the total third countries), although their number decreased to 7 590 (37%) in 2009.

The ten major nationalities of migrants in **Austria** represented 76% of all foreign citizens in the work force in 2009 though the skills composition of the workers differed greatly by countries of origin. Third countries included in the top ten nationalities included Serbia-Montenegro, Bosnia-Herzegovina, Turkey and Croatia.

In **Slovenia**, third-country national migrant workers from the former Yugoslavia (Bosnia and Herzegovina, Serbia and Montenegro, Croatia and Macedonia)

together formed 95% of all third-country workers in the Member State in 2004 and 2009. Similarly, in **Luxembourg**, Serbia, the former Yugoslavia and Cape Verde were the three most prominent countries of origin in 2004 and 2009, although they only together formed 18% of the total of third countries in 2009. Third-country national migrants from Bosnia-Herzegovina were also one of the main 10 largest groups in **Malta**, although they only represented 6% (99) of all third-country nationals in this Member State in 2004 and 4% (123) in 2009.

Nationals of Turkey were amongst the most represented nationalities in the work force in **Bulgaria** (2004 and 2009), **Finland** (2004 and 2008), **Lithuania** and **Malta** (in 2004 and 2009) and **Hungary** (in 2009 only). For example, these nationals were the most prominent nationality in **Bulgaria**, representing over 30% (191) of the total third country workforce in 2004 and 53% (367) in 2009. In **Finland**, there were 881 Turkish nationals (5% of overall total) working in 2004, increasing to 1 529 in 2009 (5%). In **Germany**, the number of gainfully employed persons from third countries rose from 1 901 000 in 2004 to 1 937 000 in 2009, with nationals from Turkey accounting for the majority of the group of third-country nationals (672 000 Turkish nationals).

In addition to [Table 7](#), in **Belgium** only two third-countries, Turkey and Morocco, were listed in the ten most prominent nationalities between 2005 and 2008. In **France**, the majority of third-country national workers came from Turkey and North Africa, with Algeria, Morocco and Tunisia representing 28% of third-country nationals working in the Member State in 2008.

From the Asian continent, third-country nationals of China were amongst the ten largest national groupings in all Member States. In **Finland**, **Malta** and **Hungary** (in 2009) they were the second-most represented nationality, and the third most represented in **Ireland** in 2006. In addition to statistics from the above table, the **Netherlands** experienced an increase in the number of nationals of China between 2007 and 2009, with these third-country nationals making up 38% of the total residence permits granted for work as an "employee" in 2009, compared to 13% in 2007.

Third-country nationals from Mongolia, Thailand, Japan, and India also figured in the top five third-country national migrant groups in **Czech Republic**, **Finland**, **Hungary**, **Malta**, **Slovak Republic** and **United Kingdom**). In the **United Kingdom**, nationals of India represented 9% (77 162) of the total third-country workers in 2004 and increased to 13% (156 875) of this workforce in 2009.

Third-country nationals from the Philippines were the largest non-EU nationality in **Ireland** in 2006 followed by migrants from India, China, Nigeria and the USA. Migrants from the Philippines, India and Eritrea were also notably represented in **Malta** in 2009 and third-country nationals from Libya formed one of the largest groups in 2004. Nationals from Australia were also prominent in the **United Kingdom** in 2004 and 2009 with this nationality representing 7% (60 249) of the total third-country workforce in 2004 and 5% (61 271) in 2009.

From South America, nationals from Ecuador, Colombia, Argentina and Bolivia were in the ten most prominent countries of origin in **Spain** in 2005 and 2009 with Ecuador making up 22% and 16% of the total of all third-country national workers in 2005 and 2009 respectively. Moreover, third-country nationals from Morocco represented close to 20% of the total of third-country workers in the period 2005 to 2009. In addition to the above table, in 2008 in **Portugal**, workers from Brazil represented 28.2% of the total third-country national workers. Of the total third-country workers in Brazil in 2008, the overwhelming majority (95%) worked as salaried workers with most having qualifications at the level of basic education.

In the **Netherlands**, in addition to China, the USA was a prominent country of origin between 2007 and 2009, though their numbers decreased from 14% to 9% of the residence permits received for work as an employee between 2008 and 2009. Other third-country nationals forming majorities in the Member States were from Moldova (in **Czech Republic** and **Lithuania**) and from **Bulgaria** and Romania (in **Lithuania** and **Slovenia**) as, in 2004 - prior to their accession to the EU - these countries were identified as third countries.

With regard to the EU-2 Member States, in addition to nationals of Turkey, Ukraine and the Russian Federation who were prominent in 2004 in **Bulgaria**, nationals of USA (7%) and India (5%) also figured in the top ten in 2009.

**Table 7: Proportion of third-country national workers in different Member States by main countries of nationality, in 2004 and 2009<sup>142</sup>**

		Year			Year			Year			Year
AUSTRIA		2004			2009	LITHUANIA		2004			2009
Serbia and Montenegro	57 920	25%	Serbia-Montenegro	51 429	21%	China		276	23%	Belarus	597 41%
Bosnia-Herzegovina	53 724	23%	Bosnia-Herzegovina	47 389	20%	Belarus		192	20%	Ukraine	669 27%
Turkey	40 004	17%	Turkey	38 965	16%	Russian Federation		124	13%	China	103 9%
Croatia	31 142	14%	Croatia	34 980	14%	Ukraine		121	11%	Russian Federation	218 6%
						USA		14	8%	Moldova	55 4%
						Bulgaria		13	7%	Turkey	87 3%
						Kazakhstan		53	3%	Georgia	37 2%
						Turkey		39	3%	USA	550 1%
						Armenia		14	3%	India	11 1%
						Latvia		11	2%	Uzbekistan	11 0%
Total Third Countries	230 117		Total Third Countries	242 229		Total Third Countries		533		Total Third Countries	1 533
BULGARIA		2004			2009	LUXEMBOURG		2004			2009
Turkey	191	30%	Turkey	367	53%	Ex-Yugoslavia		977	17%	Ex-Yugoslavia	1255 15%
Ukraine	36	6%	Vietnam	50	7%	Bosnia		873	15%	Cape Verde	1155 13%
Serbia and Montenegro	30	5%	Russian Federation	48	7%	Serbia		862	15%	Serbia	1107 13%
Russian Federation	28	5%	USA	48	7%	Cape Verde		815	14%	Bosnia	994 12%
Belarus	17	3%	India	32	5%	USA		421	7%	USA	556 7%
			Ukraine	28	4%	China		372	6%	China	552 6%
			Serbia	24	3%	Switzerland		213	4%	Brazil	539 6%
			Brazil	15	2%	Brazil		208	4%	Morocco	383 5%
			Macedonia	13	2%	Morocco		208	4%	Russian Federation	317 4%
			China	7	1%	Russian Federation		135	2%	Switzerland	273 3%
Total Third Countries	622		Total Third Countries	692		Total Third Countries		5 084		Total Third Countries	7 131
CZECH REPUBLIC		2004			2009	MALTA		2004			2009

<sup>142</sup> The years 2004 and 2009 were chosen in order to show a comparison following analysis of the statistics.

		Year		Year		Year		Year		Year		Year
Ukraine	22 398	68%	Ukraine	57 466	63%	Serbia and Montenegro	241	14%	Serbia and Montenegro	367	11%	
Mongolia	1 585	5%	Moldova	5 704	6%	China	237	14%	China	339	10%	
Moldova	1 483	4%	Mongolia	4 205	5%	Libya	141	8%	Philippines	331	10%	
USA	1 160	4%	Vietnam	3 670	4%	India	138	8%	India	198	6%	
Russian Federation	1 078	3%	Russian Federation	3 609	4%	Russian Federation	129	7%	Eritrea	163	5%	
Belarus	815	2%	Uzbekistan	1 972	2%	Bosnia and Herzegovina	99	6%	Russian Federation	148	4%	
Japan	528	2%	USA	1 647	2%	Philippines	74	4%	Turkey	125	4%	
Macedonia	405	1%	China	1 356	1%	Yugoslavia	65	4%	Bosnia and Herzegovina	123	4%	
China	322	1%	Belarus	1 235	1%	Turkey	64	4%	Libya	111	3%	
North Korea	285	1%	Macedonia	946	1%	Ukraine	49	3%	Somalia	98	3%	
Total Third Countries	33 037		Total Third Countries	91 565		Total Third Countries	1 735		Total Third Countries	3 369		
FINLAND		2004		2008		SLOVENIA		2005			2009	
Russian Federation	6 759	36%	Russian Federation	9 601	30%	Bosnia and Herzegovina	21 372	51%	Bosnia and Herzegovina	38 957	50%	
China	930	5%	China	1 975	6%	Serbia and Montenegro	7 873	19%	Serbia and Montenegro	19 575	25%	
Turkey	881	5%	Thailand	1 540	5%	Croatia	6 884	16%	Croatia	8 206	11%	
United States	785	4%	Turkey	1 529	5%	Macedonia	3 941	9%	Macedonia	7 145	9%	
Thailand	704	4%	India	1 190	4%	Ukraine	762	2%	Ukraine	1 101	1%	
India	600	3%	United States	934	3%	China	263	1%	China	775	1%	
Former Serbia and Montenegro	508	3%	Ukraine	825	3%	Russian Federation	221	1%	Russian Federation	435	1%	
Somalia	434	2%	Former Serbia and Montenegro	733	2%	Romania	143	0%	Moldova	217	0%	
Bosnia and Herzegovina	433	2%	Vietnam	722	2%	Moldova	128	0%	Dominican Republic	193	0%	
Vietnam	375	2%	Bosnia and Herzegovina	637	2%	Bulgaria	91	0%	Thailand	168	0%	
Total Third Countries	18 859		Total Third Countries	31 983		Total Third Countries	42 301			77 908		
GERMANY		2004		2009		SLOVAK REPUBLIC		2004			2009	
Turkey	684 000	36%	Turkey	672 000	35%	Ukraine	350	27%	Ukraine	955	22%	
Croatia	159 000	8%	Croatia	155 000	8%	USA	197	15%	South Korea	571	13%	
Serbia and Montenegro	133 000	7%	Bosnia and Herzegovina	105 000	5%	South Korea	91	7%	Vietnam	385	9%	
Bosnia and Herzegovina	95 000	5%	Russian Federation	104 000	5%	Russian Federation	68	5%	USA	275	6%	
			Serbia	98 000	5%	Japan	41	3%	Serbia	237	6%	
			Kosovo	71 000	4%	China	36	3%	Russian Federation	198	5%	
			Ukraine	57 000	3%	Serbia	23	2%	Japan	130	3%	
			USA	51 000	3%	Macedonia	6	0%	China	119	3%	
						Thailand	3	0%	Thailand	89	2%	
						Vietnam	2	0%	Macedonia	70	2%	
Total Third Countries	1 901 000		Total Third Countries	1 937 000		Total Third Countries	1 292		Total Third Countries	4 306		

		Year		Year		Year		Year		Year	
<b>HUNGARY</b>		<b>2004</b>		<b>2009</b>	<b>SPAIN</b>		<b>2005</b>		<b>2009</b>		<b>2009</b>
Ukraine	8 821	54%	Ukraine	7 590	Ecuador	270 326	22%	Morocco	219 419	19%	
Serbia	1 082	7%	Chinese	3 264	Morocco	239 941	20%	Ecuador	180 445	16%	
Chinese	894	5%	Serbia	2 403	Colombia	130 173	11%	Colombia	113 652	10%	
Mongolia	655	4%	Mongolia	1 055	Peru	60 139	5%	China	74 826	6%	
Japan	431	3%	Japan	815	China	53 776	4%	Peru	70 946	6%	
USA	285	2%	Viet Nam	783	Argentina	53 438	4%	Bolivia	69 955	6%	
Thailand	194	1%	Thailand	666	Bolivia	43 990	4%	Argentina	46 122	4%	
Vietnam	189	1%	Turkey	475	Ukraine	36 839	3%	Ukraine	32 983	3%	
India	189	1%	USA	463	Dominican Republic	25 317	2%	Dominican Republic	30 757	3%	
Russia	178	1%	India	401	Cuba	20 435	2%	Brazil	23 678	2%	
<b>Total Third Countries</b>	<b>16 320</b>		<b>Total Third Countries</b>	<b>20 580</b>	<b>Total Third Countries</b>	<b>1 205 383</b>		<b>Total Third Countries</b>	<b>1 156 535</b>		
<b>IRELAND</b>		<b>2004</b>		<b>2006</b>	<b>UNITED KINGDOM</b>		<b>2004</b>		<b>2009</b>		
Philippines	-	-	Philippines	6 807	India	77 162	9%	India	156 875	13%	
India	-	-	India	5 046	Australia	60 249	7%	South Africa	80 879	7%	
China	-	-	China	4 705	South Africa	56 415	6%	United States	66 359	6%	
Nigeria	-	-	Nigeria	4 682	United States	56 274	6%	Pakistan	62 987	5%	
USA	-	-	USA	4 594	Philippines	31 129	3%	Australia	61 271	5%	
South Africa	-	-	South Africa	3 124	Columbia	29 370	3%	Philippines	58 159	5%	
Brazil	-	-	Brazil	2 796	Zimbabwe	28 101	3%	Nigeria	53 182	5%	
Australia	-	-	Australia	2 752	New Zealand	26 446	3%	Zimbabwe	40 414	3%	
Russian Federation	-	-	Russian Federation	2 548	Pakistan	25 883	3%	Hong Kong + China	34 151	3%	
Pakistan	-	-	Pakistan	1 905	Iran	25 731	3%	New Zealand	33 664	3%	
<b>Total Third Countries</b>	<b>-</b>		<b>Total Third Countries</b>	<b>61 327</b>	<b>Total Third Countries</b>	<b>905 124</b>		<b>Total Third Countries</b>	<b>1 163 736</b>		

Source: EMN NCP National Reports



## Notes:

1. For **Germany** and **United Kingdom** statistics sourced from Labour Force Survey
2. For **Czech Republic**, statistics sourced from the OK-prace system at the Ministry of Labour and Social Affairs and Statistical Office
3. For **Finland**, statistics sourced from Statistics Finland
4. For **Hungary**, statistics sourced from Office of Immigration and Nationality (OIN)
5. For **Ireland**, statistics sourced from the Census 2006, Central Statistics Office
6. For **Bulgaria**, **Hungary** and **Lithuania** see National Reports for further information on statistical sources
7. For **Lithuania**, statistics sourced from the Lithuanian Labour Exchange
8. For **Luxembourg**, statistics sourced from the General Inspectorate of Social Security (IGSS). Please note that few people don't have a nationality in the IGSS statistical data and that we don't know why (214 people in 2004 and 486 people in 2009). In addition, there is no rule for IGSS specifying how to indicate it when a person has more than just one nationality.
9. For **Malta**, statistics sourced from data based on engagement forms at the Employment and Training Corporation.
10. For **Slovenia**, statistics sourced from the Employment Service of Slovenia
11. For **Slovak Republic**, statistics sourced from the Office of Labour, Social Affairs and Family
12. For **Spain**, statistics sourced from the Social Security Registry. Statistics refer to all those workers affiliated to and registered as in employment in the Social Security System, as of 31st December of each year.

