



# MIGRATION, EMPLOYMENT AND LABOUR MARKET INTEGRATION POLICIES IN THE EUROPEAN UNION (2010)



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# MIGRATION, EMPLOYMENT AND LABOUR MARKET INTEGRATION POLICIES IN THE EUROPEAN UNION (2010)

Edited by  
Anna Platonova and Giuliana Urso







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## OBJECTIVES AND METHODOLOGY

This publication is an annual review of new data and analysis to complement the two LINET studies on the impact of migration and employment and outcomes of labour market integration policies for migrants carried out in 2009-2010 (see *Migration, Employment and Labour Market Integration Policies in the European Union, Part 1 and Part 2* at <http://labourmigration.eu>). The first study covered to the extent of data availability the period of 2000-2008/2009, while this update reflects new developments in 2009-2010.

The Independent Network of Labour Migration and Integration Experts (LINET) was created by the International Organization for Migration in 2009 in order to provide the Directorate-General for Employment, Social Affairs and Inclusion of the European Commission (EC) with expert analysis and advice on economic migration and labour market integration of third-country nationals. The network unites experts from the 27 Member States of the European Union (EU), Croatia, Norway and Turkey, and aims to support the EC in developing evidence-based policies, mainstreaming labour market integration issues in the EU Employment Agenda and achieving Europe 2020 goals.

The European Union is characterized by a variety of approaches adopted by its Member States with respect to admission of third-country nationals, regulation of national labour markets, as well as regarding the definition of migration-related terms, scope and collection methodology of relevant statistical data. These differences represent significant challenges for carrying out a comparative analysis of the complex interrelations between migration and employment in the region covered by the LINET research network. Much of the data is helpful in establishing general context and trends, but does not provide sufficient basis for in-depth socio-economic analysis of migration and integration.

Many studies use Eurostat Labour Force Survey (LFS) data to ensure data comparability across the Member States. However, as the LFS sample is designed for the general population, in many countries its results may not be fully representative of the migrant population, and in particular when further differentiated by country of origin or other factors.

Therefore, for the purpose of this study, the national experts reviewed the national statistics and administrative data, and conducted a desk review of the existing academic research, including quantitative and qualitative surveys at the national and

regional level. Comparability of much of this data is limited,<sup>1</sup> yet at the country level such a review contributes important knowledge in areas that are not sufficiently targeted by the collection of statistical data, including on irregular migration and employment. The study analyzes data that was available in the LINET countries prior to April 2011.<sup>2</sup>

The study focuses on third-country (non-EU) nationals, while also gauging differences and similarities with the host country nationals, and where possible with the EU nationals who moved for employment in the framework of intra-EU mobility.<sup>3</sup> At times, however, the lack of disaggregate data did not allow for a separate analysis of these two groups of workers. Furthermore, in addition to the analysis by nationality, where national data is available the country reports also present data by country of birth.

Furthermore, the study reviewed and assessed the national policies that impact on the labour market integration of migrants. Given the complexity of factors contributing to the outcomes of migrants' economic activity, it is extremely difficult to link concrete data to specific policies. Nevertheless, the study provides the initial basis for the relevant policy debate and indicates good practices supported by evidence.

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<sup>1</sup> For this reason combined with the availability of relevant data tables based on EU LFS in a number of other publications (such as *Employment in Europe, EC 2008*), the present publication does not include comparative data tables for thirty countries under consideration. For available data on a specific country please consult relevant country reports.

<sup>2</sup> However, some reports may include data or references to later period.

<sup>3</sup> The country groups within the EU mentioned in the study are: EU15 (Member States that acceded in May 2004), EU8 (EU10 without Cyprus and Malta), EU2 (Bulgaria and Romania).



# SUMMARY OF FINDINGS

## Migration Trends

The recent economic crisis has not significantly changed the share of third-country nationals (TCNs) residing in the EU among the total population. In 2010, this proportion remains fairly stable at 4.0 per cent, corresponding to over 20.1 million TCNs (Eurostat, 2011).<sup>4</sup> Compared with the year 2008, the total population of the EU grew by some 3.7 million, and non-EU nationals account for approximately half of this increase. LINET country reports comprise country-level insights to further illustrate this and subsequently analysed trends.<sup>5</sup>

- In Austria, the demographic balance is characterized by a net outflow of Austrians and a net-inflow of foreigners, a long-term trend which was not affected by the economic crisis of 2009. More specifically, the population growth is almost fully driven by immigration.
- Despite the fact that Poland remains a net emigration country, there are several indicators that already reveal that Poland is gradually but increasingly becoming a destination country. For instance, statistical data for 2009 and 2010 indicate a marked increase in the number of issued residence and work permits in comparison to the previous years of the decade.
- An increase of family reunification residence permits has been recorded in Italy, Estonia, Finland, and Portugal in 2010 compared with 2009. According to Eurostat (2011d), the highest share of new residence permits issued to non-EU citizens in 2009 were granted for family reunification (28.2% or 660,000), followed by employment (27.6%) and education purposes (21.8%).<sup>6</sup>

Furthermore, Eurostat data suggests that in 2009 the overall distribution of TCNs by gender in the European Union is evenly balanced.<sup>7</sup> However, large differences remain between the EU Member States: six out of ten TCNs are female in Cyprus and Bulgaria,

<sup>4</sup> If not otherwise state, data presented are from IOM elaboration on Eurostat database, retrieved on 18 August 2011. Data on migrant population refer to the 1 January of each year. Data on migrants' employment and unemployment rate in EU LFS refer to annual data, which encompass the four reference quarters in the year.

<sup>5</sup> Examples provided in the executive summary are extracted from the LINET reports included in this Annual Review.

<sup>6</sup> Compared with 2008, there was a decline in the number of permits granted for employment reasons (-142,000), even if a slight decrease has been also recorded for permits for family reunification (-26,000).

<sup>7</sup> 51% men versus 49% women.

by contrast Slovakia, Romania and Slovenia reported that men outnumber women (59%, 62% and 75% of resident TCNs respectively). The overwhelming majority of TCNs are of working age (15-64 years): only in such countries as Norway and Latvia the share of working age population among TCNs is slightly below the 70 per cent threshold. In Portugal, Slovenia, Cyprus and Slovakia the proportion of working age migrants is around 90 per cent of the total migrant stock. Unsurprisingly, migrants in the EU are on average younger than the national population. The median age of the foreign population living in the EU was 24.4 years in 2010, which is 7.1 years lower than the overall median age of the EU nationals (Eurostat, 2011a).

- Czech Republic is one example of an age structure of foreigners typical for the prevailing economic migration: more than half of migrants fell within the age category of 20 to 39 years old in 2010 (CZSO, 2011).
- In Denmark, immigrants are more likely to be of working age compared to the Danish population: 65 per cent of non-Western migrants are aged 20-49 years compared to 38 per cent of the Danish-born population (Danish Immigration Service, 2011).
- About half of the legally residing foreign population in Greece belongs to the 25-44 years old age category, compared to less than one third (29%) of the Greek population.

This overview does not consider irregular migrants. The last available data from Frontex (2011) indicates a sharp decreasing trend already in 2009, which has further stabilized in 2010. According to the HWWI estimation (2009), in 2008 the number of irregular migrants in the EU27 ranged from 1.9 to 3.8 million,<sup>8</sup> corresponding to 7-13 per cent of the foreign population.

## Labour Market and Immigrant Inclusion

Labour migration has suffered from adverse labour market conditions. During 2010 the number of persons in employment in the EU decreased by 1.4 million (Eurostat, 2011b). The average EU-wide unemployment rate continued to grow, reaching 9.6 per cent in 2010. It ranged from 4.4 per cent in Luxembourg and Austria to nearly 20 per cent in Spain and Latvia. Nevertheless, current and projected future recruitment difficulties were reported in many sectors.

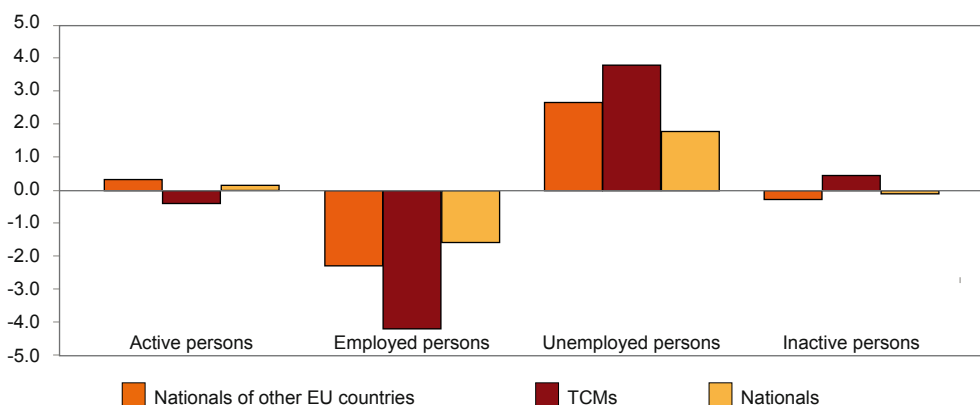
- According to the Employers Survey for the year 2010 (Croatian Employment Service, 2010a), in Croatia around 25 per cent of all employers in the 2009 were confronted with a difficulty of finding workers while this difficulty was „very serious“ in 86,2 per cent of those cases. The majority of challenges related to finding a worker of required profile. This represents a decrease since in 2008 around 37 per cent of all employers declared difficulties in finding workers.

<sup>8</sup> HWWI confirms a decline of the stock irregular migrants, as the estimation provided for 2002 ranges from a minimum of 3.1 to a maximum of 5.3 million.