### 5.2.2 Analysis of the inflow of migrant workers by categories of skill<sup>143</sup>

This Section provides an analysis of the inflow of migrant workers by main skill level of employment as well as by country of origin. Inflow data was provided by **Belgium, Czech Republic, Estonia, Finland, France, Germany,<sup>144</sup> Hungary, Ireland, Lithuania, Luxembourg, Malta, Poland, Slovak Republic, Slovenia, Spain, Sweden and United Kingdom**. Data was disaggregated as to whether the migrant was a third-country or EU national in all Member States, except for **Hungary** (2008), **Ireland**,<sup>145</sup> **Slovenia** (2004-2005), and **Lithuania** and **Sweden** (2004-2009).

<sup>143</sup> The inflow statistics represent the total number of immigration (minus emigration) of third-country nationals during the reference period. Depending on the Member State, these inflows represent actual recorded inflows though in some instances represent estimates.

<sup>144</sup> **Germany** only provided data on the inflow of third-country nationals, as the skills level of EU-nationals is not registered.

<sup>145</sup> In **Ireland** only non EEA and EU-2 nationals could be identified.

Statistics on highly-skilled, skilled and low-skilled workers were not available for certain years in **Belgium, Germany, Finland, Ireland** and **Sweden**. Data-sets were also incomplete for the different skills categories in **France** and **Lithuania**. **Estonia** and **Lithuania** could only provide data on total inflows of third-country national migrants (i.e. not for EU-nationals) 2004-2009. Data on the flow of researchers were only available for **France, Germany, Malta** and the **Slovak Republic** (2004-2009), **Czech Republic** (2007-2009), **Finland** (2004-2007), **Lithuania** (2008-2009), **Spain** (2005-2009) and **Sweden** (2009). Data on flow of Seasonal workers were only available for the **Czech Republic** and **Hungary** (2004-2009), **France** (2008-2009), **Lithuania** (2008-2009), **Sweden** (2009), **Slovenia** (2007-2009) and **Spain** (2005-2009).

In the **Czech Republic, Hungary, Slovenia** and **Slovak Republic**, the figures presented regarding the inflow of workers was very similar to those relating to the stock of workers. For the **Slovak Republic**, this seems to be related to the fact that work permits are only issued for a limited period, thus migrants are required to re-apply for residence and work permit and this is registered as a new entry of worker. In **Hungary**, for example, the numbers relating to highly skilled migrants were extremely similar with 2375 third-country national workers entering the Member State in 2009, compared a stock number of 2246.

In **Germany**, the legal bases for the admission of third-country nationals changed several times in recent years. As a result, some parts of the inflow and outflow data are inconsistent. In **Ireland**, annual salary is used as a proxy for skill in the flow data.<sup>146</sup> Salary data is not available prior to 2007. **France, Germany, Hungary, Ireland, Luxembourg, Slovenia** and **Spain** all included an "unknown" skills category for incoming migrants whose skills-set was not known. In **Luxembourg**, the "unknown" category is very important and represented 80% of all the people registered for social security in 2004, 20% in 2009.

In **Belgium** and **Finland**, similarly to the data provided on stock of migrant workers in these Member States, the inflow of third-country national migrants was consistently higher for skilled workers, followed by highly-skilled workers. Again, similarly to the data for stock of migrant workers in these countries, the flow of migrant workers was larger for skilled workers, followed by low-skilled workers in the **Czech Republic** and **Hungary**. In the **Slovak Republic**, as

<sup>146</sup> Administrative records of work permit allocations

with the data on stock, inflows of highly-skilled workers were greater than skilled and low-skilled workers. In the **United Kingdom**, highly skilled workers were heavily represented in the inflow of third-country national migrants, similarly to the stock of migrant workers.

In **Slovenia** the inflow data for third-country national migrant workers differs from the stock data in that the flow data shows skilled-workers to be the largest group of incoming migrants after those of an “unknown” skill set. In **Malta**, as with the stock data, the number of EU and third-country nationals differs each year on the proportion representing each skill level. For example, in 2004 highly-skilled workers from the EU and third-countries formed the largest group of incoming migrants, but in 2008, while this was the case for EU citizens, third country migrants were mainly skilled.

In addition to the Member State statistics outlined in [Table 8](#), in **Austria**, 21 200 residence permits were issued to newcomers from third countries in 2008, of which 15 400 permits were to settlers.<sup>147</sup> Of the 15 400 new settlers, almost 50% were issued on the basis of a quota either for highly-skilled work or as a family member of a third-country national settling in the Member State without a quota. With regard to newly issued temporary residence permits, the majority of the 5 900 permits issued in 2008 were to third-country nationals working in Austria temporarily. In **Bulgaria**, 692 work permits were issued to third-country nationals in 2009. This represents a decrease from 1 452 work permits issued in 2008. In accordance to qualification, the greatest number of work permits was issued to low skilled workers (286) in 2009. With regard to skilled workers entering the Member State, a decrease was experienced in their number from 864 (2008) to 188 (2009).

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<sup>147</sup> Flow data on migrants in **Austria** refers to the number of settlement permits and residence permits granted to third-country nationals.

**Table 8: Inflow to employment of migrant workers, by main category of skill level, Member State and year**

Member State	Skills	Data	2004	2005	2006	2007	2008	2009
Belgium	Highly skilled	Third-country nationals				3 124	3 577	3 137
		EU nationals				7 333	9 374	15 463
	Skilled	Third-country nationals				7 752	9 836	8 058
		EU nationals				108 035	164 373	152 860
	Low Skilled	Third-country nationals				248	393	354
		EU nationals				3 555	6 253	5 654
Total Third country nationals						11 124	13 806	11 549
Total EU nationals						118 923	180 000	173 977
Czech Republic	Highly skilled	Third-country nationals	5 684	5 743	5 987	7 225	10 459	7 500
		EU nationals	9 625	9 490	17 222	18 860	18 557	13 282
	Skilled	Third-country nationals	18 044	19 207	20 987	36 713	58 070	18 561
		EU nationals	43 174	53 022	83 545	89 786	82 059	48 327
	Low skilled	Third-country nationals	13 142	22 873	26 388	44 158	70 979	44 756
		EU nationals	13 945	24 261	37 579	49 941	49 239	28 642
Total Third country nationals			36 870	47 823	53 362	88 096	139 508	70 817
Total EU nationals			66 744	86 773	138 346	158 587	149 855	90 251
Germany	Highly skilled	Third-country nationals				151	221	311
		EU nationals						
	Skilled	Third-country nationals						14 816
		EU nationals						
	Low skilled	Third-country nationals						8 405
		EU nationals						
	Unknown	Third-country nationals				29 652	30 380	2 856
		EU nationals						
Total Third country nationals						29 803	30 601	26 388
Total EU nationals								
Estonia	Highly skilled	Third-country nationals						
		EU nationals						
	Skilled	Third-country nationals						
		EU nationals						
	Low skilled	Third-country nationals						
		EU nationals						
Total Third country nationals			2 985	2 935	3 347	3 049	2 542	1 795
Total EU nationals								

Member State	Skills	Data	2004	2005	2006	2007	2008	2009
Finland	Highly skilled	Third-country nationals	477	507	623	760		
		EU nationals	608	621	658	780		
	Skilled	Third-country nationals	413	624	639	1 043		
		EU nationals	826	908	1 167	1 609		
	Low skilled	Third-country nationals	408	546	703	1 117		
		EU nationals	359	421	686	932		
Total Third country nationals			1 298	1 677	1 965	2 920		
Total EU nationals			1 793	1 950	2 511	3 321		
France	Highly skilled	Third-country nationals	917	981	1 111	1 254	3 124	3 953
		EU nationals	72	88	78	50	25	13
	Skilled	Third-country nationals						
		EU nationals						
	Low skilled	Third-country nationals						
		EU nationals						
	Unknown	Third-country nationals	5 732	5 486	5 478	5 379	9 766	8 839
		EU nationals	1 220	1 617	2 009	5 468	5 878	3 929
Total Third country nationals			6 649	6 467	6 589	6 633	12 890	12 792
Total EU nationals			1 292	1 705	2 087	5 518	5 903	3 942
Hungary	Highly skilled	Third-country nationals	1 271	2 181	2 612	2 387	2 375	1 271
		EU nationals	1 227	2 058	2 049	1 370		1 227
	Skilled	Third-country nationals	4 277	5 512	6 052	6 182	6 174	4 277
		EU nationals	8 402	8 839	8 078	4 591		8 402
	Low skilled	Third-country nationals	5 434	6 711	7 021	6 843	7 191	5 434
		EU nationals	19 700	23 559	22 072	13 769		19 700
	Unknown	Third-country nationals	6 172	814	1 500	1 651	1 849	6 172
		EU nationals	31 945	20 496	19 528	17 530	24 217	31 945
Total Third country nationals			17 154	15 218	17 185	17 063	17 589	17 154
Total EU nationals			61 274	54 952	51 727	37 260	24 217	61 274
Ireland	Highly skilled	Third-country nationals				645	643	311
		EU-2 nationals				4	8	3
	Skilled	Third-country nationals				4 113	3 787	1 763
		EU-2 nationals				65	99	55
	Low skilled	Third-country nationals				2 791	3 361	1 268
		EU-2 nationals				46	38	146
	Unknown	Third-country nationals	10 118	7 317	7 082	1 862	21	3
		EU-2 nationals	300	315	226	19		
Total Third country nationals			10 118	7 317	7 082	9 411	7 812	3 345
Total EU-2 nationals			300	315	226	134	145	204

Member State	Skills	Data	2004	2005	2006	2007	2008	2009
Lithuania	Highly skilled	Third-country nationals	250	314	263	261	295	301
		EU nationals						
	Skilled	Third-country nationals	303	715	2 099	3 957	4 939	1 232
		EU nationals						
	Low skilled	Third-country nationals			1			
		EU nationals						
Total Third country nationals			553	1 029	2 362	4 218	5 234	1 533
Total EU nationals								
Malta	Highly skilled	Third-country nationals	310	255	359	330	857	318
		EU nationals	406	305	528	551	1 290	937
	Skilled	Third-country nationals	231	403	780	847	1 898	602
		EU nationals	125	171	546	723	1 180	754
	Low skilled	Third-country nationals	27	54	149	235	665	414
		EU nationals	16	31	88	145	476	536
Total Third country nationals			568	712	1 288	1 412	3 420	1 334
Total EU nationals			547	507	1 162	1 419	2 946	2 227
Sweden	Highly Skilled	Third-country nationals						3 232
		EU nationals						
	Skilled	Third-country nationals						1 027
		EU nationals						
	Low Skilled	Third-country nationals						2 907
		EU nationals						
Total Third country nationals								7 166
Total EU nationals								
Slovenia	Highly Skilled	Third-country nationals				1 356	1 471	1 235
		EU nationals		259	306	173	141	346
	Skilled	Third-country nationals				19 833	24 527	15 673
		EU nationals		739	1 571	1 392	922	750
	Low Skilled	Third-country nationals				16 989	20 272	12 613
		EU nationals		552	1 037	478	179	37
	Unknown	Third-country nationals				22 507	39 045	29 226
		EU nationals		1 389	2 560	3 514	1 918	2 210
Total Third country nationals						60 685	85 315	58 747
Total EU nationals				2 939	5 474	5 557	3 160	3 343
Slovak Republic	Highly Skilled	Third-country nationals	958	718	1 075	1 269	1 269	1 288
		EU nationals	1 994	2 320	1 432	1 842	1 842	1 985
	Skilled	Third-country nationals	324	785	716	1 241	1 241	870
		EU nationals	689	1 914	2 293	5 645	5 645	3 589
	Low Skilled	Third-country nationals	17	92	50	156	156	210
		EU nationals	42	85	232	2 223	2 223	1 727



Member State	Skills	Data	2004	2005	2006	2007	2008	2009
Total Third country nationals			1 299	1 595	1 841	2 666	2 666	2 368
Total EU nationals			2 725	4 319	3 957	9 710	9 710	7 301
Spain	Highly Skilled	Third-country nationals		8 899	3 462	4 637	9 407	6 568
	Skilled	Third-country nationals		108 773	32 034	38 603	40 721	9 643
	Low Skilled	Third-country nationals		294 268	49 565	56 828	56 591	16 292
	Unknown	Third-country nationals		92 227	12,175	8,816	7,199	1,319
Total Third country nationals				504 167	97 236	108 884	113 918	33 822
Luxembourg	Highly Skilled	Third country nationals	7	195	711	440	502	449
		EU nationals	237	3 152	4 723	5 662	5 542	3 760
	Skilled	Third country nationals	111	721	390	1 432	1 579	1 338
		EU nationals	2955	11 754	18 586	20 952	20 425	14 759
	Low Skilled	Third country nationals	105	482	1 186	1 003	1 094	1 089
		EU nationals	2166	5 621	8 544	10 639	11 757	10 301
	Others/unknown	Third country nationals	1404	1 153	711	779	822	789
EU nationals		20242	14 143	8 428	8 201	8 172	7 367	
Total Third country nationals			1 627	2 551	2 998	3 654	3 997	3 665
Total EU nationals			25 600	34 670	40 281	45 454	45 896	36 187
Poland	Highly Skilled	Third country nationals	5 083	4 583	4 046	4 424	4 920	5 697
		EU nationals	3 153	1 393	620	14	3	3
	Skilled	Third country nationals	1 548	1 677	2 269	3 736	6 218	9 143
		EU nationals	315	171	122	2	1	
	Low Skilled	Third country nationals	367	629	785	827	2 426	4 829
		EU nationals	9	25	39			
Total Third country nationals			6 998	6 889	7 100	8 987	13 564	19 669
Total EU nationals			3 477	1 589	781	16	4	3
United Kingdom	Highly Skilled	Third country nationals	69 000	52 000	58 000	52 000	50 000	36 000
		EU nationals	23 000	26 000	19 000	34 000	26 000	27 000
	Skilled	Third country nationals	29 000	26 000	26 000	15 000	11 000	13 000
		EU nationals	24 000	31 000	36 000	48 000	40 000	29 000
	Low Skilled	Third country nationals	5 000	5 000	5 000	3 000	2 000	
		EU nationals	8 000	16 000	15 000	16 000	18 000	17 000
Total Third country nationals			103 000	83 000	89 000	70 000	63 000	49 000
Total EU nationals			55 000	73 000	70 000	98 000	84 000	56 000

Blank cells means no data available for that Member State/ skill level/ year.

Source: EMN National Reports

#### Notes:

1. Statistics are not provided on seasonal workers and researchers due to the different definitions existing in Member States.
2. For **Belgium**, statistics sourced from LIMOSA. Undertaken own calculations of skill categorisation.
3. For **Czech Republic**, statistics sourced from OK-prace system at Ministry of Labour and Social Affairs.
4. For **Finland**, statistics sourced from Statistics Finland.
5. For **Hungary**, statistics sourced from Public Employment Service.
6. For **France**, statistics sourced from Labour Force Survey.
7. For **Germany**, statistics sourced from the Central Register of Foreign Nationals.
8. For **Ireland**, statistics sourced from administrative statistics from Department of Enterprise, Trade and Innovation.
9. For **Lithuania**, statistics sourced from Lithuanian Labour Exchange and Migration Department.
10. For **Luxembourg**, statistics sourced from General Inspectorate of Social Security (IGSS). The “unknown” (i.e. missing ISCO-88 codes) represented 80% in 2004, 41% in 2005, 21% in 2006, 18% in 2007, 18% in 2008 and 20% of all the workers registered for social security in 2009.
11. For **Malta, Slovenia and Poland**, further information on statistical sources available in National Reports
12. For **Sweden and Estonia**, statistics sourced from Migration Board.
13. For **Slovak Republic** statistics sourced from the Office of Labour and Social Affairs and Family.
14. For **Spain**, statistics refer to residence permits granted to third-country nationals during the year. Due to the fact that the “EU nationals” category would be underestimated because it would only include those nationals of new Member States who needed a work permit during the transition phase, this table only includes third country nationals.
15. For **United Kingdom**, statistics sourced from the International Passenger Survey (IPS). Statistics from June of each year. The IPS inflow data shows the intentions of those entering the UK rather than the actual activities undertaken by migrants in the UK.

#### 5.2.2.1 Analysis of the inflow of migrant workers by nationality

With regard to the nationality of migrants entering the Member States, [Table 9](#) below outlines the first permits issued for remunerated activities by top ten countries of citizenship at EU level in 2009, as provided by Eurostat. The top three countries of origin overall were India, China and Ukraine. This is broadly comparable to the results concerning the stock of third-country workers in **Czech Republic, Hungary, Lithuania, Ireland, Malta and Slovak Republic** where India (**Ireland, United Kingdom**), China (**Hungary, Ireland, Malta**) and Ukraine (**Czech Republic, Hungary, Lithuania, Slovak Republic**) appeared in the top three countries of origin in 2009. These three third countries were also the three most prominent countries from which workers undertook work for ‘other economic reasons’.

With regard to the number of residence permits issued to highly-qualified workers in 2009, workers from India and the USA figured most prominently. This is also comparable to the figures presented under [Table 7](#) above concerning the stock of workers by main countries of origin where the nationals from USA were in the top ten most prominent countries in 2009 in **Czech Republic, Hungary, Ireland, Lithuania, Luxembourg, Slovak Republic** and the **United Kingdom**. Moreover, as outlined above, nationals of India were the most prominent in the **United Kingdom** with highly-skilled workers also representing the largest group of third-country national workers in 2009. In addition, the countries from which the biggest number of highly skilled managers came to **Lithuania** between 2005 and 2009 were from Belarus, Russian Federation, China, Turkey, USA, Ukraine and Canada. Of the countries of origin identified, the Russian Federation, China, USA and Canada figured prominently in the Eurostat Table.<sup>148</sup>

In most Member States in which data were disaggregated for third-country and EU origin, EU nationals were the more numerous incoming group. However, in **France, Lithuania, Poland** and **Spain**, third-country nationals were the most numerous incoming group.

<sup>148</sup> Information provided by **Lithuania** in since their statistics were not included by Eurostat.

**Table 9: First (residence) permits issued for remunerated activities, by top ten countries of citizenship at EU level and type of work permit, in 2009**

Main countries		Highly skilled workers		Researchers		Seasonal workers		Other economic reasons	
India	63 240	India	11 764	China (including Hong Kong)	1 174	Albania	17 475	India	46 731
China	51 041	United States	3 538	India	651	Morocco	8 197	China	45 452
Ukraine	45 778	China (including Hong Kong)	2 538	United States	640	Thailand	5 949	Ukraine	42 923
United States	31 191	Pakistan	2 314	Brazil	295	India	3 951	United States	26 842
Albania	27 044	Australia	2 168	Russian Federation	274	Moldova	3 100	Brazil	18 271
Morocco	24 378	Nigeria	1 390	Japan	264	Ukraine	2 349	Moldova	17 290
Moldova	20 786	South Africa	1 320	Iran	248	Serbia	1 958	Philippines	16 456
Brazil	19 232	Japan	1 108	Algeria	201	Colombia	1 528	Peru	16 208
Australia	18 104	Canada	1 087	Canada	189	Tunisia	1 480	Morocco	16 007
Philippines	17 077	Russian Federation	1 037	Mexico	159	Macedonia	1 443	Australia	15 836
Total	554 744	Total	38 556	Total	6 158	Total	53 694	Total	450 843

Source: Eurostat data

#### Note:

1. Total excludes Cyprus as no data available from them.
2. Highly skilled workers: no Eurostat data for **Bulgaria, Estonia, Italy, Cyprus, Lithuania, Poland, Romania and Finland.**
3. Researchers: no data for **Bulgaria, Cyprus, Portugal, Poland, Romania, Finland and United Kingdom.**
4. Seasonal workers: no data for **Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, Ireland, Latvia, Lithuania, Netherlands, Poland, Portugal, Romania and United Kingdom.**
5. Other economic reasons: no data for **Bulgaria, Cyprus, Romania.**

### 5.2.3 Analysis of vacancies in Member States

With regard to the number of job vacancies according to skills level, [Table 10](#) below provides an overview of vacancies between 2004 and 2009 for highly skilled, skilled and low skilled workers in the Member States.<sup>149</sup>

<sup>149</sup> Statistics sourced from EMN NCP National Reports and Eurostat when National Report statistics could not be used.

**Table 10: Job vacancies<sup>150</sup> and job vacancy rates<sup>151</sup> in Member States by skills level, 2004 to 2009<sup>152</sup>**

Member State	Skills level	Data	2004	2005	2006	2007	2008	2009
Austria	Highly skilled	Vacancies						16 464
		Vacancy rate						
	Skilled	Vacancies						8 119
		Vacancy rate						
	Low skilled	Vacancies						6 489
		Vacancy rate						
	Total	Vacancies	46 447	50 722				52 719
		Vacancy rate	1.5	1.4				1.5
Bulgaria*	Highly skilled	Vacancies		9 009	8 431	9 463	9 720	
		Vacancy rate		1.41	1.38	1.43	1.46	
	Skilled	Vacancies		9 623	9 813	12 148	10 840	
		Vacancy rate		0.87	0.83	0.98	0.83	
	Low skilled	Vacancies		2 542	1 520	2 628	2 240	
		Vacancy rate		0.7	0.4	0.7	0.6	
	Total	Vacancies		21 174	19 764	24 239	22 800	
		Vacancy rate		1.08	1.03	1.12	1.07	
Czech Republic	Highly skilled	Vacancies		9 827	16 974	21 207	15 691	9 643
	Skilled	Vacancies		29 542	61 734	92 199	53 285	13 003
	Low skilled	Vacancies		10 231	14 096	27 749	22 184	8 258
	Total	Vacancies		49 600	92 804	141 155	91 160	30 904
Cyprus*	Highly skilled	Vacancies			1 172	2 347	2 156	
		Vacancy rate			4.44	3.42	2.7	
	Skilled	Vacancies			1 139	7 864	8 005	
		Vacancy rate			1.11	6.41	5.72	
	Low skilled	Vacancies			631	3 109	2 281	
		Vacancy rate			1.5	6.8	4.8	
	Total	Vacancies			2 942	13 320	12 442	
		Vacancy rate			2.52	5.98	5.03	
Estonia	Highly skilled	Vacancies	553	905	965	905	905	886
	Skilled	Vacancies	3 881	6 539	9 694	6 539	6 539	3 561
	Low skilled	Vacancies	1 418	2 186	3 121	2 186	2 186	656
	Total	Vacancies	5 852	9 630	13 780	9 630	9 630	5 103

150 A **job vacancy** is defined as a newly created, unoccupied, or about to become vacant, post:

- (i) For which the employer is taking active steps to find a suitable candidate from outside the enterprise concerned and is prepared to take more steps; and
- (ii) which the employer intends to fill either immediately or in the near future.

Under this definition, a job vacancy should be open to candidates from outside the enterprise. However, this does not exclude the possibility of the employer appointing an internal candidate to the post. A vacant post that is open only to internal candidates should not be treated as a job vacancy.

151 The **job vacancy rate (JVR)** measures the percentage of total posts that are vacant, in line with the definition of job vacancy above, expressed as follows:  $JVR = \text{number of job vacancies} / (\text{number of occupied posts} + \text{number of job vacancies}) * 100$ .

152 Statistics provided for the years 2004 to 2009, where available.

Member State	Skills level	Data	2004	2005	2006	2007	2008	2009
Finland*	Highly skilled	Vacancies	13 226	14 355	17 097	19 481	20 333	
		Vacancy rate	1.36	1.51	1.92	2.1	2.15	
	Skilled	Vacancies	19 258	21 498	25 438	27 202	25 461	
		Vacancy rate	2.79	2.07	2.66	2.79	2.57	
	Low skilled	Vacancies	3 806	4 276	5 909	5 268	5 752	
		Vacancy rate	1.9	2.1	3	2.6	2.7	
	Total	Vacancies	36 290	40 129	48 444	51 951	51 546	
		Vacancy rate	2.17	1.87	2.44	2.51	2.42	
Greece*	Highly skilled	Vacancies		4 991	11 283		4 471	
		Vacancy rate		1.31	1.31		0.55	
	Skilled	Vacancies		12 372	36 579		17 209	
		Vacancy rate		0.87	2.24		1.17	
	Low skilled	Vacancies		6 132	11 909		11 093	
		Vacancy rate		3	5.1		5.7	
	Total	Vacancies		23 495	59 771		32 773	
		Vacancy rate		1.52	2.63		2.62	
Hungary*	Highly skilled	Vacancies				14 698		
		Vacancy rate				1.62		
	Skilled	Vacancies				16 935		
		Vacancy rate				1.32		
	Low skilled	Vacancies				5 412		
		Vacancy rate				1.4		
	Total	Vacancies				37 045		
		Vacancy rate				1.45		
Hungary	Highly skilled	Vacancies	1 424	1 691	1 209	1 069	753	885
	Skilled	Vacancies	11 143	12 023	11 469	7 531	6 104	4 472
	Low skilled	Vacancies	17 944	19 149	14 880	11 602	8 598	4 677
	Total	Vacancies	30 511	32 863	27 558	20 202	15 455	10 034
Ireland	Highly skilled	Vacancies	10 096	14 641	20 929	21 490	16 345	11 395
	Skilled	Vacancies	64 206	84 472	94 422	108 008	72 499	41 084
	Low skilled	Vacancies	10 655	11 859	11 273	11 805	7 408	2 708
	Total	Vacancies	84 957	110 972	126 624	141 303	96 252	55 187
Italy	Highly skilled	Vacancies			9 380	14 400	12 390	9 870
	Skilled	Vacancies			109 400	149 770	155 450	110 470
	Low skilled	Vacancies			44 160	63 410	61 950	38 280
	Total	Vacancies			162 940	227 580	229 790	158 620
Poland	Highly skilled	Vacancies		13 900	19 500	39 600	34 400	21 900
	Skilled	Vacancies		25 400	45 200	137 300	100 900	36 100
	Low skilled	Vacancies		3 900	5 800	21 900	14 700	6 100
	Total	Vacancies		43 200	70 500	198 800	150 000	64 100



Member State	Skills level	Data	2004	2005	2006	2007	2008	2009
Slovak Republic	Highly skilled	Vacancies	5 296	6 260	5 637	6 225	8 300	5 059
	Skilled	Vacancies	5 708	7 214	8 613	11 743	12 518	8 998
	Low skilled	Vacancies	399	533	978	1 225	2 004	1 490
	Total	Vacancies	11 403	14 007	15 228	19 193	22 822	15 547
Spain	Highly skilled	Vacancies			56 185	61 916	49 671	45 414
	Skilled	Vacancies			241 118	286 390	175 449	151 138
	Low skilled	Vacancies			96 285	90 389	71 661	66 823
	Total	Vacancies			393 588	438 695	296 781	263 375
Latvia*	Highly skilled	Vacancies		5 155	6 791	7 844	4 784	
		Vacancy rate		1.48	1.83	1.89	1.16	
	Skilled	Vacancies		5 782	10 295	10 026	4 564	
		Vacancy rate		1.31	2.36	2.27	1.07	
	Low skilled	Vacancies		1 030	1 991	2 097	1 046	
		Vacancy rate		1	1.7	1.7	0.8	
	Total	Vacancies		11 967	19 077	19 967	10 394	
		Vacancy rate		1.36	2.1	2.06	1.09	
Lithuania*	Highly skilled	Vacancies		2 754	4 505	6 842	7 415	
		Vacancy rate		0.61	0.95	1.32	1.44	
	Skilled	Vacancies		4 210	12 361	16 728	11 839	
		Vacancy rate		0.75	2.41	3.09	2.18	
	Low skilled	Vacancies		674	2 232	2 889	2 403	
		Vacancy rate		0.4	1.4	1.9	1.6	
	Total	Vacancies		7 638	19 098	26 459	21 657	
		Vacancy rate		0.67	1.95	2.51	1.86	
Netherlands*	Highly skilled	Vacancies			88 900			
		Vacancy rate						
	Skilled	Vacancies			94 000			
		Vacancy rate						
	Low skilled	Vacancies			17 500			
		Vacancy rate						
	Total	Vacancies			200 400			
		Vacancy rate						
Romania*	Highly skilled	Vacancies				37 353	38 633	
		Vacancy rate				2.68	2.68	
	Skilled	Vacancies				46 980	41 991	
		Vacancy rate				1.81	1.62	
	Low skilled	Vacancies				11 639	11 598	
		Vacancy rate				2	1.9	
	Total	Vacancies				95 972	92 222	
		Vacancy rate				2.17	2.1	

Member State	Skills level	Data	2004	2005	2006	2007	2008	2009
Slovenia*	Highly skilled	Vacancies	1 604	1 888	1 892	1 958	1 720	
		Vacancy rate	0.63	0.73	0.72	0.67	0.57	
	Skilled	Vacancies	3 070	3 860	4 353	4 939	4 316	
		Vacancy rate	0.87	1	1.15	1.32	1.1	
	Low skilled	Vacancies	1 312	1 476	1 736	1 977	1 786	
		Vacancy rate	1.6	1.8	2	2.1	1.8	
	Total	Vacancies	5 986	7 224	7 981	8 874	7 822	
		Vacancy rate	0.97	1.09	1.23	1.35	1.14	
United Kingdom	Highly skilled	Vacancies	39 464	31 839	39 066	60 070	68 354	56 688
	Skilled	Vacancies	148 846	138 727	140 381	231 259	206 055	140 519
	Low skilled	Vacancies	87 885	66 237	64 019	98 631	105 519	56 156
	Total	Vacancies	276 195	236 803	243 466	389 960	379 928	253 363

Blank cells means no data available for that Member State/ skill level/ year.