- The study “Demand for labour force in the Finnish Economy in 2010-2025” by the Government Institute for Economic Research suggests that promoting immigration is one possible way of ensuring sufficient labour availability. Foreign workers are predicted to primarily find employment in the service sector. The retail and construction industries would also clearly benefit from legal immigration (Ahokas et al., 2010).
- In 2009 the Dutch economy declined considerably. Unemployment increased and the number of unfilled vacancies, especially for the low-skilled jobs decreased to 60 per cent of the available vacancies in 2008. However, despite the economic decline, labour shortages exist and continue to grow in sectors such as healthcare.

Third country nationals saw their labour market outcomes significantly deteriorating over the past two years. In 2010, 68.9 per cent of legally residing TCNs were active in the labour market, although the unemployment rate hit 13.7 per cent for the TCNs, compared with the total EU average rate of 6.9 per cent. Figure 1 illustrates the overall changes in the labour market status between 2008 and 2010 for the nationals, TCNs and citizens of EU residing in another Member State than that of their nationality. Among the TCNs, the percentage of employed persons has declined the most (-4.2%), while the share of unemployed persons has increased (+3,8%). The trend is less marked for the nationals and other-EU nationals.

**Figure 1 : Labour market status of working age (15-64) resident population, by nationality, 2008-2010, per cent**



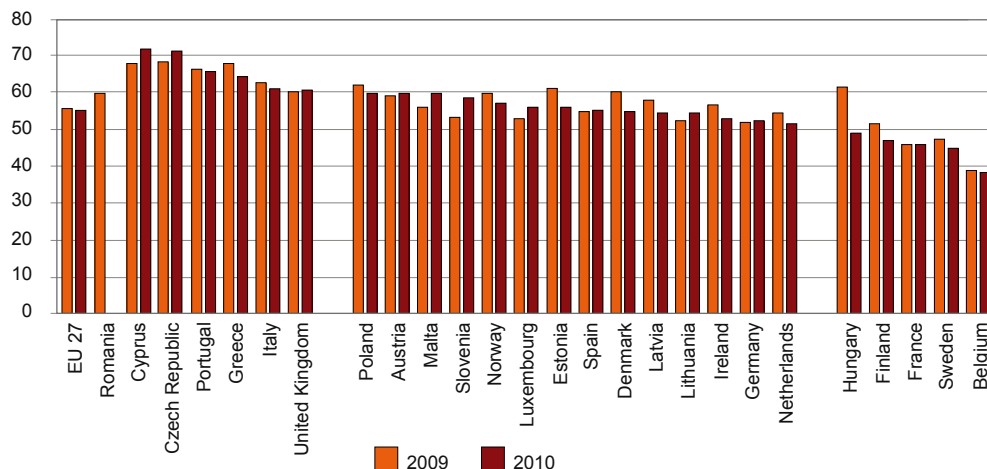
Source: IOM elaboration on EU LFS data (2011).

Employment rate for TCNs in 2010 was at 55.2 per cent (EU LFS), showing minimal change compared to 55.7 per cent in 2009. In Hungary the employment rate has decreased the most (-12.5 percentage points), followed by Denmark, Estonia and Finland with the respective drops of around five percentage points (Figure 2).

In the majority of the LINET countries the employment rate of TCNs lags behind that of nationals (average EU rate of 64.5% in 2010), and is on average lower by around nine percentage points. The highest employment gap is registered in Sweden (-29

p.p.), Belgium (-24.6 p.p.) and Netherlands (-23.8 p.p.). However, in countries with predominantly economic nature of immigration, the officially registered employment rates of TCNs are higher than those of the natives (among others Czech Republic, Greece, Italy, Malta, Poland).

**Figure 2: Employment Rate of TCNs, 2009-2010, per cent**



Source: EU LFS, 2011<sup>9</sup>

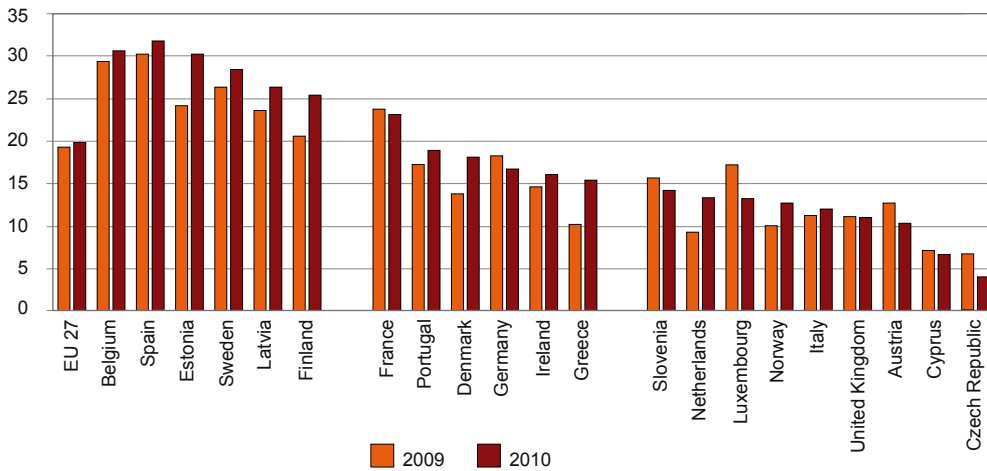
Furthermore, in 2010 the average unemployment rate for TCNs was 19.9 per cent (19.4% in 2009), though Nordic countries, but especially Spain (31.8%) and Belgium (30.6%) have registered higher levels of unemployment for non-EU workers. Nine countries have exhibited TCN unemployment rates lower than 15 per cent.<sup>10</sup> Netherlands, Finland and Greece have experienced an increase of about five percentage points, while a decrease has been recorded in eight countries, including Austria, Czech Republic and Luxembourg (Figure 3).

In addition, the unemployment rate is on average higher by around 10 percentage points for the TCNs than for the national workers. In Belgium, as well as in Finland and Sweden, TCNs exhibit unemployment rates higher than those of the nationals by some 20 percentage points. Moreover, young nationals register an unemployment rate of 20.4 per cent while for young TCNs (15-24 years of age) this figure rises up to 30.3 per cent. This situation has deteriorated in the last two years (2009 and 2010) as the unemployment rate for young TCNs was at 22.4 per cent in 2008. Among the available data, the worst labour market scenario for young TCNs in 2010 was observed in Spain (44.9%) and Sweden (44.6%).

<sup>9</sup> Data not available for countries which are not shown.

<sup>10</sup> Slovenia (14,2%), Netherlands (13,4%), Luxembourg (13,3%), Norway (12,8%), Italy (12,1%), United Kingdom (11,1%), Austria (10,4%), Cyprus (6,7%) and Czech Republic (4,1%).

**Figure 3: Unemployment Rate of TCNs, 2009-2010, per cent**



Source: EU LFS, 2011<sup>11</sup>

Most countries have confirmed the analysis of the LINET study for the period 2000-2009, reporting a degree of complementarity between migrant and native workers in the EU. Direct competition is fairly limited, and if at all, occurs when the employment structure of the two population is rather similar. Lack of competition into the labour market is mainly due to the concentration of migrants in specific sectors, such as agriculture, manufacturing, cleaning, domestic and care services, hospitality and catering.

- In Poland, the official statistics did not indicate a decreasing demand for a foreign work force in 2009 and 2010. Employment of foreigners is complementary to native labour force, as migrants take up positions that are not filled by Poles, either due to the low attractiveness of these vacancies (such as low pay and prestige) or lack of skills required to perform the given work (Grabowska-Lusińska, Żylicz, 2008).
- In Czech Republic, development on the labour market confirmed the assessment of experts that foreigners do not compete with the natives on the labour market and do not take their jobs. This is evidenced by the fact that regions with the highest number of foreign workers usually report the overall unemployment rate deep below the average national level.
- In Norway, more than half of workers employed in the cleaning sector have immigrant background. In 2010 it was six times more likely that a non-Western immigrant was employed as a cleaner than a native. Other branches such as hospitality, catering and transportation.

The labour market segmentation of immigrant workers is omnipresent across the EU Member States, and does not necessarily reflect the skill composition of this group of population.<sup>12</sup> As in the previous LINET studies, cases of overqualification have been

<sup>11</sup> Data not available for countries which are not shown.

<sup>12</sup> For a detailed analysis of skills composition of TCNs please refer to the LINET publication on the Labour Market Inclusion of Less Skilled Migrants (IOM, 2012).

reported by various countries, including Norway, Portugal, Slovakia, and Belgium. Difficulties in recognition of qualification, coupled with the employers' demand in specific sectors and persisting discrimination, suggest an underutilization of migrants' competencies. In addition, segmentation could be traced not only to the sectors of employment, but also to the type of occupation within the same sector. Migrants tend to be concentrated in the lowest part of the occupation ladder within the abovementioned sectors. Furthermore, high concentration of third country nationals in several highly skilled occupations has also been observed in several Member States, in particular in management, engineering and IT, and healthcare.