\* Eurostat data used (as of November 2010)

#### Notes:

1. **Italy** provided figures representing annual need for additional foreign manpower by qualification - including seasonal workers for 2008 and 2009.
2. **Estonia** and **Poland** initially provided figures grouped according to a classification matching the ISCO-88 one. The grouping done here follows the study specifications. Armed forces are excluded from the table.
3. **Germany, Luxembourg** and **Lithuania** provided data for unfilled vacancies/new vacancies based on the NACE classification, Portugal based on CAE-REV. 3 but it has not been possible to group the data according to skills levels. For Lithuania, it has been possible to use Eurostat data instead.
4. For **Ireland**, data are not nationally complete figures but should be treated as indicative only.
5. For **Austria**, data for 2004 refer to the average of quarters 2-4 of 2004. Data for 2005 refer only to the 1st quarter 2005. Data for 2009 are taken from the Job Vacancy Survey 2009."

In 2009, the number of vacancies in Member States ranged from 5 103 (**Estonia**) to 263 375 (**Spain**). The **United Kingdom** also recorded a high level of vacancies (253 363). In the **Czech Republic, Estonia, Hungary, Ireland, Italy, Poland, Slovak Republic, Spain** and the **United Kingdom**, the number of vacancies decreased between 2008 and 2009. For example, in **Poland**, vacancies decreased from 150 000 (2008) to 64 100 (2009). In **Italy**, a decrease of almost 70 000 vacancies was experienced from 229 790 (2008) to 158 620 (2009).

In the **Czech Republic**, skilled workers formed the largest stock of migrant workers in 2005, with the number of vacancies also being the highest for this

skill level in the same year. Between 2006 and 2009, low skilled workers constituted the largest stock of migrant workers in this Member State, with vacancies in this sector being lower than for highly skilled workers. This result could be due to third-country workers satisfying the demand for low-skilled labour in the Member State subsequently lowering the number of vacancies for this skills level.

In **Spain**, the number of vacancies for highly-skilled workers decreased between 2007 and 2009 from 61 916 (2007) to 45 414 (2009). During the same period, the stock of migrant workers in the highly-skilled sector increased from 37 427 (2007) to 43 394 (2009). This increase in stock could demonstrate that labour was satisfied for highly-skilled workers through the employment of third-country nationals. Nevertheless, the vacancy rate shows the highest value for skilled jobs, which means that skilled occupations, besides being the category that employs more people in **Spain**, is also the one that keeps more vacancies in relation to the number of workers already employed in these occupations. Therefore, the skilled category presents more shortages than other categories. In this regard, it could be considered that a skills mismatch exists due to a lack of certain specific skills or competences that triggers structural unemployment in these sectors of the economy.

In the **United Kingdom**, the stock of third-country highly skilled workers increased from 534 740 in 2007 to 561 270 in 2009. With regard to the

vacancies for these years, highly skilled vacancies decreased from 68 354 (2008) to 56 688 (2009). This may demonstrate that some occupation shortages were satisfied.

[Table 11](#) below provides the number of job vacancies according to specific economic **activities** by NACE categories.<sup>153</sup> Note that these statistics are not comparable to the statistics provided in [Table 6](#) above on the stock of migrant workers by specific **occupations**, because of the differences between the occupation breakdowns and breakdowns by economic activity (NACE). Some broad inferences can be made, however.

Under the NACE activities concerning accommodation and food service activities, there were very few vacancies in **Slovenia** and the **Slovak Republic** in 2009 with a rate of 0.7 in both Member State. The low number of vacancies could possibly be due to the large number of third-country nationals filling those vacancies during the same period. With regard to the medical profession, a number of third-country nationals filled the occupations of medical doctors and nursing and midwifery professionals in the **Slovak Republic**. Within the human health activities under NACE, vacancies at a rate of 0.8 were recorded within these activities.

Concerning the existence of a high number of job vacancies in Member States by type of economic activity, a high number of vacancies was recorded in the **Czech Republic** in activities concerning construction and industry, though a decline was experienced between 2008 and 2009 with numbers of vacancies in construction decreasing from 21 960 to 9 537. It is unclear from the tables, however, whether the number of these vacancies declined due to third-country nationals working in these activities or whether other factors were involved.

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<sup>153</sup> Nomenclature statistique des activités économiques dans la Communauté Européenne (NACE). Statistics are used to classify the economic activity of employers.

**Table 11(1): Job vacancies, by number and rate, in Member States by type of economic activity (NACE)), 2008 and 2009**

Member State	Year	Number /Rate	All NACE activities	Agriculture, forestry and fishing	Industry (except construction)	Construction	Wholesale and retail trade, transport, accommodation and food service activities	Information and communication	Financial and insurance activities
<b>Austria</b> <sup>154</sup>	<b>2009</b>	Number	52 719	N.A		9 134			33 680
		Rate	1.5	N.A		1.0			2.1
<b>Bulgaria</b>	<b>2009</b>	Number	17 291	346	3 760	335	2 819	90	503
		Rate	0.7	0.5	0.6	0.2	0.4	0.2	1
<b>Czech Republic</b>	<b>2009</b>	Number	48 883	2 291	10 602	9 537	10 044	952	830
		Rate	1.2	1.8	0.8	3	1.1	0.9	1
<b>2008</b>	<b>2008</b>	Number	139 701	4 621	53 689	21 960	27 309	2 639	1 097
		Rate	3.2	3.5	3.6	6.9	2.9	2.7	1.2
<b>Estonia</b>	<b>2009</b>	Number	:	:	493	:	769	205	:
		Rate	0.9	0.5	0.4	0.4	0.6	1.4	0.7
<b>2008</b>	<b>2008</b>	Number	14 697	289	3 161	768	2 805	455	:
		Rate	2.5	1.9	2.3	1.4	1.8	3	1.7
<b>Germany</b>	<b>2008</b>	Number	1 089 726	:	:	38 871	94 960	:	12 681
		Rate	3.1	:	:	2.0	1.7	:	1.1
<b>Lithuania</b>	<b>2009</b>	Number	5 833	70	1 565	283	807	159	201
		Rate	0.5	0.2	0.7	0.3	0.2	0.7	1.1
<b>2008</b>	<b>2008</b>	Number	22 118	279	5 448	2 059	5 089	339	666
		Rate	1.7	0.9	2.1	1.7	1.3	1.4	3.2
<b>Luxembourg</b>	<b>2009</b>	Number	1 552	9	60	86	324	68	145
		Rate	0.5	0.7	0.2	0.2	0.4	0.5	0.4
<b>Netherlands</b>	<b>2009</b>	Number	124 400	1 800	8 900	6 000	30 400	5 500	7 200
		Rate	1.6	:	:	:	:	:	:
<b>2008</b>	<b>2008</b>	Number	:	:	1 722	1 490	4 180	800	:
		Rate	:	:	0.2	0.4	0.5	1.4	0.2
<b>Portugal</b>	<b>2008</b>	Number	:	:	2 561	1 864	6 141	862	:
		Rate	:	:	0.4	0.5	0.7	1.5	0.3

<sup>154</sup> For **Austria**, due to sample errors, job vacancies cannot be displayed by a single NACE section.

Member State	Year	Number /Rate	All NACE activities	Agriculture, forestry and fishing	Industry (except construction)	Construction	Wholesale and retail trade, transport, accommodation and food service activities	Information and communication	Financial and insurance activities
Romania	2009	Number	38 625	1 126	8 339	2 057	3 165	577	986
		Rate	0.9	1.4	0.6	0.6	0.3	0.5	1
2008		Number	92 222	1 585	23 691	5 903	7 025	676	2 655
		Rate	1.9	1.8	1.6	1.5	0.6	0.6	2.5
Slovenia	2009	Number	4 977	39	821	1 019	1 329	69	130
		Rate	0.6	0.7	0.4	1.2	0.7	0.3	0.5
2008		Number	7 822	50	1 451	1 839	1 998	109	197
		Rate	0.9	0.9	0.6	2	1	0.5	0.8
Slovak Republic	2009	Number	17 310	136	2 223	898	3 482	240	534
		Rate	1	0.3	0.5	0.7	0.7	0.6	1.5
2008		Number	24 798	192	5 477	1 623	4 995	228	924
		Rate	1.3	0.3	1.1	1.2	1	0.6	2.6
Finland	2009	Number	:	554	3 439	1 934	7 986	:	:
		Rate	1.6	1.6	0.9	1.5	1.7	2.4	0.8
Sweden	2009	Number	33 587	207	3 345	1 534	6 735	2 174	714
		Rate	0.8	0.6	0.5	0.7	0.8	1.4	0.8
United Kingdom	2009	Number	:	:	28 500	10 500	144 000	16 750	21 500
		Rate	:	:	1	0.8	1.9	1.7	2.1
2008		Number	:	:	51 500	21 500	200 250	25 000	35 250
		Rate	:	:	1.7	1.5	2.6	2.4	3.3

Source: Eurostat data and Figures refer to the yearly average.



**Table 11(2): Job vacancies, by number and rate, in Member States by type of economic activity (NACE), 2008 and 2009**

Member State	Year	Number /Rate	All NACE activities	Real estate activities	Professional, scientific and technical activities; administrative and support service activities	Public administration and defence; compulsory social security	Education	Human health and social work activities	Arts, entertainment and recreation; other service activities
<b>Austria</b> <sup>154</sup>	<b>2009</b>	Number Rate	52 719 1.5	(see left)	(see left)				9905 0.9
<b>Bulgaria</b>	<b>2009</b>	Number	17 291	85	466	3 909	1 216	3 246	516
		Rate	0.7	0.5	0.3	3	0.7	2.5	0.9
	<b>2009</b>	Number	48 883	2 942	5 384	1 581	1 003	2 642	1 076
		Rate	1.2	10.2	2.4	0.5	0.3	0.9	0.9
<b>Czech Republic</b>	<b>2008</b>	Number	139 701	6 415	12 931	2 153	1 657	3 120	2 112
		Rate	3.2	20.2	5.7	0.7	0.6	1	1.8
<b>Estonia</b>	<b>2009</b>	Number	:	:	405	968	788	326	290
		Rate	0.9	0.5	0.9	2.7	1.4	0.9	1.7
	<b>2008</b>	Number	14 697	:	980	2 905	1 540	823	711
		Rate	2.5	0.8	2	7.5	2.6	2.4	3.9
<b>Germany</b> <sup>152</sup>	<b>2008</b>	Number	:	421 908	:	35 586	:	:	:
		Rate	:	8.4	:	1.3	:	:	:
<b>Latvia</b>	<b>2009</b>	Number	2 375	73	264	802	94	213	79
		Rate	0.3	0.3	0.5	1.1	0.1	0.4	0.2
	<b>2008</b>	Number	10 559	267	814	2 413	701	925	376
		Rate	1	0.8	1.2	3	0.7	1.5	0.8
<b>Lithuania</b>	<b>2009</b>	Number	5 833	48	409	1 012	390	618	271
		Rate	0.5	0.3	0.5	1.2	0.2	0.6	0.8
	<b>2008</b>	Number	22 118	54	1 189	4 234	835	1 354	573
		Rate	1.7	0.3	1.3	4.7	0.5	1.4	1.5
<b>Luxembourg</b>	<b>2009</b>	Number	1 552	20	393	139	59	203	49
		Rate	0.5	1	0.9	0.4	2.3	0.8	0.7
<b>Netherlands</b>	<b>2009</b>	Number	124 400	1 100	20 700	13 600	3 800	20 300	5 000
		Rate	1.6	:	:	:	:	:	:

Member State	Year	Number /Rate	All NACE activities	Real estate activities	Professional, scientific and technical activities; administrative and support service activities	Public administration and defence; compulsory social security	Education	Human health and social work activities	Arts, entertainment and recreation; other service activities
Portugal	2009	Number	:	:	2 129	:	285	330	412
		Rate	:	0.2	0.7	:	0.3	0.2	0.5
	2008	Number	:	:	2 812	:	401	381	424
		Rate	:	0.2	0.9	:	0.5	0.3	0.5
Romania	2009	Number	38 625	37	2 206	6 989	2 272	10 399	472
		Rate	0.9	0.2	0.8	2.1	0.6	3.4	0.7
	2008	Number	92 222	132	4 330	20 312	5 752	19 090	1 071
		Rate	1.9	0.6	1.6	6	1.4	6.3	1.6
Slovenia	2009	Number	4 977	33	779	78	380	186	118
		Rate	0.6	0.8	1.1	0.2	0.6	0.4	0.4
	2008	Number	7 822	48	1 253	121	344	248	166
		Rate	0.9	1.1	1.8	0.3	0.6	0.5	0.6
Slovak Republic	2009	Number	17 310	37	514	7 359	450	1 114	323
		Rate	1	0.2	0.4	4.8	0.3	0.8	0.7
	2008	Number	24 798	128	964	8 369	420	990	488
		Rate	1.3	0.8	0.7	5.5	0.3	0.7	0.9
Finland	2009	Number	:	:	4 720	1 732	2 277	7 413	1 730
		Rate	1.6	1.8	1.7	1.1	1.2	2.3	1.8
Sweden	2009	Number	33 587	520	6 773	1 283	3 130	4 914	2 251
		Rate	0.8	1	1.6	0.9	0.8	0.5	1.7
United Kingdom	2009	Number	:	6 000	53 250	25 000	54 500	64 250	20 000
		Rate	:	1.9	1.4	1.7	2.2	1.8	1.6
	2008	Number	:	8 000	90 250	26 750	55 000	77 500	25 750
		Rate	:	2.4	2.2	1.8	2.2	2.2	2.1

Source: Eurostat data and Figures refer to the yearly average.