- In Italy, male immigrants are concentrated in the agriculture, manufacturing and, particularly, in the construction sector, while females are specialized in the domestic services and healthcare provision. In the conditions of the economic downturn, domestic services and healthcare sectors, which employ the majority of immigrant women, are the only branches of the economy where employment has not declined in the last three years (Pastore and Villosio, 2011).
- Recent data (LFS, 3rd trimester 2010) on immigrant insertion in the labour market show that also in Greece nearly 40 per cent of foreign workers (both EU nationals and TCNs) are employed as unskilled labourers, mainly in the manual jobs, and another 30 per cent of the third country nationals and 15 per cent of the EU citizens are employed as skilled workers (craftsmen).
- In Ireland, permits are only exceptionally issued for jobs of a salary of less than EUR 30,000 meaning that they generally are awarded to highly-skilled workers and medium-skilled workers. Six per cent fewer new green cards (646 in total) were issued in 2009-2010, one third of which were for positions of annual salaries above EUR 60,000, mostly in the IT and financial sectors. Nurses and software engineers received over 50 per cent of the new green cards.

Migrants workers also tend to accept less advantageous working conditions than nationals, which at the same time may make them more attractive for employers, especially during the economic crisis. The flexibility trap experienced by migrants was observed in the previous LINET studies as the tendency of being flexible in the choice of the work, the adequate use of the skills and the working conditions. Migrant workers are more likely to work longer hours and have part-time or temporary contracts.

- In the Czech Republic one of the main observed reasons for immigrant recruitment, in lower qualified segments in particular, is that foreign employees exhibit much higher time and geographical flexibility than Czechs. Many employers tend to prefer the "hire and fire" system not because temporary workers are cheaper but because hiring permanent staff is too risky during the economic crisis (Burdová, 2010).
- In Finland foreign workers do not always enjoy such benefits as overtime and weekend work bonuses or holiday compensation, and there are shortcomings in industrial safety and housing conditions. Most of the problems arise at workplaces where the workers are temporarily in Finland and the work is distributed through subcontracting chains. Many of them also have to pay agency fees when seeking work in Finland, even though such fees are illegal (SAK, 2011).

The abovementioned patterns of sectoral and occupational segmentation, as well as conditions of employment continue to have negative impact on the remuneration of foreign workers compared to the salaries of the nationals.

- A special income survey analysis for the Women's Report 2010 (BKA, 2010) shows that in Austria the median annual income of women in full-time employment amounted to EUR 28,676 Euros (-22.2% compared to men) in 2008. The annual income of foreign women was 23 per cent lower than that of native women, similar to the pay gap between migrant and native men (23.8%).
- In Belgium a recent study undertaken by Corluy and Verbist (2010) highlighted that the annual average salary of TCNs (EUR 12,240) and of the foreign-born Belgians (EUR 14,340) were far below those of the general population (EUR 18,270). The poverty risk rate was also extremely higher for TCNs (48%) and for foreign-born Belgians (35%) in contrast with the national average of 14 per cent.

## Legal Framework for Admission and Employment

The present analysis aims to map new trends, policy changes and measures adopted in 2009-2010. Concerns on the continuous negative employment trends in the EU have still generally affected national policies for admission and employment of migrants, as well as those pertaining to their labour market integration.

- In response to rising unemployment, the Irish government introduced significant restrictions to the issuing of work permits in April 2009: 1) the list of occupations ineligible for the new work permit applications was extended, 2) processing fees were increased for new work permit applications received after June 2009 and for the subsequent permit renewals, 3) the duration of the labour market test for work permit issuance as doubled, a vacancy must now be advertised on the FÁS/EURES network for eight weeks instead of four weeks and in the local and national newspapers for six days instead of three; 4) renewals of work permits must now also undergo labour market tests.
- Following the elections in May 2010, in UK steps were taken to limit the number of non-EU migrants who are able to enter the UK for work or study. In July 2010 the government introduced a temporary cap that limited the number of non-EU immigrants entering through Tiers 1 and 2 of the Points Based System (PBS). In April 2011, a permanent cap on migration for work from outside the EEA through Tiers 1 and 2 of the PBS came into effect.
- Together with other restrictive measures in reaction to financial crisis and unemployment growth the Ministry of Labour and Social Affairs in the Czech Republic stopped the only active immigration policy programme with a long term integration objective – the Selection of Qualified Foreign Workers. The Ministry decided to interrupt the project arguably due to budget cuts in December 2010.
- In Italy, the worsening conditions of the national labour market were a major factor in the decision of the government to freeze new entry planning (by quota mechanism) for non-seasonal workers in 2009-2010 (Pastore and Villosio, 2011).

- In Portugal, quota in 2009-2010 was set at 3,800 per year (half of the annual quota for 2008), justified by the economic crisis and growing unemployment.
- In Spain in 2008, the number of jobs in the quota system was reduced to 15,731, a number that was reduced by 90 per cent in 2009, when the quota shrank to a mere 901 job offers. For 2010 the quota included only 168 job offers.

In the past two years, admission procedures in many EU countries have been set to facilitate the entry of skilled migrants, also in line of the transposition of the EU Blue Card Directive, and to severely limit admission in other categories. In particular, the Member States seek to restrict admission of the low-skilled economic migrants (see Slovakia, UK, Ireland), and of foreigners through family family reunification. The latter also continue facing restrictions to their labour market access.

- In Denmark, the stricter family reunification rules of November 2010 introduce a point system for family reunification. As of April 2011 the requirements were tightened for language skills, and the proposed further amendments in 2011 impose more costs for family reunification on the immigrant.
- In Austria family members can access the labour market only through obtaining work permit on the basis of labour market test in the first five years of residence. With the introduction of the Red-White-Red Card for skilled workers in 2011, however, family members of holders of this card will face no restrictions to enter the labour market.
- In Norway the new Immigration Act 2010 introduces stricter requirements for financial support, and a requirement of four years of work experience and/or education in Norway for the sponsor to be granted family reunification opportunity. In addition, a new requirement was introduced stipulating that the sponsor in Norway must not have received social security benefits in the past year to be eligible for family reunification.
- At the same time, in Spain the legislative reform of 2009 grants immediate access to the labour market without the labour market test to the spouse and children older than 16 who have entered in Spain through family reunification. This provision aims to limit economic dependence of family migrants on the sponsor and to ensure that family migration is incorporated in the labour market on par with economic migrants.

Policies directed at stemming the irregularity among the migrants population and addressing the informality in the labour markets have continued following two main directions: regularization campaigns (Italy, Belgium, Greece), as well as stricter control and raising penalties for infringement of the labour code.

- In Belgium, the recent regularization campaign in 2009 established the criteria of 'strong local ties' and employment. However, several months could pass before a response would come from the Immigration Office to employers with a decision on their application. As a result, only strongly-motivated employers considered engaging in the regularization procedures.
- The last 2009 regularization in Italy was selective in its scope (only targeting irregular workers in the personal and homecare services) and limited by some



constraints. Among other provisions, each individual worker had to be employed for a minimum working time of 20 hours per week by a single employer. This last requirement was pointed out by some experts as a significant obstacle for the regularization of many domestic workers that were typically engaged in cleaning or other similar activities in many different families for only few hours per week. After the submission deadline, slightly less than 300,000 applications were presented, but this figure was largely below the forecasts by some top officials that were expecting a number of applications between 500,000 and 750,000 (Colombo, 2009). This has led many observers to speak of a limited impact of this last regularization process.

- In Poland a law on sanctions for employers hiring TCNs who reside in the country in breach with the national legislation has been adopted by the Council of Ministers in April 2011. This law transposes to the Polish legal system the Directive 2009/52/EC that provides for minimum standards in relation to sanctions and measures against employers of irregular migrant workers. The law introduces a system of administrative, civil and criminal penalties for irregular employment of foreigners. At the same time, the law facilitates submitting claims for seeking compensation by irregularly employed non-EU nationals and stipulates a financial responsibility of the contractors and subcontractors in the event of their default.

## Institutional and Policy Framework for Integration

In the last two economic downturn-hit years, funding cuts had negative effect on the sustainability of the state institutions working on immigrant integration, and the respective policies in a number of Member States, including programmes aimed at promoting labour market inclusion. Nevertheless, in some EU countries, such as Austria, the process of institution-building and inter-agency coordination on integration continued in line with the previously adopted government plans.

- The recently created position of Minister of State with Special Responsibility for Integration Policy in Ireland (2007) disappeared following the general elections in early 2011.
- In Slovakia, the Department for Migration and Integration of Foreigners (OMIC) established in 2007 under the Ministry of Labour (MPSVR SR) was closed in April 2010. Tasks and responsibilities of OMIC were transferred to the International Cooperation, Integration of Foreigners and EU Affairs Department of the Ministry of Labour.
- In 2011, Greece has abolished the position of the Vice Minister of Immigration created in 2010 in the Ministry of Labour.
- In Austria by 2010 a regulatory mechanism was put in place which coordinates integration policy on the federal level. The first steps were taken towards the development of a National Action Plan on Integration, followed by the establishment of an expert group, advising the Ministry of the Interior on matters of integration, and an Integration Council. In addition, the post of a Secretary of

State for Integration was created in the Ministry of the Interior in early 2011 to lead the coordination of integration policies by the various ministries.

Several Member States promoted introduction programmes and integration contracts as measures to encourage early integration of migrants into the society in the Member States such as Luxembourg, Italy, Netherlands, France, Finland, and Germany. Countries, such as the Czech Republic and Italy, reinforced the application of the migrant integration programmes or general labour market integration programmes to support migrant labour market inclusion during the recession. The range of programmes, their structure (funding, level of obligation, penalties and incentives) and content varies from country to country. Language training, however, remains the key component for boosting opportunities for integration in the welcoming society.

- In the Czech Republic, in response to the economic downturn, the Ministry of the Interior introduced *ad hoc* Emergency Integration Programmes in regions with highest increase of unemployment of foreigners (industrial regions in particular) in 2009. The projects were based on very close cooperation between the Ministry and municipalities, and consisted of activities such as social and legal counselling, language courses, social and cultural training, education in schools and cultural exchange.
- In September 2008 an Integration Policy Strategy for Sweden in 2008-2010 was presented by the government (Ministry of Integration and Gender Equality, 2008). The Strategy identified a number of strategic areas of intervention: a) an effective system for reception and introduction for newly arrived, b) increasing the activity levels of resident foreign nationals and foreign-born; c) improving educational outcomes and equality in school; d) improving language skills and education possibilities for adults; e) effectively combating discrimination; f) development of neighbourhoods with cohesion challenges, and g) common societal value system defined by an increasing diversity. In June 2010 the government published a positive assessment review of the strategy implementation outcomes (Ministry of Integration and Gender Equality 2010).
- An agreement signed by the Ministry of Labour with four southern regional governments<sup>13</sup> in October 2010 to develop specific measures for preventing irregular employment and enhance employability of migrant workers in the sectors of agriculture, constructions, personal services and tourism. The technical agency of the Ministry of Labour, Italia Lavoro, is responsible for the management of the activities of the RE.LA.R project (*Rete dei servizi per la prevenzione del lavoro sommerso*) through which the agreement is put into effect. The adopted strategy will focus on the development of public-private partnerships for managing employment services, the implementation of information systems for assessing local labour market needs and monitoring labour market integration of immigrants, and activation of professional training activities and internships for 3,000 workers in selected areas. At least 60 per cent of the beneficiaries of the project have to be immigrants (with a regular stay permit) and each intern will receive gross remuneration of 550 EUR per month. This experimental project is currently in its initial phase and will end by mid-2012.

<sup>13</sup> Sicily, Apulia, Campania and Calabria.

- In Finland the Act on Unemployment Security has been amended on 1 January 2011 to provide a foreigner, who has been granted a fixed-term continuous residence permit (residence permit A), with the right to labour market support including assistance in job-seeking and unemployment benefits.

## Discrimination in Employment

A number of LINET country reports show that migrants are disadvantaged in terms of labour market integration even after controlling for structural factors, such as age or educational composition. Language barrier could play a role, but often the discrimination practices form an invisible obstacle in the access to or integration in the labour market in the destination country.

- In France empirical studies have found that immigrants are more likely to be unemployed than the French nationals (for example, Verdugo, 2009; Algan, Dustmann, Glitz, and Manning, 2010; Meurs, Pailhé, and Simon, 2006; Domingues Dos Santos, 2005). Lhommeau, Meurs, and Primon (2010) show that migrants, especially those from the Maghreb and Sub-Saharan Africa, more often report unfair rejection of a job application than the native population, even after controlling for structural effects.
- In Portugal qualitative research as well as the field work of associations like SOS Racism tends to suggest the existence of discrimination especially for some groups of migrants (citizens of the lusophone African countries) in employment, as well as in housing and healthcare provision (Lages et al. 2006; Santos et al. 2009).
- In Sweden a recent study by the Swedish Confederation for Professional Employees (2009) shows that there is a larger risk that women and foreign-born persons are among the seven percent that found to be overqualified for the work they perform, mostly due to discrimination.

Various approaches on combating discrimination were identified across the LINET countries in 2009-2010, both in terms of improving overall legislative and policy frameworks, but also developing additional tools and mechanisms by a range of stakeholders.

- In Belgium, some concrete initiatives were taken in October 2010 by the Vice-Première Minister and Minister of Employment and Equal Opportunities, to fight against discrimination in the temporary sector. These measures were put on the table after a TV broadcast reported that temporary agencies refused to hire workers of foreign origin as requested by anonymous customers. The Minister called on social partners of the temporary sectors to reinforce the existing collective agreement, which defined practices for prevention of racial discrimination in the temporary sector. Federgon (a federation uniting all the companies in the temporary recruitment sector) has undertaken additional monitoring of the agency performance. Companies that were found to accept discriminatory recruitment requests were then forced by the federation to undertake internal steps to ensure good implementation of anti-discrimination measures.

- In Norway, the Government involved the trade unions and employer organizations in the implementation of several components of the anti-discrimination action plan. A recent study, on the positive duty to promote equality on different grounds among employers and trade union representatives revealed that after one year following the adoption of the respective legal provision, only 50 per cent had a plan to promote equality (Tronstad 2010).
- In Poland in 2010, Department of Labour in the Regional Court in Warsaw registered only two cases related to immigrant discrimination in the workplace. At the same time, NGOs report a much higher scale of such incidents based on their everyday contacts with foreigners.
- In Portugal, the numbers of registered complaints and sanctions related to racial discrimination are still very low and do not correspond to the perceived and experienced racism reported by several authors (such as Araújo, 2007; Carrilho, 2007; Marques, 2007; Machado, 2008; Santos et al., 2009).

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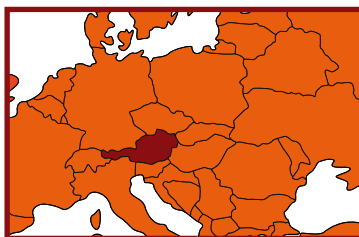
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# AUSTRIA

Gudrun Biffl<sup>14</sup>



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## Migration Trends

In 2010, 8.4 million inhabitants lived in Austria, 52,000 or 0.6 per cent more than in 2008. This population growth is primarily driven by immigration. In January 2011, the share of migrants (foreign-born) in the total population amounted to 15.7 per cent (1.3 million). As many migrants, particularly of third-country origin, adopt Austrian citizenship, the share of foreign citizens is lower measured at 11 per cent of the total population.

Demographic flows are characterised by a net outflow of Austrians and net inflows of foreigners. No slowdown of net emigration of Austrians in 2010 was observed, while net immigration of foreigners has gained momentum. The majority of immigrants in 2009 and 2010 came from other EU Member States; accordingly, their share is rising in the medium to long-term. In 2010, 81 per cent of net migration originated from the EEA compared to 74 per cent in 2007. Members from the EU14 represent the largest group, namely 41 per cent in 2009 and 38 per cent in 2010. The largest single nationality is German, with an annual net inflow of some 7,500 persons in 2009 and 2010.

The net inflow of the EU-10 nationals is rising: from 3,600 in 2009 to 5,100 in 2010. These trends are a direct consequence of removing barriers to entry into the labour market for migrants with scarce occupational skills in 2008. It can be expected that more migrants will come from the new EU-10 Member States after full access to the Austrian labour market is granted to the nationals of these countries in May 2011. Also Romanians and Bulgarians are coming to Austria in ever growing numbers. Their net inflow amounted to 4,200 in 2009 and rose to 6,500 in 2010.

As a result of increased availability of the EU nationals for jobs in line with the Community preference principle, the inflow rate of third country immigrants is slowing down to some

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9,400 persons annually in 2009 and 2010. In comparison, the net inflow of third-country nationals was 13,300 in 2007. Accordingly, the proportion of third country migrants in the total net inflows of migrants is declining, namely from 36 per cent in 2009 to 30 per cent in 2010. The largest non-EU countries of migrant origin are in particular Serbia, Montenegro, UNSC Resolution 1244-administered Kosovo,<sup>15</sup> and Turkey.

According to the LFS of 2010, of the 8.3 million inhabitants in private households, 1.5 million had a migrant background. The majority were foreign-born, and 404.600 were second generation migrants, i.e. they were born in Austria to parents who had migrated to Austria.

**Table 1: Migrant Population in Austria, 2010**

Charcteristics	Population in private households	Migrants		
		Total	1. Generation	2. Generation
in 1.000				
<b>Total</b>	<b>8,283.2</b>	<b>1,543.3</b>	<b>1,138.7</b>	<b>404.6</b>
<b>Country of Birth of Parents</b>				
Austria	6,739.9	-	-	-
EU-Member State (excluding Austria)	515.4	515.4	411.9	103.5
Non EU-Member State	1,027.9	1,027.9	726.8	301.1
of which.: Ex-Yugoslavia	507.1	507.1	361.0	146.0
Turkey	263.0	263.0	163.9	99.1
<b>Citizenship</b>				
Austria	7,402.6	711.9	429.6	282.3
EU-Member State (excluding Austria)	331.0	303.8	278.0	25.7
Non EU-Member State	549.6	527.6	431.1	96.5
of which.: Ex-Yugoslavia	289.8	278.4	221.3	57.0
Turkey	112.8	109.8	88.0	21.8
<b>Country of Birth</b>				
Austria	7,039.8	404.6	-	404.6
EU-Member State (excluding Austria)	494.4	420.3	420.3	-
Non EU-Member State	749.0	718.4	718.4	-
of which.: Ex-Yugoslavia	361.9	356.2	356.2	-
Turkey	163.5	162.2	162.2	-
<b>Year of Immigration</b>				
Born in Austria	7,039.8	404.6	-	404.6
before 1980	252.4	198.0	198.0	-
1980 - 1989	180.6	171.5	171.5	-

<sup>15</sup> Hereinafter referred to as Kosovo/UNSC 1244.

1990 - 1999	361.0	345.9	345.9	-
after 1999	449.4	423.4	423.4	-
after 2002	334.4	314.9	314.9	-
<b>Age, Gender</b>				
<b>Men</b>	<b>4,047.7</b>	<b>745.5</b>	<b>532.4</b>	<b>213.0</b>
< 15 years	634.4	135.8	26.0	109.8
15 - 29 years	791.3	164.2	111.5	52.7
30 - 44 years	909.1	191.5	168.3	23.2
45 - 59 years	891.9	156.4	143.0	13.5
60 and over	821.0	97.5	83.6	13.8
<b>Women</b>	<b>4,235.5</b>	<b>797.8</b>	<b>606.3</b>	<b>191.5</b>
< 15 years	603.9	125.9	25.4	100.4
15 - 29 years	774.3	165.4	122.9	42.6
30 - 44 years	908.5	226.4	206.2	20.1
45 - 59 years	899.8	156.3	143.7	12.6
60 and over	1,049.1	123.9	108.1	15.9

Source: Statistics Austria, Microcensus-Labour Force Survey 2010.