## 6. CO-OPERATION WITH THIRD COUNTRIES FOR ECONOMIC MIGRATION

This Section provides an overview of co-operation between Member States and third countries for the purposes of economic migration. Cooperation agreements in place with third countries, and their effects on labour migration, are firstly outlined ([Section 6.1](#)). Subsequently, the mechanisms in place to prevent brain drain and brain waste are discussed ([Section 6.2](#)). At the EU level, relevant cooperation agreements include the Mobility Partnerships,<sup>155</sup> which, to date, have been signed with Moldova and Cape Verde (May 2008) and with Georgia (November 2009), with negotiations with Armenia and Ghana underway. These Mobility Partnerships, which aim to improve the management of migration flows and to fight illegal immigration, also focus on providing third-country nationals from these countries with better access to the EU. They include a series of commitments by the signatory countries, including the readmission of citizens and third-country nationals who crossed their territory before arrival in the Member States of the EU, the organisation of targeted information campaigns to discourage illegal immigration, strengthening of border controls and stepping up the fight against fraudulent documents. With respect to labour migration, the EU allows nationals from the third countries concerned greater possibilities for mobility towards the EU, included facilitated access to the labour markets of Member States, more favourable treatment in terms of the conditions for admission of certain categories of migrants and measures to reduce brain drain. The EU has also been placing increasing emphasis on “Circular migration” and the Commission has financed several pilot projects in this area, establishing cooperation between Member States and third countries. Circular and temporary forms of migration are the subject of another EMN study, undertaken in 2010.<sup>156</sup>

### 6.1 Cooperation agreements with third countries

**Austria, Belgium, Czech Republic, France, Germany, Hungary, Italy, Lithuania, Luxembourg, Netherlands, Slovenia, Slovak Republic, Spain,**

<sup>155</sup> These Partnerships aim to provide the overall framework for managing various forms of legal movement between the EU and third countries. Such partnerships would be agreed with those third countries committed to fighting illegal immigration and that have effective mechanisms for readmission.

<sup>156</sup> The 2010 EMN Study on Temporary and Circular migration aims to understand the characteristics of temporary labour migration and circular/repetitive migration patterns of third-country nationals. All National Reports for this EMN Study are available from <http://www.emn.europa.eu> under “EMN Studies.”

**Portugal, Sweden** and the **United Kingdom** have signed co-operation agreements with third countries, but many of these do not directly concern labour migration. **Ireland, Lithuania** and the **Netherlands** recognised that cooperation with third countries in the field of labour migration was not at an advanced stage. **Lithuania** and the **Netherlands** stated that these policies needed to be further developed.

**Austria, Belgium, Lithuania** and the **Netherlands** also had past cooperation agreements to assist labour migrants entering their Member State and, ultimately, helped to subsequently shape their labour migration policies. **Austria** set up local recruitment centres in Turkey and former Yugoslavia following the Raab-Olah Agreement in 1961 to establish a rotational system of so-called “Guest workers.” The *Austrian Labour Migration Service* recruited mainly male workers for the construction, industry and agriculture sectors to start with; and increasingly female workers for the textile, health care and service sector. Moreover during the ‘guest worker era’ in the 1960s, **Belgium** concluded a number of international employment agreements, including agreements with Algeria, Yugoslavia, Turkey and Morocco which contained provisions as to Belgium’s need for labour and for the selection and migration of workers. These agreements also covered conditions related to wages, residence and housing.

#### 6.1.1 Cooperation agreements including employment and labour migration

Several Member States (**Belgium, Czech Republic, Finland, France, Germany, Italy, Lithuania, Netherlands, Poland, Portugal, Slovak Republic, Spain**) have concluded cooperation agreements with third countries that include a focus on employment and labour migration. In many of these Member States (**Czech Republic, Finland, France, Germany, Lithuania, Slovenia, Portugal, Spain**), the agreements in place with third countries are mainly based on historical ties and/or proximity (e.g. neighbouring countries). For example, **France** has concluded agreements for the concerted management of migration flows with past colonial countries, such as Senegal and Cameroon. These agreements aim to facilitate admission procedures for employees and temporary workers by determining, for each country, a number of occupations for which the employment situation cannot be used to oppose residency. The lists, negotiated with these States, are added to the list of 30 occupations, as described previously in [Section 4.1.1](#). Furthermore, with regard to circular migration, an agreement on residency and the circular migration of professionals was concluded between **France** and Mauritius. In the **Czech Republic**, close cooperation with the

main source countries of economic migration, prior to accession, took place within international treaties with Ukraine and **Slovak Republic**. **Finland** has also entered into an agreement with the Russian Federation, whereby the *Ministry of Foreign Affairs* grants funding for regional cooperation between Eastern Finland and the Republic of Karelia to promote the mobility of students and skilled workers between the two neighbouring regions.

In **Germany**, bilateral agreements were concluded with the majority of the countries of Central and Eastern Europe on access to the labour market for workers. Based on quota systems, these included agreements on contract workers allowing companies to second their workers to Germany for a limited period of time for the purpose of completing work in cooperation with a German company.<sup>157</sup> Agreements were also concluded concerning the employment of guest workers, for up to 18 months, for the purpose of undergoing advanced vocational and language training. These agreements have only been partially utilised in Germany, with only 742 guest worker placements registered in 2008, out of a set quota of 11050.

**Slovenia** entered into a draft bilateral agreement with Bosnia-Herzegovina on employment in 2010, while a bilateral agreement with Macedonia was ratified in 2008. In **Italy** preferential quotas are assigned to specific categories of third-country workers. This treatment deals in particular with third-country nationals from countries with which Italy has concluded (or is about to conclude) bilateral agreements to regulate entry flows for reasons of employment (namely the Republic of Moldova, Morocco and Egypt) and/or signed agreements on the procedure for re-admission.

**Lithuania** participates in the EU Mobility Partnerships with Moldova and Georgia. Participation in these partnerships is in line with the *Lithuanian Immigration Guidelines*, which provide that immigration policy must be selective and geographic priority must be given to workers from Belarus, Ukraine, Moldova and the South Caucasus. This preference is due to historical links between these countries. In addition, an agreement was signed with Ukraine on the mutual employment of citizens. In 1999, an agreement was also concluded with the Russian Federation on the

<sup>157</sup> This framework imposes a limit on the number of workers who can be seconded on the basis of a quota, adaptable to the developments of the labour market each year. For example, in the period between October 2008 and September 2009, the quota encompassed 46 740 workers from all 13 signatory states. However these quotas have only been partially utilised, with 16 576 contract workers employed in **Germany** in 2008.

temporary employment of citizens. Both agreements focus on highly skilled workers and provide for certain social safeguards, which would not apply to citizens of other countries, as they, for example, provide for redundancy compensation. The use of these agreements has, however, diminished over the past years due to the increased flexibility of the labour market system and its regulations in the Member State.

In **Poland**, a number of agreements were concluded with third countries, including Belarus, the Russian Federation and Ukraine, though these were annulled following accession to the EU. The most significant bilateral agreements were with Ukraine and Belarus concerning the mutual employment of workers, though these agreements were virtually never used.

In **Portugal**, an agreement was signed with Brazil in 2003, entitled the “Lula” agreement, which aimed to facilitate the migration of nationals from both countries and their family members to engage in a salaried professional activity. A fast administrative procedure was introduced for visa authorisations, as well as the exchange of information between entities concerning employment opportunities.

In **Spain**, agreements signed with third countries aim to regulate labour migration flows in an orderly and consistent way.<sup>158</sup> An integral approach to migration is applied by tackling a broad range of relevant issues, traditionally the following: labour migration, irregular migration, integration and development cooperation.

In addition to the above cooperation agreements, the **Czech Republic, Italy, Portugal** and the **Netherlands** have also developed relationships with third countries, which include the provision of information and advice to migrants interested in coming to these Member States. In this regard, the **Czech Republic** has entered into a number of initiatives with Ukraine. This includes an agreement specifically aimed to reduce the influence of organised crime, by developing employment strategies targeting potential Ukrainian immigrants. These strategies included the establishment of advice centres within which people interested in entering the Czech Republic would be provided not only with information on legal entry, but also direct assistance where necessary to complete all the necessary documents for

employment.<sup>159</sup> In 2007, a pilot project was implemented in three regions in Ukraine, which included the establishment of information centres for people interested in employment in the Czech Republic. Furthermore, in the case of interest by Czech employers, ‘recruit tracks’, i.e. direct links, were established in order to facilitate contact between Ukrainian workers and Czech employers for recruitment to the Czech Republic. The project was overall evaluated as one of the possible tools of prevention of illegal migration, but it was not continued.

**Ireland** has undertaken recruitment projects relating to the recruitment of nursing staff in the Philippines, India, Bahrain and Singapore. In **Italy**, framework cooperation agreements, as outlined also in [Section 3.2](#) have been signed with Moldova, Morocco and Egypt, covering all types of workers, with a similar agreement in the process of negotiation with Tunisia. These agreements have assisted in improving the selection of qualified third-country nationals, to better meet the needs of the Italian labour market. The framework agreements have contributed to the adoption of specific standards of vocational training in the countries of origin. In **Portugal**, the [CAMPO \(Support Centre for Immigrants in the Country of Origin\)](#) was established in 2008, within the scope of the Joint Committee between Portugal and Cape Verde, in order to provide information to potential migrants by means of personalised services, to promote legal economic migration.

The **Netherlands** has piloted projects with South Africa and Indonesia, whereby labour migrants, who have completed secondary education, live and work in the Netherlands for a maximum period of two years. Specific occupations were selected for this project, taking into account the rapidly changing demand side of the labour market. Within this project, return played a significant role, though not regulated in national legislation, as labour migrants can use the experience they have gained to strengthen their labour market position in their country of origin, or to start their own business. Concerning past pilot projects in the Netherlands, those with the Philippines and South Africa which aimed to bring personnel in the care industry to the Netherlands were considered to be unsuccessful due to the unreliability of the intermediaries, misunderstandings about educational levels and professional experience, as well as cultural differences and language problems. The lessons learnt have aided the Netherlands

<sup>158</sup> By end of 2009, **Spain** signed 14 bilateral agreements to regulate migration, nine in Africa (Republic of Niger, Republic of Guinea-Bissau, Republic of Mali, Guinea, Gambia, Cape Vert, Mauritania, Morocco, Mali) and five in South America (Colombia, Peru, Bolivia, Ecuador, Dominican Republic).

<sup>159</sup> To implement this strategy, a charity project was established entitled ‘Prevention of Labour Force abuse on the European labour market oriented on the **Czech Republic**’. It was supported by the Czech authorities.



in the development of their further cooperation with third countries. The pilot projects encourages labour migrants to develop increased self-sufficiency and to maximise their individual development, which contributes to the reduction of brain drain and assists in the sustained development of their country of origin. This pilot is intended to broaden and intensify Dutch cooperation with countries of origin.

Other agreements concerning employment, though not directly for the purpose of satisfying labour demand, have also been entered into by **Finland, France** and **Lithuania**. **Finland** cooperates with both Vietnam and the Russian Federation concerning labour migration. In Vietnam, a *Finnish labour coordinator* was appointed, for a two-year trial period, to assist in the development of labour migration with this country. An agreement with the Russian Federation on economic cooperation has also been entered into with **France**.

#### 6.1.2 Cooperation agreements concerning specific groups of labour migrants

**Belgium, Czech Republic, Estonia, France, Germany, Hungary, Lithuania, Netherlands, Portugal, Slovak Republic, Spain, Sweden** and **United Kingdom** have entered into agreements with third countries concerning specific groups of labour migrants. These different groups include the following:

- ◆ Vacation workers – **Czech Republic**;
- ◆ Seconded workers – **Belgium**;
- ◆ Seasonal workers – **Bulgaria, Germany, Portugal, Spain**;
- ◆ Young workers – **Bulgaria, Czech Republic, Estonia, France, Hungary, Lithuania, Slovak Republic, Sweden**;
- ◆ Contract workers/guest workers – **Germany**;
- ◆ Trainees – **Lithuania, Slovak Republic**;
- ◆ Interns – **Bulgaria**,
- ◆ Care workers – **Bulgaria, the Netherlands**
- ◆ Healthcare workers - **United Kingdom**, and
- ◆ Workers in the hotel and restaurant sector – **Bulgaria**.

These different agreements are briefly discussed in turn below.

Concerning vocational workers, the **Czech Republic** concluded treaties for the reciprocal exchange of workers for vacation purposes with New Zealand. Within the treaty of 'work vacation', citizens of New Zealand do not require a work permit in order to be employed in the Member State.

In **Belgium**, the increased secondment of workers has influenced agreements with new 'social security' treaties concluded with India, Japan, Uruguay and South Korea, in order to facilitate secondment from these respective countries.

With regard to third-country national seasonal workers, most of whom are employed as harvesters in the agricultural sector, the admission of such workers in **Germany** is subject to the conclusion of bilateral placement agreements between the *Federal Employment Agency* and the labour authorities in the countries of origin.<sup>160</sup> In **Spain**, many bilateral agreements provide specifically for migrant seasonal workers, with provisions outlining that, as a precondition for being hired, the migrants must undertake to return to their country of origin once their permit expired. In addition, preferential treatment is granted for participation in subsequent selection processes. Provisions are also made to examine applications for residence and work permits for seasonal workers who have worked in the Member State over a period of four years.

In 2004, **Bulgaria** signed a specific agreement with the region of Lombardy in **Italy** concerning nurses. Bulgaria also entered into a specific agreement with **Germany** for the recruitment of Bulgarian nationals as domestic workers and/or in the hotel and restaurant sector.

**Bulgaria, Czech Republic, Estonia, France, Hungary, Lithuania, Slovak Republic, Sweden** and **United Kingdom** have concluded similar bilateral agreements on the movement of young people. These agreements have, in many instances, an indirect effect on the labour market, as young people are allowed to work in these Member States. In **Estonia, Hungary** and the **Slovak Republic**, agreements concern *working holiday schemes* which allow young people between the age of 18 to 35 years to travel and work in another country under simplified conditions. These individuals can receive a visa for up to one year, which, though primarily meant for language classes, can also be used for short-term employment. **Estonia** has concluded such

<sup>160</sup> Such arrangements have been made with Croatia and other EU Accession countries with the exception of the Baltic countries.

agreements with Australia, Canada and New Zealand. **Lithuania** concluded such an agreement with Canada and in practice it is expected that nationals of Lithuania will profit more from the agreement. In **Sweden**, memorandums of understanding regarding the mobility of young people have been signed with Canada, Australia and New Zealand. Finally, the **Czech Republic** has entered into the Treaty of Facilitation of Youth Residence for Work with Canada. The **United Kingdom** introduced a *Youth Mobility Scheme* which encourages cooperation with third countries as it allows young people from participating countries (Australia, New Zealand, Canada, Japan and Monaco) to come to the Member State for work and tourism as part of Tier 5 of the PBS. These young people are sponsored by the sending governments and are able to come to the United Kingdom for up to two years.

**Bulgaria** entered into an agreement with **Germany** which allows young Bulgarian nationals, from 18 to 35 years old, with a vocational education background, to work in Germany. Young people can receive a two-year work permit, extendable up to 3 years. After amendment to this Agreement in 2003, the quota of Bulgarian nationals admitted in Germany grew from 1 000 to 2 000. Depending on the dynamic of the labour market, the quota may be adjusted.

Concerning contract and guest workers, **Germany** has entered into agreements with partner countries including Bosnia, Croatia, Macedonia and Turkey in order to facilitate the employment of these particular groups.

Both **Lithuania** and the **Slovak Republic** have entered into bilateral agreements concerning the exchange of trainees. The **Slovak Republic** entered an agreement with Switzerland on the *Exchange of Trainees* in 1995. This agreement provides a quota of 100 persons annually which is filled by young people from the **Slovak Republic**. A bilateral agreement has been signed between the **Slovak Republic** and **Germany** concerning the employment of workers for broadening their professional and language skills, with the annual quota of 1 000 workers included in this agreement always filled. Concerning interns, **Bulgaria** entered into bilateral agreements with

Switzerland (2002), **Luxembourg** (2003), **France** (2003) and **Spain** (2005).<sup>161</sup>

In addition to the agreements already concluded, **Hungary**, and the **Slovak Republic** are also exploring additional or new forms of cooperation with other third countries. **Hungary** sought to negotiate a bilateral agreement with India, to facilitate the employment and work conditions of Indians in Hungary, but negotiations failed. The **Slovak Republic**, in its *Concept of Migration Policy*, recognises the need to update bilateral agreements, so that they reflect the current needs of the country in the field of employment.

## 6.2 Mechanisms to prevent brain drain and brain waste

**Estonia, Germany, Italy, Netherlands, Spain** and **United Kingdom** have particular mechanisms and practices in place in order to prevent brain drain and brain waste.<sup>162</sup> In **Italy** this is a big problem that affects not only immigrants, but also Italians as the job opportunities commonly offered are at a lower level than the qualification obtained, leading to an emigration flow of thousands of graduates. Some examples, mentioned below, also demonstrate the challenges faced when seeking to combine, on the one hand, the right of migrant workers to settle in the host country and the interests of the employers to retain them and, on the other hand, the need for combating brain drain and brain waste.

In order to prevent brain drain, some Member States work with (a system of) temporary workers – employed for a fixed, limited time period, in order to prevent partner countries from losing a large share of their domestic workforce to the EU market. In **Ireland**, some actions are undertaken to combat brain drain within the EU. The *International Employment Service of the National Employment Agency* consults EURES representatives in other Member States to ascertain whether shortages exist in their Member State prior to recruitment. In **Luxembourg**, the *Law on Immigration* addresses the issue of brain drain by

<sup>161</sup> Interns are young people from 18-35 years admitted to the receiving country for a limited period of time, on the basis of a profession, in order to improve their professional and language skills. **Luxembourg** agreed to accept 30 interns from **Bulgaria** per year while Switzerland agreed to accept up to 100 and **France** up to 300. For the agreement with Spain, there is no annual quota, the selection being made in the sending country by a Bulgarian-Spanish selection committee.

<sup>162</sup> Further information can be found in the EMN Annual Policy Reports, available from <http://www.emn.europa.eu>.

allowing third-country nationals, graduating from Luxembourg universities, the possibility to work in the Member State for only two years after having accomplished their studies. This allows them to gain relevant professional experience while avoiding brain drain.

The **Netherlands** has undertaken a number of measures to prevent brain drain in the care industry. As well as promoting the acceptance of an international code of conduct of the *World Health Organisation*,<sup>163</sup> which creates a framework at a global level within which the recruitment of care workers from developing countries remains ethically responsible, they have set up a fund for the training of domestic specialised hospital staff in order to prevent more hospitals from recruiting medical specialists from third countries.

In **Spain**, legislation in 2009 makes provision for preventing possible brain drain effects, by providing that “for the granting of permits to highly-qualified professionals, the domestic employment situation may be taken into account as well as the need to protect the sufficiency of human resources in the country of origin.” Furthermore, a number of schemes are in place in the Member State to prevent brain drain, including a scheme concerning farmers’ organisations in the Canary Islands which aim to hire workers from Mali, due to their similar climate, teaching them farming methods which can subsequently be used to contribute to their own farming in Mali.

The **United Kingdom** instituted a *Code of Practice for the Recruitment of Healthcare Professionals* in 2004 which applies specifically to the recruitment of professional healthcare workers, limiting recruitment by the *National Health Service* unless approved by the source country. Following the adoption of this Code, the Department of Health worked with the Department for International Development (DfID) to produce a definitive list of developing countries from which the health sector should not actively recruit. To date 152 countries are on the list which derives from the economic status of the countries and their relative position with regard to numbers of health personnel. Furthermore, the *Medical Training Initiative* allows doctors from third countries to train in the United Kingdom for a fixed period of time in order to improve their professional skills and earning capacity and therefore subsequently improve the lives of their family members and their own lives upon return to their country of origin.

<sup>163</sup> [www.who.int](http://www.who.int)

In some instances, Member States implement measures to prevent brain drain and waste of their own citizens, rather than of migrants. For example, in **Estonia**, the *Talents Back Home* project has been adopted in order to invite Estonians who have gone to study/work abroad to return to their country. Furthermore, in **Slovenia**, a draft agreement with Bosnia-Herzegovina seeks to prevent brain drain, by allowing either country to refuse workers from the other, when a comparable wage in their own country of origin is provided. With regard to brain waste, this phenomenon is significant among migrants from the **Slovak Republic**, as many took up positions requiring lower education/qualification than they hold.

With regard to brain waste, studies in **Germany** and **Spain** have shown that migrants are regularly over-qualified for their jobs and that often the skills they have are not used to their full potential.<sup>164</sup> The Federal Länder in **Germany** have attempted to combat brain waste through the use of a database (ANABIN), as outlined in [Section 4.3](#), which assists in informing interested parties of the skills of migrants through a system of the recognition of qualifications. In **Spain**, cooperation projects in place with the employment services of the countries of origin aim to ensure that the qualifications and skills of migrant candidates are well-suited to what is required by the national labour market.

<sup>164</sup> In **Germany**, B. Engelmann and M. Muller (2007): Brain Waste Die Anerkennung von ausländischen Qualifikationen in Deutschland. Augsburg: Tür an Tür – Integrationsprojekte gGmbH, more information available at [http://www.migration-boell.de/web/integration/47\\_1699.asp](http://www.migration-boell.de/web/integration/47_1699.asp). In **Spain**, Quality of Working Life Surveys available at <http://www.mtin.es/estadisticas/ecvt/welcome.htm>.

## 7. SATISFYING LABOUR DEMAND THROUGH MIGRATION ACCORDING TO EUROCITIES

This Section provides the perspective of European cities with regard to satisfying labour demand through migration. It has been prepared by Eurocities,<sup>165</sup> the network of major European cities, bringing together the local governments of more than 140 large cities in over 30 European countries. Two Eurocities Working Groups (Working Group on Economic Migration and Working Group on Migration and Integration) provided a contribution which broadly followed those parts of the EMN study considered of relevance for cities. The following cities provided input: Athens (**Greece**), Barcelona (**Spain**), Berlin (**Germany**), Bologna (**Italy**), Copenhagen (**Denmark**), Ghent (**Belgium**), Helsinki (**Finland**), London (**United Kingdom**), Malmö (**Sweden**), Munich (**Germany**), Nantes (**France**), Nuremberg (**Germany**), Rotterdam (**Netherlands**), Tampere (**Finland**), The Hague (**Netherlands**).

The Eurocities contribution provides an insight into the local implementation of national economic migration policies and identifies the specific characteristics, needs and measures put in place at municipal level. This Section firstly deals with specific city visions on the role of migration in meeting labour needs ([Section 7.1](#)) and then examines the role cities play in facilitating the arrival of migrants ([Section 7.2](#)). In [Section 7.3](#), local schemes to identify labour market needs are examined with political debates at local level highlighted in [Section 7.4](#). Cooperation with third countries is subsequently detailed in [Section 7.5](#). Finally, in [Section 7.6](#), trends concerning vacancies in labour markets in European cities are outlined.

### 7.1 Specific city visions on the role of migration in meeting current and future labour market needs

Overall, European cities are bound by national policies with regard to labour migration and the identification of labour shortages. The extent to which they can influence these varies throughout the EU. Some cities, for example, have elaborated immigration into their local strategies and action plans. Others assist in the identification of labour market needs, informing, for example, national lists.

Most cities have a clear understanding of the importance of immigration for a city. **Berlin's** vision is that future labour market needs should be countered by better integration of migrants into the labour market and by a proactive recruitment strategy for highly-qualified workers to encourage further immigration.

<sup>165</sup> Eurocities, the network of European cities: <http://www.eurocities.eu/main.php>

In the city's integration strategy for the period 2007-2011 entitled "*Encouraging Diversity – Strengthening Cohesion*," Berlin defines the city as an "open European metropolis" which appeals to migrants both at national and international level. The strategy also acknowledges the contribution of international migration to the city. Furthermore, in **Barcelona**, the new Intercultural Plan aims to create a pluralistic city which is "capable of taking the maximum advantage of the positive synergies created by diversity, in the form of dynamism and creativity."

In order to assist in the monitoring of labour market needs, local authorities in **Nantes** communicate the needs of local enterprises to national level in order to feed into the update of the list of professions opened to third-country nationals at national level.

## 7.2 The role of cities in facilitating the arrival of newcomers and leading on integration

Many cities within Eurocities have recognised that the sharing of responsibility with respect to the integration of labour migrants could be stronger. Though in many cases the city's role with regard to migration is limited, many cities consider themselves as playing a leading role facilitating the arrival of newcomers and their subsequent integration.

For example, the **Berlin** Senate developed a concept for a "welcome culture," in order to greet new migrants and to assist them in the process of integration from the very beginning, in order to guarantee the independence of the migrant and to actively create their own future. In **Copenhagen**, the new integration strategy promotes its diverse population structure, by stressing that such diversity increases access to international markets and to global networks. With regard to the extension of policies, in **London** work is being undertaken to extend its Refugee Integration Strategy of 2009 to all migrants in general, as the city recognises the challenges faced by all migrants to live a life in dignity and security. In order to create a link between the refugee and migrant integration strategy, a study was commissioned in 2010 on "an evidence base on migration and integration in London."<sup>166</sup>

Many local policymakers in European cities argue that labour migrants should be perceived as people whose

needs, in terms of housing, services etc., have to be addressed by all actors involved, including employers and national governments. In a number of cities, including **Berlin**, **Brussels**, **Eindhoven**, **Hamburg**, **Rotterdam** and **The Hague**, "one stop shops" have been established in the form of welcome centres and expat desks, in order to facilitate the first steps of labour migrant arriving in the city.

With regard to labour market integration, refugees have been identified as priority groups in **Berlin**, **London** and **Nantes**, with many cities stressing the importance of strengthening bridges and bonds to facilitate labour market integration of migrants through mentorship schemes. In order to assist migrant's integration through mentorship schemes, the involvement of stakeholders is deemed to be important. In **Oslo**, the "Global Future" programme run by business organisations organises mentors for highly skilled migrants in order for them to start a career. In **Malmö**, a similar programme is in place for women with migrant backgrounds.

## 7.3 Local Schemes to identify labour market needs through migration

Rather than being actors, cities are often the settings of the recruitment of labour migrants by enterprises or national institutions. However, many cities are able to identify their needs in terms of labour migration, and enter into dialogue with local enterprises and national government responsible for labour market policies. For example, with regard to forecasting future skills needs, **Berlin**, with its neighbouring Brandenburg region, has used ESF resources to commission a joint study on identifying future skills needs. This study predicts an increase in labour market needs for skilled workers from 273 000 (2015) to 460 000 (2030).

Monthly statistics are also used in **Nuremberg** to provide information on labour market needs, based on the federal employment agency's monthly statistics on job vacancies. In addition, at local level, in an initiative of the *Department for Economic Affairs* called "High potentials for Nuremberg," a dialogue has been established with several important enterprises located in the city, to identify labour market needs. This initiative has led to the creation of an information website for attracting highly skilled people, though the focus has been on young professionals from other parts of **Germany** rather than third-country nationals.<sup>167</sup>

<sup>166</sup> More information available at <http://www.london.gov.uk/who-runs-london/mayor/publications/society/evidence-base-migration-integration>.

<sup>167</sup> Information website address available at [www.hi-potential.de](http://www.hi-potential.de)



Occupation Lists are used in **France**, where the *Ministry of Labour* and the regional and departmental directions jointly define the strategy for identifying regional labour market needs and meeting these needs through granting access for migrants to the labour markets, which translates into the creation of a list of jobs which face shortages ("metiers en tension").