The Alien register of the Ministry of the Interior corroborates the above data of the population register, but provides additional information, namely on the purpose of entry. Accordingly, 37,800 EU/EEA citizens entered Austria in the course of the year 2009 and registered as 'settlers'. About 50 per cent entered for work, and some 10 per cent (3,900) for study purposes. In addition to settlers, another 17,200 entered Austria on a temporary basis in 2009, comprised by about two-thirds of the seasonal workers and by some 18 per cent of the international students from the third countries (3,100).

## Labour Market Impact

In the wake of the worldwide recession of 2008/2009, Austrian economic growth declined, albeit with a certain time lag. The economic downturn set in late 2008 but gained momentum rapidly and led into a full-fledged negative growth rate of -3.9 per cent in 2009. The decline was intense however, even if short-lived, and in 2010 the economic growth picked up and reached 2 per cent.

The labour market reaction to the economic decline was much less severe in Austria than in the EU on average, with a fall in total employment of -0.9 per cent compared to -1.8 per cent in the EU27. In part, this was a result of the active labour market policy of reduced working hours (Kurzarbeit). This meant that people were kept in employment, albeit with reduced working hours. Accordingly, the upswing in employment was swift in 2010 with an increase by 1 per cent compared with 2009 (-0.5% in the EU27 in 2010).

Foreign workers were more affected by the employment decline in 2009 with the total employment of foreigners falling by 1.3 per cent (or -5,600). The employment upswing was also more pronounced for foreign workers than for natives with +16,200

or 3.8 per cent in 2010. Thus, two thirds of the employment growth of 2010 accrued to foreign workers. Accordingly the share of foreign workers in total employment continued to rise throughout the recession of 2009 reaching an annual average of 13.2 per cent in 2010.

The unemployment rate increased in 2009 by one percentage point to 4.8 per cent, but declined again in 2010 to 4.4 per cent, one of the lowest rates in the EU. While the total unemployment increased in 2009 by 22.6 per cent, the number of registered unemployed foreign workers rose by 27.8 per cent. Also the decline in unemployment in 2010 was less pronounced among foreign workers. The total unemployment fell by 3.7 per cent compared with 2009, but it shrank only slightly for foreign workers (-1.5%).

**Figure 1: Unemployment development by nationality and gender, 1995-2010**



Source: Labour Market Service.

As in many European recession-hit countries, unemployment increased more sharply for men than for women as a result of pronounced gender segmentation of employment. However, unemployment among female foreign workers continued to rise in 2010, while this was not the case with male foreign workers and with native women (Figure 1).

The recent unemployment trends among foreign workers could be taken as a first sign of substitution by new migrants of 'long-term' foreign workers, i.e. of migrants residing in Austria for a notable time, allowing them to access unemployment benefits.

EU27 citizens have about the same level of activity rates as Austrians (75.7% in 2010), in contrast to third-country nationals. Turkish citizens in particular are exhibiting the lowest activity rate with 61.7 per cent. The low activity rate of the Turkish nationals



is largely the result of the low degree of integration of women into the labour market (39.2% activity rate in 2010, but on the increase from 32.9% in 2006). Nationals of the countries of the former Yugoslavia (excluding Slovenia) have an in-between activity rate of 69.7 per cent in 2010.

Research on overqualification (Biffl et al 2008, Bock-Schappelwein et al 2009) indicates that education and training obtained in Austria is key to employment which is commensurate with the educational attainment level acquired. The duration of stay and employment is another important factor ensuring adequate employment. Some 21 per cent of foreigners who received their vocational training outside of Austria are overqualified. In particular, nationals of Romania and the countries of former Yugoslavia are more prone to being overqualified for their jobs (around 28%). It appears to be especially difficult for the university graduates from Asia, Turkey and the former Yugoslavia to transfer their knowledge and skills to the Austrian labour market, as two thirds are overqualified for their jobs.

## **Institutional and Legal Framework for Admission and Employment**

The national legislation grants free access to the labour market after four years of legal residence in Austria. However, long-term labour immigration channels are closed to the low-skilled migrants who tend to immigrate through family reunification. There have been no legislative changes in 2009/10 in this regard.

With the introduction of the Red-White-Red Card (Rot-Weiß-Rot-Karte plus) in 2011, family members of sponsor migrants entering through this scheme will face no restrictions to enter the labour market. This development together with granting full access to the Austrian labour market to the EU-8 nationals could raise competition for jobs among the low-skilled workers.

## **Institutional and Policy Framework for Integration**

The institutional setting for migrant integration is rapidly changing. Not only have almost all federal states developed “Integration guidelines” (Integrationsleitbild) by 2010, but they are also well on their way in implementing integration measures in the various fields. (Biffl et al 2010)

A major driving force from 2009 until now has been the Federal policy on integration, the establishment of an advisory expert group on integration under the Ministry of the Interior (Expertenrat), and the establishment of an integration council (Integrationsbeirat). All these institutional changes have led to the development of a road map towards mainstreaming integration in relevant policy areas. Moreover, a position of the Secretary of State for Integration was created in the Ministry of the Interior in early 2011 to serve as a hub for the coordination of integration policies of various ministries.

The increasing focus on implementing structured integration measures is complemented by the reform of migration policy towards a point based system of immigration. All these

reforms are geared towards coordination of migration and integration management. Efforts have also been undertaken in the government communication on migration in an effort to focus on the opportunities stemming from the increasing diversity of the Austrian population.

To foster labour market integration, the Labour Market Service continues to invest heavily in German language courses to promote the employability of migrants. The promotion of self-employment has moved to a centre stage in this context. The Chamber of Commerce, as well as various Federal States, including Vienna<sup>16</sup> are increasingly aware of the economic growth potential emanating from the ethnic entrepreneurs. As a result they have increased their efforts in the last couple of years, to provide special advice and guidance, increasingly also financial support, to business start-ups of migrants.

In order to provide a factual background for integration measures, Austria has developed integration indicators and published them since 2009 in line with the National Action Plan for Integration. (Statistics Austria 2011) The set of indicators includes an 'integration barometer' that captures subjective feelings about the integration process on the basis of a sample survey of natives and migrants. In 2011, 13.1 per cent of the natives opined that integration was not working at all, compared to 17.9 per cent in 2010, while 32.1 per cent felt that integration process was more or less on track (compared to 27.2% 2010). The pessimistic views on the integration process were not spread evenly across socio-economic groups and regions. Older persons and low- and semi-skilled workers are more pessimistic, as well as residents of Vienna and Upper Austria. The views are independent of the extent of contact with migrants, contrary to an often held hypothesis.

The opinions voiced by migrants are in stark contrast to that of natives: the overwhelming majority of migrants (86.5%) say that they feel at home and welcome in Austria. Only 6.5 per cent of migrants do not feel at all welcome. The country of origin counts: 91 per cent of migrants from the former Yugoslavia feel at home in Austria, compared with only 77 per cent of the Turkish migrants. The optimistic view of migrants in relation to integration is highly correlated with the improvement of their personal living conditions in Austria. The proportion of migrants who state that their living conditions have improved increased in 2011 versus 2010 (from 29.5% to 32.3%), and the proportion of those who experienced a deterioration declined (from 30.5% to 22.2%).

The proportion of natives who think that migrants are disadvantaged or discriminated is lower than the proportion of migrants who believe that they are disadvantaged (27.3% versus 37%). The proportion of migrants who feel discriminated against is highest for unskilled and poor persons and above all for the Turkish migrants. Fifty-four per cent of the Turkish migrants say that they feel disadvantaged versus 29 per cent of migrants from the former Yugoslavia.

Finally, questions relative to xenophobia indicate that there is an increasing recognition that immigration would continue and that integration is a process in which all residents should take part. Accordingly, racist statements are only supported by 2.5 per cent of the natives, however unconditional support for immigration among the natives has declined to 17 per cent.