## 7.4 Political debates on migration at local level

Concerning access to employment, in many cities, lower employment rates, below-average qualification and skills levels and "brain waste" prevail among parts of the migrant population. Unemployment rates are, on average, twice as high for migrants than for the average population. Many local policies perceive migrants as an as yet untapped potential to partly compensate future skill's needs and to increase productivity.

In many cities, including **Stockholm, Malmö, Rotterdam** and **Copenhagen**, more targeted employment measures and pro-active policies for the recognition of skills and qualifications are on the political agenda. In **Berlin**, it has been recognised, through the Integration Strategy, that immigrants are one of the city's most important resources to compensate the shortage of skilled labour and that the recognition of certificates and diplomas obtained in countries of origin therefore constitutes a crucial opportunity to promote migrants' labour market participation. The recognition of certificates and diplomas obtained in the countries of origin is also important in order to counteract "brain waste." Initiatives have therefore been established at national and regional levels to facilitate the process of recognitions with the national government in **Germany** currently drafting legislation aimed at guaranteeing the formal evaluation of foreign degrees within a certain period of time. Business start-ups are also considered as a major contribution to strengthening Berlin's economic growth and to create jobs. However, barriers continue to exist and the Berlin Senate, as well as several NGOs, promote projects to facilitate and ease conditions for ethnic businesses.

In **Malmö**, a centre of validation assists clients in validating diplomas and provides assistance in developing a portfolio of qualifications. With the assistance of a vocational teacher, the client prepares a portfolio which presents a full picture of their competences, to show to their future employers. This validation process has been considered as having a positive impact

on the client's self-confidence and their ability to communicate their skills.

Local debates have also taken place concerning language acquisition, which is considered as key to integration, in general, and to improving employability and avoiding brain waste. Local debates have taken place in cities on how to adapt language courses, often provided in a national framework, to local circumstances. In **London**, English language acquisition has been made the first of eight of the Mayor's integration themes. In **Helsinki**, the municipalities of the capital and national Ministries concluded an agreement to strengthen resources, with both sides investing €2 million, to create new resources and staff for language tuition.

Debates have also been held in some cities throughout the EU concerning the removal of barriers to equal opportunities and diversity. In **Berlin**, the shortage of skilled workers in several branches, such as mathematics, computer science, science, childcare, healthcare was discussed following estimates, in 2010, highlighting that there would be a shortage of approximately 400 000 skilled workers at national level by 2030, with even higher shortages if the economic situation improves.<sup>168</sup> Debate has therefore indicated the need for recruitment from abroad, which is considered as an important future strategy for national, as well as for local, economic development.

Intra-EU mobility for EU-10+2 citizens has also been a matter of political debate in German and Austrian cities, particularly concerning the potential impact of the lifting of transitional agreements in May 2011. Cities are uncertain about the amount of additional migrants that the lifting of transitional arrangements will bring.<sup>169</sup> In **Nuremberg**, the advantages for economic development were weighed against a feared downward competition in some sectors, in a debate involving employers' associations and trade unions. A new service for mobile EU workers has also been set up in **Berlin**, funded by the *Commissioner for Integration*, which provides advice to EU workers, run in partnership with local NGOs, including a Roma organisation.

With regard to irregular migration, migrants without a valid residence permit often create tensions between

168 Gemeinsame Fachkräftestudie Berlin-Brandenburg 2010, available at [http://www.berlin.de/imperia/md/content/sen-arbeit/fachkraeftestudie\\_langfassung.pdf?start&ts=1304529561&file=fachkraeftestudie\\_langfassung.pdf](http://www.berlin.de/imperia/md/content/sen-arbeit/fachkraeftestudie_langfassung.pdf?start&ts=1304529561&file=fachkraeftestudie_langfassung.pdf)

169 On 1<sup>st</sup> May 2011, transitional arrangements for EU-10 workers (except Cyprus and **Malta** which had no such restrictions) were lifted, see <http://ec.europa.eu/social/main.jsp?catId=457&langId=en>.

the local and national governments in Member States. In many instances, the legal framework keeps these individuals in a limbo, for instance with regard to basic services and the risk of labour exploitation. In **London** in 2009, the Mayor engaged in a debate concerning the economic and humanitarian advantages of earned regularisation of some of the estimated 300 000 migrants without legal residence in the city. Additionally, in **Munich**, **Frankfurt** and **Berlin**, different policies have been developed to circumvent a rigid national framework which would help migrants taking up health services.

## 7.5 Cooperation with third countries on economic migration at local level

Some cities have developed “soft” policies, to be better prepared for future immigration and to cooperate with their regions of origin.

Concerning the provision of information, an information service was established in **Barcelona**, with associations of Senegalese migrants in the city, as well as Senegalese associations in Dakar, in order to advise potential migrants about the situation in **Spain**, particularly in Barcelona. This service consists of three Senegalese officers advising potential migrants on the procedures for legal immigration and the dangers of irregular migration. Information about labour market opportunities in Dakar is also provided. This service, run by the city of Barcelona in cooperation with Barcelonan Senegalese associations has an annual budget of 50 000 per year, with the ILO also involved in the programme.

## 7.6 Vacancies in labour markets in European cities

A Eurocities survey from Spring 2009 highlighted that, at the peak of the economic crisis, most cities still identified labour market needs. The two trends which appeared were that: (a) even in times of higher unemployment, skills shortages may exist in some sectors; and (b) vacancies exist both in sectors demanding higher and lower skills.

Eurocities identified the following trends with regard to cities around Europe:

- ◆ There is a shortage of skilled workers in **Berlin** with degrees in mathematics, computer science, science and technology, health care and education;

- ◆ There is a need in **Eindhoven** for technical knowledge workers for high-tech systems and materials, automotive and life science;
- ◆ Both highly skilled and low skilled workers are required in **Ghent**, with 49% of vacancies aimed at lower qualifications. **Copenhagen** also experiences a need for workers in the lower service sectors;
- ◆ Skilled pre-school teachers are required in both **Malmö** and **Munich**;
- ◆ **Nantes** identified a need for engineers in the ICT sector, employees in the hospitality sectors and construction workers at national level.

Furthermore, in **Nuremberg**, 7 389 vacancies were identified in December 2009, with the most important sectors being associations, education and teaching, retail industry, social services and public administration.

With regard to filling low skilled vacancies, the Flemish administration outlined that only slightly more than 50% of the jobs with a lower skilled profile is actually taken by a lower skilled employee, with lower skilled jobseekers often pushed out by the higher skilled in times of economic crisis.

Concerning future skills shortages, **Berlin** considers that the lack of skilled workers would increase considerably until 2030, while in **Nuremberg**, most studies predict a future shortage of highly qualified manpower.

## 8. SATISFYING LABOUR DEMAND THROUGH MIGRATION – ANALYSIS

This Section provides an analysis of some of the main findings of this study. In order to understand the extent to which labour shortages have been, or are expected to be, filled by third-country nationals in Member States of the EU, [Section 8.1](#) presents the identified root causes for labour shortages in Member States, both qualitative and quantitative, before the problems encountered with regard to the filling of labour shortages are presented in [Section 8.2](#). In addition, [Section 8.3](#) examines other aspects influencing the labour market, including intra-EU mobility of EU workers, whilst [Section 8.4](#) outlines measures used to effectively address labour shortages. [Section 8.5](#) then presents the identified needs for consolidation and further development of policies and legislation to better facilitate economic migration to satisfy labour demand.

### 8.1 Root Causes of Labour Shortages

**Austria, Belgium, Czech Republic, Estonia, Finland, France, Hungary, Ireland, Italy, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovenia, Spain, Sweden** identified root causes of labour shortages, caused by quantitative ([Section 8.1.1](#)) and/or qualitative factors ([Section 8.1.2](#)). Indeed, **Belgium** considered that qualitative and quantitative causes operate as ‘communicating vessels.’ When the economy is booming and unemployment is low, quantitative factors are predominant. When the labour market is less tight, qualitative factors are considered to be more important. The recent economic and financial crisis caused a decline in quantitative factors in **Belgium**.

#### 8.1.1 Quantitative Shortages

Quantitative shortages were identified in **Belgium, Czech Republic, Estonia, Finland, France, Hungary, Italy, Luxembourg, Lithuania, Malta, Netherlands, Poland, Portugal, Slovenia**. These are caused when plenty of skilled or unskilled job-seekers match the profile but nobody wishes to work in the profession due to the unattractive labour conditions (**Czech Republic, Finland, Malta, Lithuania, Poland, Portugal, Slovenia**) and low wages (**Czech Republic, Estonia, Hungary, Malta, Poland**) associated with the occupations. For example, in the **Czech Republic**, quantitative shortages have been identified as employers, during the economic crisis, seek to offer lower wages and are unable to attract domestic workers. The reduction of salaries in sectors, such as the processing industry, also caused quantitative shortages in **Estonia**. In **France**, similar developments have been witnessed, with third-country national workers mainly filling low

skilled positions with low wages and labour conditions. In **Lithuania** the biggest quantitative shortage is in the transport sector (international freight vehicle drivers) due to unfavourable working conditions. In **Luxembourg**, important quantitative shortages exist in all economic sectors. Since 1985, Luxembourg's domestic labour market more than doubled with two-thirds of the jobs created since 1985 filled by cross-border commuters.<sup>170</sup> Due to the unattractive nature of certain jobs, recruitment problems are experienced in **Finland** and in **Slovenia** in the commercial sector (**Finland**), in construction (**Slovenia**, **Spain**), as well as in agriculture and forestry industry (**Finland**).

### 8.1.2 Qualitative Shortages

Qualitative shortages are caused by the lack of nationals with the requisite skills and qualifications for particular occupations. Such shortages have been identified in **Austria, Belgium, Czech Republic, Estonia, Finland, France, Hungary, Ireland, Italy, Luxembourg, Malta, Netherlands, Portugal, Slovenia, Spain, Sweden**. In **Austria**, deficiencies in the education system were recognised as a root cause of qualitative shortages. In the 1960s and 1970s, social and health care education was not integrated into the Federal higher education system, which led to educational programmes in this area being fragmented and not included in the higher education stream which leads to a university entrance qualification level. This also had an impact on the wages, career options, social status and working conditions in this sector. Due to the lack of skilled domestic workers in the social and health care sector, as well as the industrial sector, qualitative shortages were also identified in **Finland**. Some root causes in **Sweden** relate to occupations which require a medium to high level of education and training, combined with professional experience. In **Sweden**, like in **Luxembourg**, the education and training system is insufficiently adapted to the needs of the labour market. In the short term, retirement will dramatically increase in **Sweden** and companies are expected to encounter substantial difficulties in filling certain occupations. In **Hungary, Italy** and **Luxembourg** inappropriate language skills and professional knowledge are giving rise to qualitative shortages in their respective labour markets. In **Ireland**, demographic ageing was also identified as a reason for migrant workers forming a key part of the healthcare system.

170 Rapport annuel de l'ADEM 2009, page 8.

Emigration was considered as the main reason for labour shortages in **Estonia** and **Lithuania**. In **Estonia**, labour demand increases on an annual basis, due to the fact that emigration continues to exceed the inflow of migrant workers. In **Lithuania**, the shortage of labour, especially skilled and low skilled, grew in 2007 to 2008 due to massive emigration to other, principally EU-15, Member States.<sup>171</sup> In **Poland**, it was considered that the emigration of nationals might in the long term cause problems related to labour shortages.

## 8.2 Problems encountered with regard to the filling of labour shortages

When asked to identify problems encountered with regard to the filling of shortages, some Member States, including **Germany**, referred to the complexity of their national framework regulating the admission of third-country nationals, as well as to the need to increase the labour-force participation of the population already living in the country. From the perspective of some employers, the gradual "liberalisation" of the labour market, for highly-qualified migrants and self-employed persons, did not yet result in the desired increased entry of such third-country nationals. For **Belgium**, a recurrent critique related to the restrictive conditions which continued to be applied to skilled and low skilled third-country nationals in medium and low skilled occupations, due to current policy, with continued focus placed on attracting the unemployed in the domestic workforce even when shortages were substantial.

Similarly **Finland** also identified quantitative shortages in several occupational areas, with the low wage levels and lack of job security discouraging even those coming from abroad to take up such positions. In addition, they also identified issues with regard to insufficient language skills (e.g. when writing applications and attending job interviews) and a lack of support to, in particular, immigrants with temporary work permits. Also, the current national requirements with respect to family reunification were considered as making immigration unattractive, as third-country nationals need to have a minimum income per month in order to be able to

171 It has been argued in **Lithuania** that in 2007-2008 the labour shortage arose because as the economy grew, employers wanted to recruit an increasingly higher number of people, on the one hand, yet, on the other hand, workers were not satisfied with local salaries, working conditions and even working culture, seeing more opportunities outside Lithuania. Therefore, demand was growing and the supply was shrinking.

apply for residence permits for family members, with the minimum income increasing in accordance with the number and type of family members wishing to come to the Member State.<sup>172</sup> These three factors together were considered to reduce the extent to which migrant workers wished to come and/or to stay in Finland.

For **Ireland**, the economic migration system was considered by NGOs as disadvantageous for individual employees since employment permit holders cannot easily progress in the workforce due to the restrictions placed on permits provided for a specific vacancy. **Malta** highlighted the competition existing between Member States when shortages exist in the same sectors of their labour markets and indicated that their lower salaries were an obstacle to attracting economic migrants. Furthermore, the work permit system was considered a problem in **Malta** and **Spain** as it was considered too long and complicated for third-country nationals.

Member States also pointed at challenges with regard to the validation of skills and recognition of qualifications (e.g. **Austria, Germany, Malta, Spain, Sweden**).<sup>173</sup> **Germany** mentioned the lack of transparency of recognition processes, especially with regard to occupational profiles which are not regulated at the national levels, as these were assessed and recognised at the level of the Länder, by a wide variety of stakeholders, through a range of different approaches. This made it difficult, and sometimes even impossible, for newly-arrived immigrants to have their qualifications recognised. Studies showed that immigrants still tended to be overqualified for their jobs, whilst possessing skills and competences which could be urgently needed, but which were not taken into account because of this lack of recognition. Recently, the *Working Group of the Federal Government and the Länder*, had adopted a concept paper which included proposals for amendments to rules and procedures to facilitate the validation of skills and recognition of qualifications of persons migrating to **Germany**.