<sup>16</sup> Vienna has set up Mingo Migrant Enterprise in 2008 to provide targeted Services for ethnic entrepreneurs. <https://www.mingo.at/>

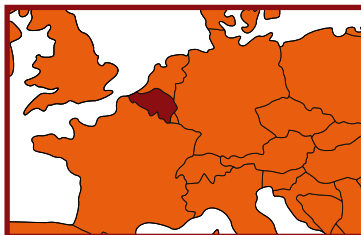
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# BELGIUM

Marie Godin and Andrea Rea<sup>17</sup>



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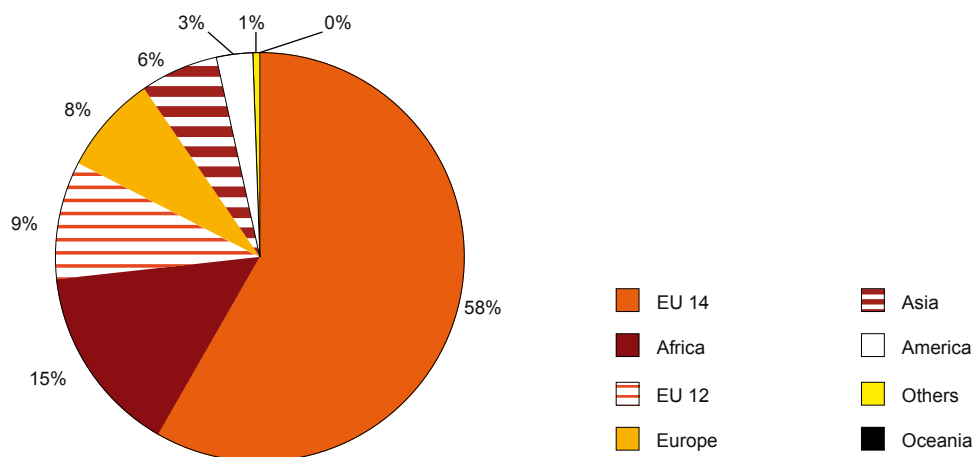
## Migration Trends

In January 2008, Belgium had 10,666,866 inhabitants, of whom 971,448 were foreigners (9.1% of population). Two years later the figure moved into six digits with 1,057,666 non-natives representing 9.7 per cent of the total population. Similarly, the proportion of persons born abroad has constantly increased over time. On 1 January 2010, the foreign-born population has reached 13.8 per cent of the total population which means that in relative terms Belgium has one of the largest immigrant communities in Europe. Out of the foreign-born population (a total of 1,516,162), 50 per cent are born outside the EU with 178,899 persons of Moroccan origin (23.5%), 93,561 of Turkish origin (12.3%) and 76,187 hailing from the Democratic Republic of Congo (10%).<sup>18</sup>

The most important foreign community in Belgium is composed of EU citizens who account for 67.6 per cent of the total foreign population (715,121) (Figure 1). Residents from the EU12 comprise 13.6 per cent of the European Union population. Third-country nationals (TCNs) represent one third of the total population with foreign nationality (31.3%). Among them, 47.1 per cent are from the African continent, 25.1 per cent from the non-EU countries in Europe, 19.9 per cent from Asia and 9.1 per cent from the Americas.

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<sup>18</sup> All data are from the *Service public fédéral Emploi, Travail et Concertation sociale/ Federal Public Service for Employment, Labour and Social Dialogue (SPF SIE)*.

**Figure I: Foreign population in Belgium, 1 January 2010.**

Source: Directorate General for Statistics and Information on the Economy (DG SIE), 2010.

From 1 January 2005 and 1 January 2010 (Table I) the impact of the EU enlargement on the growing inflows from the EU12 is visible. The growing population from the Democratic Republic of Congo as well as the Russian Federation is linked to increasing humanitarian immigration from these countries.

**Table I: Top nationalities in Belgium, 1 January 2005 and 1 January 2010**

	2005	2010	Since 2005
Italy	179,015	165,052	-7.8
France	117,349	140,227	19.5
Netherlands	104,978	133,536	27.2
Poland	13,996	43,085	207.8
Romania	5,585	26,383	372.3
Bulgaria	2,653	13,171	396.4
Turkey	39,885	39,551	-0.8
Russia	4,028	12,813	218.1
China	7,283	8,646	18.7
India	4,750	6,928	45.8
USA	11,476	11,333	-1.2
Morocco	81,279	81,943	0.8
DRC	13,171	18,056	37.0
<b>Total Foreigners</b>	<b>870,862</b>	<b>1,057,666</b>	<b>21.4</b>

Source: DG SIE.

Foreigners are also distributed unevenly in the three Belgian regions. In absolute numbers, the Flemish Region absorbs most foreigners, followed by the Walloon Region

and the Brussels region. However, in the Brussels Capital Region the share of foreigners is the most prominent (see Table 2).

**Table 2: Foreign population in Belgium per Region (2000, 2005 and 2010)**

	2000	2005	2010	% Foreign population
Flanders	293,65	297,289	399,433	6.4
Brussels	273,613	265,511	327,070	30
Wallonia	329,847	308,362	331,163	9.5

Source: DG SIE.

Asylum claims peaked in 2010 with an increase of 16 per cent in the number of applications over 2009. However, it is still far from the figures for 2000 when 42,691 asylum claims were introduced. Asylum claims submitted in 2010 predominantly came from the citizens of UNSC resolution 1244-administered Kosovo<sup>19</sup> (1,848), Iraq (1,769), Russian Federation (1,526), Afghanistan (1,411), Guinea (1,398), Serbia (1,233), FYROM (1,082), Armenia (986) and the DRC (786) (CGRA, 2011).

In 2010, Belgium ranked fourth in the EU among countries admitting the most asylum-seekers, after France, Germany and Sweden (EUROSTAT, 2010). On 22 December 2009,<sup>20</sup> a Royal Decree was adopted, which stipulates that asylum-seekers who filed their claims after 31 May 2007 and were still in the asylum process after six months were entitled to apply for a work permit C.

Regularisation has become a key measure for Belgium in dealing with people entangled in asylum procedure but also with the presence of irregular migrants whose number has been growing since the early nineties. Between 2005 and 2010, the Humanitarian Regularisations of the Immigration Office regularised a total of 80,570 persons.<sup>21</sup> Also, the number of demands for regularisation increased considerably between 2009 (17,657) and 2010 (30,289). This increase of 70 per cent relates to a recent instruction from 18 July 2009<sup>22</sup> to regularise under certain criteria irregular migrants or migrants in a precarious legal stay.

<sup>19</sup> Hereinafter referred to as Kosovo/UNSC 1244.

<sup>20</sup> December 22, 2009 Royal Decree changing art.17 of the Royal Decree of 9 June 1999 related to the execution of 30 April 1999 law on the employment of foreign workers. Asylum-seekers who applied for asylum before the 1 June 2007 and who are still waiting for a decision may also apply for a work permit.

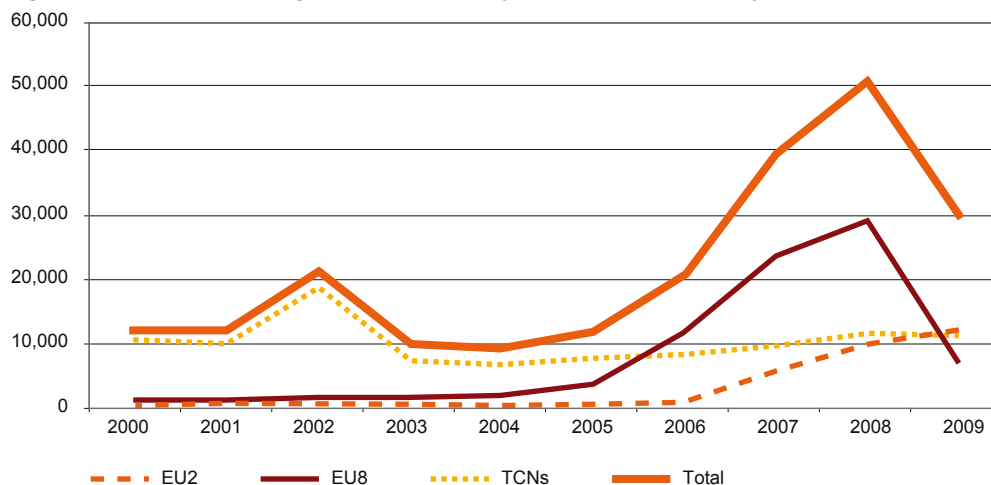
<sup>21</sup> This data is available online at the official website of the Office for Foreigners: <<https://dofi.ibz.be/fr/statistieken/SRH10.pdf>>

<sup>22</sup> Instruction related to the application of the previous art.9.3 and the current article 9bis of the Law of 15 December 1980 “on the admission to the territory, the stay, the residence and the removal of foreigners”. This instruction was abolished on 9 December 2009 by the Council of State (Belgian Supreme Administrative Court), but the Federal State Secretary for Migration and Asylum Policies who acts under the supervision of the Federal Minister of Employment and Equal Opportunities decided to continue implementing the regulation under his discretionary competence.

## Labour Migration Impact

Between 2004 and 2008, the number of work permits B<sup>23</sup> has quintupled (from 8,416 to 47,804).

**Figure 2: Number of work permits A<sup>24</sup> and B (new and renewed ones), 2000-2009**



Source: SPF ETCS.

**Table 3: Number of work permits A and B (new and renewed ones), 2000-2009**

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
EU2	478	611	634	634	561	709	912	5,903	10,059	12,256
EU8	1,13	1,268	1,64	1,656	1,91	3,695	11,514	23,767	29,022	6,952
TCNs	10,465	10,235	18,872	7,401	6,742	7,607	8,325	9,666	11,73	10,972
Total	12,073	12,114	21,146	9,691	9,213	12,011	20,751	39,336	50,811	30,18

Analysis of work permits B granted to categories subject to exceptions in each Region in 2008 (Table 4), suggests that the proportion of permits for highly-skilled migrants is superior in the Brussels Region than in Wallonia and Flanders. In contrast, the Flemish Region granted the majority of its work permit B to new EU-migrants workers subject to transitional arrangements. In fact, the vast majority of these permits were delivered in t Flanders and among them, 61 per cent were for the horticulture sector (mainly Poles, Romanians and Bulgarians).

<sup>23</sup> In theory, a work permit B can only be delivered to a TCN after a labour market test which enforces Community preference. However, the legislator has facilitated access to the Belgian labour market through the work permit B for different categories of foreigners as well as for particular jobs. Those exceptions are currently in force mainly for the Bulgarian and Romanian nationals (previously also for the EU8 until the transitional period expired), and for highly-skilled workers from the third countries.

<sup>24</sup> The work permit A (that can be obtained after having worked 4 years with a permit B) gives access to any job with no limitation in time.



**Table 4: Work permits B per category, regional distribution, 2008**

	Brussels-Capital	%	Flanders	%	Wallonie	%	German community	%	Total	%
New EU MS workers	852	11.1	32,535	81.0	815	29.2	89	66.9	34,291	67.6
Highly skilled employees	2,805	36.7	3,265	8.1	850	30.5	6	4.5	6,926	13.7
Family reunification	2,064	27.0	999	2.5	94	3.4	19	14.3	3,176	6.3
Managers	795	10.4	1,334	3.3	262	9.4	4	3.0	2,395	4.7
Professional sports people	27	0.4	281	0.7	96	3.4	0	0.0	404	0.8
Au pairs	49	0.6	295	0.7	42	1.5	3	2.3	389	0.8
Others*	1,044	13.7	1,480	3.7	628	22.5	12	9.0	5,559	11.0
<b>Total</b>	<b>7,636</b>	<b>100.0</b>	<b>40,189</b>	<b>100.0</b>	<b>2,787</b>	<b>100.0</b>	<b>133</b>	<b>100.0</b>	<b>50,745</b>	<b>100.0</b>

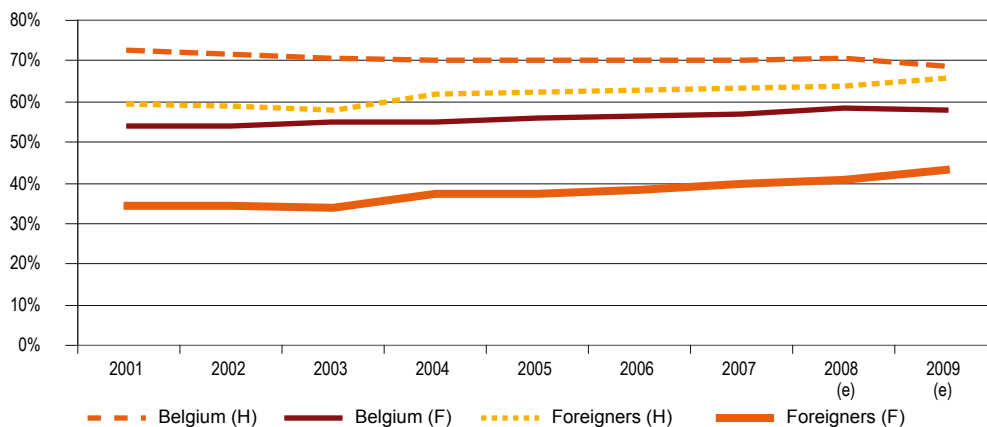
\* Education on the job, out of category, guest professor, specialist technical worker, researcher, new EU member state, education (art. 9, 19° & 9. 20°), artists & apprentices)

Source: Report "Identifying labour shortages in the Belgian labour market, SPF ETCS.

As demonstrated by Table 5, labour migration for TCNs is in practice only possible for highly-skilled positions. Whereas filling labour shortages through permits granted to the nationals of the new EU Members States seems at first glance to have been a success, recent results are revealing a less enthusiastic image. The study by Mussche, Corluy and Marx (2010) revealed that this process has only managed to tackle a small proportion of the regional labour market needs. They suggest that only 2 per cent of the most acute shortage jobs in Flanders were filled through this procedure in 2008, 1.9 per cent in Wallonia and slightly better, 11.1 per cent in Brussels Capital. For example, in the cleaning sector 19,460 vacancies identified in 2008 in Flanders were only reserved for the domestic unemployed and low-skilled workers.

Furthermore, since 2002 the posted-worker option within the Belgian labour market has been used extensively. In fact, this system allows employers to externalise the recruitment of their workers outside Belgium for at most a short period of time. The number of posted-workers can be analysed through the LIMOSA database, a compulsory declaration system for posted-workers and self-employed foreigners. This system is a unique electronic platform in the EU which aim is to improve the general monitoring of the employment of foreign workers. The majority of these workers come from the European Union, and are mostly employed in metal-working and construction.

The employment rate amongst foreigners is lower than of Belgians with a difference of 8.7 percentage points in 2009 (Figure 3). An improvement occurred in 2009 compared to 2008 with the employment rate of the foreign population increasing from 52.7 to 54.7 per cent. In contrast, the employment rate of Belgians decreased from 64.4 to 63.4 per cent. In 2009, the position of women was still worrisome with a difference of 15 percentage points between the Belgian women and foreign women (58 and 43 per cent respectively). However, the gap between the two groups reduced from 17.5 to 15 percentage points between 2008 and 2009.

**Figure 3: Employment rate by nationality and sex, 2001-2009**

Sources: DG SIE, INASTI, CIMIRE, ONEM, BNB. Calculations by SPF ETCS.

Many foreigners acquired Belgian nationality over the years, especially since the amendment of the nationality law in 2000. Therefore, it is very relevant to study the position of ethnic minorities in the Belgian labour market. The EU LFS is the only annual database that gives a better understanding of these issues.<sup>25</sup> In 2009, the category non-EU-born had lower unemployment rate (21.9%) than the third country nationals (29.4%) (Table 5). However, the gap with those born in Belgium is still very significant (15.2 percentage points).

**Table 5: Unemployment rate in thns regions, per country of birth and nationality, 2009**

		Brussels-Capital Region	Flemish Region	Walloon Region	Total for Belgium
Nationality	Belgian	15.1	4.5	10.5	7.1
	EU	10.3	8.6	13.9	11.1
	TCNS	33.1	21.6	38.5	29.4
	<i>Difference TCNs/BEL (percentage points)</i>	<i>18.0</i>	<i>17.1</i>	<i>28</i>	<i>22.3</i>
Country of Birth	Persons born in Belgium	13.0	4.2	10.4	6.6
	Persons born abroad (EU)	8.5	8.0	11.9	9.5
	Persons born abroad (non-EU)	26.6	16.9	23.1	21.9
	<i>Difference non-EU/BEL (percentage points)</i>	<i>13.6</i>	<i>12.7</i>	<i>12.7</i>	<i>15.2</i>

Source: DGSIE.

The share of people with a lower level of education is greater among TCNs and those born outside the EU in contrast with other population categories. However, the level of unemployment for TCNs and the non-EU-born remains high irrespective of the level of education, which is indicative of discriminatory practices, and difficulties with the recognition of qualifications.

<sup>25</sup> This survey at the Belgian level is coordinated by DGSIE (See details at: <http://statbel.fgov.be/lfs>).

TCNs and people of foreign origin (except from EU-15) are working in jobs for which they are overqualified (Geetz et al., 2010). A recent study undertaken by Corluy and Verbist (2010) highlighted that the annual average salary of TCNs (EUR 12,240) and of the foreign-born Belgians (EUR 14,340) were far below that of the general population (EUR 18,270). The poverty risk rate was also considerably higher for TCNs (48%) and for the foreign-born Belgians (35%) in contrast with the national average of 14 per cent.

## Institutional and Legal Framework for Admission and Employment

Employment of foreign workers in the Belgian labour Market is defined in the Law of April 30, 1999 and its implementation decree of June 9, 1999. There are many exceptions where a work permit is not required (33 categories).<sup>26</sup> Labour migration laws are adopted at the Federal State level, and the three regions (Wallonia, Flanders and Brussels Capital), as well as the German-speaking community are responsible for enforcement. The Regions have the authority to determine the sectors of activity that suffer from labour shortages (“bottleneck positions”) and deliver work permits. Three categories have been defined by the legislator: permits A, B and C. The work permit A (that can be obtained after having worked 4 years with a permit B) gives access to any job with no limitation in time. The work permit C is valid for any employer and for any field of occupation, but is delivered to migrants whose first reason to migrate is non-economic (i.e. student migration, seeking asylum).

As a result, the analysis of the work permit B is the most pertinent one when discerning the impact of labour migration in the Belgian labour market. In practice, there is a long list of exceptional categories of workers whose access to the Belgian labour market cannot be refused on the basis of the labour market test or of nationality and to whom a permit B can be delivered quickly (such as nationals of the recently acceded EU Member States and highly skilled TCNs). In fact, most of the work permits B issued by regional authorities pertain to these exceptions.<sup>27</sup>

Transitional measures to limit labour market access were extended for Bulgaria and Romania until the end of 2011. Access by highly skilled TCNs to the Belgian labour market was facilitated by the Belgian authorities through the introduction of many exemptions over the years. Also, an Economic Migration Service (within the Immigration Office) was established in 2008 to reduce the administrative burden to hire highly skilled migrants and attract economic investors. The results of the comparative study

<sup>26</sup> Royal Decree of June 9, 1999 related to the directive of April 30, 1999 Law on the Occupation of Foreign Workers. In total, 33 categories of foreigners are exempted: EEA citizens and their families, people married to a Belgian and their spouses, foreigners with an indefinite residence permit, recognised refugees, researchers and post-doctoral researchers, students on holidays, ministries of religious orders, domestic workers who accompany for a short period their employers (the families), and finally posted workers.

<sup>27</sup> Among this list, the main categories are: highly skilled migrants; managers; professional athletes or coaches; spouses and children of a foreigner whose stay permit is limited to the validity of his/her work permit, professional card or independent activity; *au pair*; apprentices; new EU citizens (Romanians and Bulgarians) for labour shortage positions (“bottleneck positions”) or for those who can prove they have already had access to the Belgian labour market for one year at least; and finally, for TCNs who have obtained the status of long-term resident in another EU member state.

undertaken by Deloitte (2011) which assesses several EU countries in terms of access to national labor market for TCNs has qualified the Belgian migration process as the quickest and easiest to apply to. The average time to acquire a work permit is about three weeks (in comparison with up to six months in Spain and Italy). Another element in the Belgian legislation which encourages employment of the TCNs is the minimum income level of EUR 36,604 a year (in 2011) for highly-skilled migrants (compared to roughly EUR 65,000 a year in Germany).