172 For further information, including a table of income requirements, see page 55 of **Finland** National Report.

173 An EMN Ad-Hoc Query on the Recognition of Professional Qualifications outside the European Union, launched in 2010, identified how Member States generally recognise professional qualifications obtained outside the EU in order to determine whether skills and qualifications of third-country nationals are being recognised and validated in order to allow them to take jobs in Member States for which national or other EU workers are not available. More information available at <http://www.emn.europa.eu> under "EMN Ad-Hoc Queries."

In the same vein, **Sweden** also identifies the negative effects of current requirements for accreditation and authorisation for certain occupations, for example in the care sector, which make it difficult for third-country nationals to access employment in these sectors, despite the great labour shortages. The lack of transparency and different approaches taken, in particular towards the validation of informal and non-formal skills, as well as the recognition of, specifically, vocational qualifications and other, non-academic ones, are potentially giving rise to uneven treatment of third-country nationals, across the EU and sometimes even within an individual Member State.

In **Italy** (as well as specific issues such as the recognition of qualifications, professional advancement once hired, the link between demand and supply of labour at sub-regional, etc.), a sensitive issue which has arisen concerns the need to develop more flexible mechanisms to facilitate the entry of third-country national workers through new provisions, such as the possibility for companies to directly hire new workers abroad.

In the **Netherlands**, it was expected that, in the near future, the number of vacancies which were difficult to fill would increase again in number, particularly within the medical sector, the services industry, education and the technological industry. In order to deal with these problems, the potential of domestic and other EU labour would aim to be used. In part, this was owing to the reluctance in using temporary labour migration to deal with labour shortages due to the less than positive experiences from previous labour migration projects with third countries.

**Spain** identified issues arising from the *Collective Management of Hiring System* in third countries, with only a minority of migrant workers entering the Member State through the procedure. In many instances, this system hindered employers due to the length and complexity of the procedure, on the one hand, and, on the other hand, the difficulty of determining the most suitable candidate for a given job.

### 8.3 Other aspects influencing the Labour Market

The Study also identified a number of other factors which can have an influence on the labour market in the Member States relating to intra-EU mobility of EU workers ([Section 8.3.1](#)), illegally resident third-country nationals working in specific occupations or



sections ([Section 8.3.2](#)) and the return of economic migrants ([Section 8.3.3](#)).

### 8.3.1 Intra-EU mobility of EU workers

Whilst not the focus of this study, **Austria, Belgium, Bulgaria, Czech Republic, France, Hungary, Ireland, Italy, Luxembourg, Malta, Netherlands, Slovak Republic, Slovenia, Sweden** and the **United Kingdom** highlighted the effects of intra-EU mobility in their Member States, even though only some specified whether labour demand was affected by intra-EU mobility and whether it contributed to more or less demand for third-country national workers. In particular, **Austria, Belgium, France, Finland, Ireland, Italy, Netherlands, Sweden** experienced an increase in the mobility of EU citizens following EU-10+2 accession. Transitional periods, which were applied in most EU-15 Member States,<sup>174</sup> expired on 1<sup>st</sup> May 2011 for EU-8 (i.e. except Cyprus and **Malta** for which there were no such restrictions) nationals.

### 8.3.2 Illegally resident third-country nationals working in specific occupations or sectors

**Austria, Belgium, Czech Republic, Finland, Hungary, Italy,**<sup>175</sup> **Latvia, Malta, Netherlands, Poland, and Slovak Republic** provided information on third-country nationals working illegally in specific occupations or sectors of their labour market. In **Austria, Czech Republic, Finland, Hungary, Malta** and the **Netherlands**, the construction industry is considered to be greatly affected by illegal work, facilitating the employment of third country nationals illegally present and/or without a work permit. Furthermore, in **Finland** a link between illegal work in the construction industry and organised crime was perceived. Other sectors affected include agriculture (**Hungary, Netherlands**), catering (**Austria, Netherlands**), social and health care (**Austria**), retail (**Netherlands**), manufacturing (**Hungary**) and temporary employment (**Netherlands**). As highlighted in [Section 2.2.1](#), at the time this Study was undertaken, the [Employers' Sanctions Directive](#) was in the

174 The general right to free movement between EU Member States is open to all and is not affected by the transitional agreement agreed for workers. However movement for the purposes of work was restricted for up to seven years after accession. For more information on which Member States apply restrictions, see <http://ec.europa.eu/social/BlobServlet?docId=119&langId=en>.

175 The phenomenon of illegal work is also widespread in **Italy** though it is not possible to quantify it and mainly regards the illegal work of EU citizens. One of the most prominent sectors is housekeeping where 295 000 regularisations were undertaken in 2009 in this sector.

process of being transposed into national law by a number of Member States.<sup>176</sup>

### 8.3.3 Return of Economic Migrants

Most Member States had little information on the extent to which economic migrants were returning to their country of origin, when labour demand declined in the particular occupations and sectors, though some Member States do impose return policies as outlined earlier. In the **Czech Republic, Lithuania** and **Luxembourg** return is not systematically monitored and followed.<sup>177</sup> However, in the **Czech Republic** during the economic crisis, some third-country nationals returned to their countries of origin when they were dismissed, or were advised to return but had insufficient resources to do so. Other workers, who wished to stay, were suspected by authorities to be working in the "grey" economy.

## 8.4 Measures used to effectively address labour shortages

Several Member States identified success factors, or at least "promising" ones, in their policy and legislative framework, as well as their operational approach taken towards using immigration of third-country nationals to address the needs of the labour market. In terms of policy and legislative measures taken, several Member States (e.g. **Austria, Belgium, Estonia, Germany, Italy, Luxembourg, Portugal, Spain**) highlighted the simplification of their entry and admission procedures, which helped to simplify and speed up the entry of third-country nationals, especially of those with skills and competences needed in these Member States. In **Austria**, for example, it is expected that the new immigration model "Red-White-Red-Card" will facilitate the immigration of highly-qualified third-country nationals. The implementation of the "Blue Card" Directive is also perceived as beneficial to further the admission of the highly qualified from third countries.

176 This Directive provides for minimum standards on sanctions and measures against employers of illegally staying third-country nationals. One of the main purposes of the Directive is to prevent the employment of illegally staying third-country nationals by requiring employers to check that the third-country national has a valid residence permit or other authorisation for stay before recruiting the individual, with the failure to fulfil such conditions leading to employer sanctions. Directive 2009/52/EC available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:168:0024:0032:EN:PDF>

177 As reported in the National Reports of these Member States. This might be the case in other EU Member States.



Some Member States highlighted the strengths of their specific approaches taken to implement their economic migration policies and legislation. With respect to the specific approach towards identifying and managing labour demand, **Sweden**, for example, whose system is based on the direct needs of the employers (and hence on their analysis), identified the success of their *Labour Immigration Reform*, as the latter introduced a system governed by the direct demand for manpower in the labour market and simplified earlier rules for the employment of third-country nationals, which was of great benefit to employers who needed to recruit staff from abroad. Similarly, **Estonia** also commented that their approach, based on needs of employers, helped to identify the direct labour demand and reduce bureaucracy and recruitment costs. The minimum salary requirement on the hiring of third-country nationals was perceived as important to decrease the risk that employers would use economic migrants as “cheap labour” or as a way to reduce overall salaries in the sector. **Malta** considered that the lack of strict provisions regarding economic migration in the *Immigration Act* provided flexibility when making decisions on economic migration policy, facilitating tailor made policies to the various requisites of investors coming to the Member State.

**Belgium**, which has opted for an approach based on the drawing up of occupation lists, not exclusively used for labour migration but also for the general management of labour demands, also highlighted the benefits of combining such lists with more flexible and efficient admission procedures in their current legal framework.

**France** also noted that the Government’s policy to better manage migratory flows for economic reasons to better fit the needs of the French economy had resulted not only in encouraging this type of immigration, but also in the identification of the structural, i.e. qualitative, shortages in the domestic labour market. The provisional data on the number of residence permits issued to third-country nationals for economic reasons in 2009, showed an increase in this type of permits with respect to earlier years, which is an indicator of the success of the approach taken. **Spain** recognised the importance of the *Catalogue of Shortage Occupations*, introduced after the adoption of legislation in 2005 which assisted in providing special mechanisms for employing migrant workers. In **Lithuania** employment of third country nationals is only demand-driven. Shortage Occupation List introduced in 2007 facilitates and speeds up the arrival of mostly needed third-country national workers. However, the List only covers main profes-

sions and does not include needed highly qualified niche professions.

**Germany**, on the other hand, considered that there was still room for improvement. Despite the strengthening of the labour-market oriented immigration policy in 2009, the number of highly-qualified immigrants entering the territory was still relatively low. This was in part due to the fact that the legal instruments, adopted in 2005 and 2009, were still in their “infancy,” with more time required to be able to evaluate their effectiveness, particularly in attracting highly qualified third-country nationals. Moreover, **Luxembourg** considered that additional measures needed to be taken in order to align immigration policy to national economic needs, such as improving local infrastructure, promoting Luxembourg abroad and facilitating administrative procedures in the country of origin.

## 8.5 Identified needs for consolidation and further development of policies and legislation to better facilitate economic migration to satisfy labour demand

Several Member States emphasised the need to further develop policies and measures in the future, especially once all European legislative instruments have been fully implemented, to further facilitate and promote economic migration based on the needs of the labour market. At the same time, Member States also stress the need to continue giving priority to national and EU citizens, as well as to those persons with a migrant background already in the EU. Linked to this is the perceived need to introduce job-matching instruments and other tools, to make sure that third-country nationals entering the territory have the “right” skills and professional experiences.

Many of the perceived needs relate to raising awareness and the provision of information, both to society and to third-country nationals interested in migrating to a Member State (**Germany, Ireland, Luxembourg, Malta, Poland, Slovenia**). **Germany** argues for the need to provide more information and guidance to employers and third-country national applicants, to ensure that they become aware of the national rules, conditions and services available. The latter should include access to skills assessments, recognition procedures and further education and training opportunities. **Ireland** highlighted the importance of improving the use of information collected through the EURES system, particularly to facilitate access to information on where labour

surpluses exist. Some employer representatives in **Luxembourg** mentioned the importance of raising awareness among the national population in regard to the importance and need to attract foreign workers despite the rise of unemployment. **Slovenia** has set up Info-points for migrant workers, providing information on conditions of employment and work in their Member State. **Malta**, and some employer representatives in **Luxembourg**, considered it important to create a more welcoming environment for economic migrants in order to attract them to their territory. In **Poland**, the low number of recruitment campaigns for third-country nationals was observed, with it being suggested that this low level proved that employers did not consider economic migration as being able to solve their labour needs. It was, therefore, suggested that the development of information provision on this matter might be necessary in the future. **Lithuania** also plans to quicken the procedures to issue residence permit, possibly allowing online submission.

Several Member States (**Austria, Belgium, Czech Republic, Estonia, Italy, Portugal, United Kingdom**) also consider that further improvements could be made to their current approaches to identifying and managing labour shortages. **Austria** is currently rethinking its migration policy by discussing options to raise the inflow of highly skilled migrants in general and of highly skilled third-country nationals in particular. A reorientation of migration policy towards the highly skilled is expected to alleviate pressures on public budgets arising from population ageing, on the one hand, and to speed up the transition from an industrial to a knowledge society, on the other. **Belgium** perceives a need for a more integrated vision on labour policy, to be further achieved through legislative reform and a more dynamic monitoring of labour shortages, as the current system related to the drawing up of bottleneck occupations for labour migration is rigid and dated. The **Czech Republic** considers that more attention should be paid to “intermediary agencies,” who recruit migrant workers, as these constitute a risk of labour exploitation and illegal employment. **Estonia** voiced a similar concern over the potential abuse of economic immigrants. The *Ministry of Interior* has set up a Working Group to look at the current problems emerging with regard to the issuing of work permits and registering of employment. Whilst the economic crisis has reduced the demand for labour, such reduction is likely to be temporary only, and there is a need to improve the management of labour shortages through migration. The recent “*Plan for the Integration within Security: Identity and Encounter*” put forward by the government in **Italy**, calls for increased control on entries, to make

sure that newcomers have the professional profile needed. **Portugal** recognised that new mechanisms needed to be introduced to streamline the quota system process which suffered from a complex set of operational procedures necessary to fill a vacancy in the Member State, including entry provisions and conditions.

The **United Kingdom** highlighted the importance of not over-relying on past migration patterns for future projections of labour shortages. Moreover, policies towards family migration and the employment of the dependants of labour migrants will have some effect on future labour demands.

Other areas for improvement identified include the need to improve current procedures for skills assessments and the recognition of qualifications, highlighted by **Germany, Italy, Luxembourg, Malta, Slovenia, Spain** and **Sweden**, and the further development of integration measures, including language acquisition (also starting in third countries), identified by **Finland, Italy, Slovenia** and **Spain**. **Malta** also highlighted that action should be undertaken at EU level to ensure that EU legislation is not biased towards large labour markets compared to the smaller labour market in the Member State.

## 9. CONCLUDING REMARKS

The period in which the EMN study was undertaken is characterised by increased recognition of the demographic challenges which are ahead, and in some cases already becoming evident, in combination with a substantial economic downturn, which has led to high unemployment levels and drastic government savings. At the same time, Member States are aware of the need to remain competitive on the international market, which is increasingly moving towards a “knowledge society.” Against this complex background, labour migration from outside the EU has, in most Member States, an increasingly important position on the political agenda, resulting in the consolidation of new policy and legislative approaches and measures, or the development and introduction of new ones. Finally, the EU Acquis, including Directives setting the conditions of entry and residence on highly qualified third-country nationals, researchers and, more recently, intra-corporate transferees and seasonal workers, is also influencing the type and content of the approaches and measures.

The (increasing) global demand for talent will be a common EU challenge in order for the EU Member States to compete for third-country national workers. In order to ensure that the EU remains competitive, there will be a need to improve both the tools and methods used to identify and manage labour demand, including forecasting of shortages of workers and skills, as well as removing the difficulties associated with the recognition of qualifications and skills obtained outside the EU. Such actions will ensure the flexibility and attractiveness of national labour markets for third-country nationals, as well as enable Member States to satisfy labour demand through migration when required.



The objective of the EMN is to meet the information needs of Union institutions and of Member States' authorities and institutions through the provision of up-to-date, objective, reliable and comparable information on migration and asylum, with a view to supporting policymaking in the EU.

It provides this information also to the wider public via publications like this one, which presents the findings of the EMN's study on Satisfying Labour Demand through Migration, involving twenty-three of its National Contact Points.

Published by the Directorate-General for Home Affairs