## Institutional and Policy Framework for Integration

Integration policies and programmes in Belgium are distributed between the different levels of governance. The Belgian integration policy is in fact a heterogeneous set of integration policies and practises all over the country. The main prerogative of the Federal State in terms of integration relies mostly on the conditions of access to Belgian nationality.

In Belgium there are four different ways to obtain Belgian nationality: by declaration, by option, by marriage and through naturalisation. What makes the main difference between naturalisation and other procedures is that it remains a favour granted by the State (discretionary right) through a parliamentary procedure. After the fall of the government and the new federal elections that took place in June 2010, the draft bill to change the conditions for acquiring Belgian nationality did not go through. However, the Parliamentary Commission for Naturalisation secured a majority for the proposal of the N-VA political party on 18 January 2011. The “willingness to integrate” criterion was re-implemented in the evaluation process to grant Belgian nationality to applicants. The Committee’s criteria to grant Belgian nationality are now less clear-cut than before, thus increasing space for unequal treatment.

Recently, the Flemish government has been working on a new integration act (to be presented at the Parliament in 2011). Some of the issues currently under discussed include: 1) integration process of newcomers, which should start already in their country of origin (a pilot project is planned for 2011); 2) introduction of a certification of integration (“inburgering”), which will change the obligation of achievement; 3) children between 2.5 and 5 forming a new target group for integration program (EMN, 2011:22).

## Discrimination in Employment

The ‘Round Tables on Interculturalism (*Assises de l’Interculturalité /Rondetafels van de Interculturaliteit*)<sup>28</sup> were organized by the Federal government in 2009 and beginning of 2010. The topics discussed include the definition of a policy of “reasonable accommodation”. In this context, a study was commissioned to assess “reasonable accommodation” in the employment sector (Adam and Rea (Sdl.), 2010).

Five domains in the public sector (education, health, administration, other public services and migrants integration) and four in the private sector (wholesale, banking

<sup>28</sup> <http://www.interculturalite.be/>

and insurance, alimentary industry, cleaning) were thus analyzed through focus groups and semi-structured interviews. The research recorded 416 situations of “reasonable accommodation”, concerned mainly by order of importance: holidays during religious events, holidays for family reasons, dress code (mainly the headscarf) and prayer space. This study reveals that a number of companies are already implementing “reasonable accommodation” very often without knowing it or without calling it as such. More generally, the decision had been taken in an informal way, at the lower level of hierarchy; and debate over those issues is more pragmatic than ideological (CECLR, 2010:95).

In both the public and private sectors, the greater number of employees of Muslim origin (often with low qualified jobs) has determined the explicit formulation of demands as well as the necessity to provide a solution. In its final paper, the pilot committee of the Round Tables invited policymakers and civil society actors to study critically pros and cons of the practice of “reasonable accommodation” as suggested by the European Council.<sup>29</sup>

Another interesting project is the “socio-economic monitoring of foreigners” initiated in 2006 by the Centre for Equal Opportunities and Combating Racism (CECLR). Established in 1993, it is the most important institution at the national level dealing with anti-discrimination issues.<sup>30</sup> This monitoring is planned to be a powerful statistical tool crossing several databases (cross-road data bank for Social Security and the National Register). The use of these data will allow policymakers to identify the sectors where discrimination in the workplace is still highly problematic. In its preliminary phases, this project looked at the situation of people regularized in 2005 monitoring (ROUTE project, Wets, 2010).

CECLR has adopted a new IT system called “METIS”. This system centralizes complaints about racism and discrimination, and should allow more collaborative work between the different desks within the Centre, but also with external partners such as the contact points in Flanders (“meldpunten”) or the Equal Opportunities Directory of the French Community Ministry (Activity Report, CECLR, 2011).

Some concrete initiatives<sup>31</sup> were taken in October 2010 by the Vice-Premiere Minister and Minister of Employment and Equal Opportunities, to fight against discrimination in the temporary sector. These measures were put on the table after a TV broadcast reported how six temporary agencies out of eight refused to hire workers of foreign origin as requested by anonymous customers. The Minister has first called social partners of the temporary sectors to reinforce the collective agreement of 7 May 1996,<sup>32</sup> which defined practices for prevention of racial discrimination in the temporary sector.

<sup>29</sup> Accommodements institutionnels et citoyens: cadres juridiques et politiques pour interagir dans les sociétés plurielles, Conseil de l'Europe (Tendances de la cohésion sociale, n° 21), Strasbourg, 2009.

<sup>30</sup> <http://www.diversite.irisnet.be/En-Belgique.html>

<sup>31</sup> See Press release Octobre, 6 2010 – Initiatives de la Ministre de l'Emploi pour lutter contre la discrimination dans le monde de l'intérim et veiller sur la qualité des contrats des intérimaires <[http://milquet.belgium.be/files/081117-Diversit%C3%A9\\_dans\\_l%27emploi.pdf](http://milquet.belgium.be/files/081117-Diversit%C3%A9_dans_l%27emploi.pdf)> - Last accessed 30 April 2011

<sup>32</sup> Collective agreement, May 7 1996 – Royal Decree September 9, 1996 (M.B., November, 6 1996)

Federgon (a federation encompassing all the companies in the temporary recruitment sector)<sup>33</sup> has also taken some additional measures to tackle discrimination issues. To check their efficiency, the federation, in collaboration with the Flemish Government, has decided to implement a system of 'mystery shopping'. An independent agency was given the responsibility to implement testing in all affiliated temporary work agencies. On 9 June 2011 the first results were publicized at the Flemish parliament. Among 130 agencies tested, 72 per cent did react adequately to a discriminative recruitment requests from employers, whereas 28 per cent did not refuse explicitly. Those companies were then forced by the federation to take internal steps to ensure good implementation of anti-discrimination measures. The website <http://www.diversiteitwerkt.be/> is intended for consultants in the temporary recruitment sector as well as for mediators. It includes many tips to address issues of prejudice and discrimination of customers/users and persuade them of the benefits of diversity in the workplace.

A Royal Decree was voted in 2005 to impose anonymous curriculum vitae in the Federal Administration. Due to the high level of foreign unemployment in Brussels, the Regional Minister of Employment decided to carry out a pilot survey on the impact of the anonymous cv.<sup>34</sup> Since mid-2010, large companies as well as public services have been transmitting job offers to Actiris, the Brussels Region Public Employment Organization. In return, the office sent candidate applications without a name (in order to avoid rejection based on a foreign-sounding name), address (to avoid identification with areas with high foreigners' concentration), age, sex, school's name, number of years and type of education (either day or evening degrees). The results recently came out and were far from being conclusive. Many employers found the procedure too long, expensive, fastidious and even counter-productive in some cases for the potential candidates (See *Le Soir*, June 30, 2011<sup>35</sup>). In addition, Brussels employers can recruit in the two other Belgian Regions. Imposing an anonymous cv in all the federal entities is clearly not a feasible option. However, this pilot research made employers more aware of discriminatory practices during the recruitment phase and ways to eliminate such biases.

In March 2010 the Minister for Equal Opportunities of the French Community, launched an action plan for diversity in audio-visual media. This action plan has two components: 1) measuring over three years the state of on-screen representativeness and equality for each editor within the French community and 2) undertaking an overview of and promoting good practices in equal opportunities and diversity in the audio-visual media in the French community. In spring 2011, the first barometer "Diversity and Equality" was released by the High Council of Audiovisual Media (CSA) in the French community.

Finally, the controllers of social laws from the Federal Public Service Employment (a service that ensures the enforcement of the 2007 Anti-racism Law as well 2007 Anti-discrimination Law) and the CECLR signed an agreement on 22 October 2010 to reinforce collaboration between the two bodies in combating discrimination in the workplace and in the recruitment process.

<sup>33</sup> See Press release June 9, 2011, « Le secteur de l'intérim présente les résultats encourageants de son nouveau plan anti-discrimination » <<http://www.federgon.be>>

<sup>34</sup> For more details : <http://www.cerexhe.irisnet.be/actualites/03-02-2010-cv-anonyme>

<sup>35</sup> Le CV anonyme, c'est joli, mais pas efficace, *Le Soir*, Bernard Demonty, June 30, 2011

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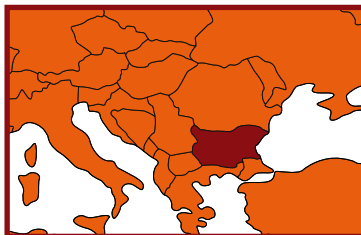
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# BULGARIA

Ilyana Derilova-Stoykova  
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## Migration Trends

As a result of the negative gap between the levels of birth and death rates in Bulgaria, aided by the high emigration rate over the past decade, the total number of the Bulgarian population continues to decrease. At the end of 2009, the country's population was 7,563,710 persons. However, according to the express results of Census 2011, the country's population was 7,351,234 persons. The working age population at the end of 2009 comprised 4,773,900 persons or 63.1 per cent of the total population. In comparison to the previous year this marks a decrease by 32,000 persons, or by 0.7 per cent. Altogether, Bulgaria's population decreased by 15,729 persons in 2009. The data excludes persons who left the country for more than one year without official notification of the respective bodies. (National Statistical Institute; <http://www.nsi.bg>)

According to the express results of Census 2011, since 2001 the population has decreased by 581,750 persons, and 33 per cent of this decrease is due to emigration. The data also captured aging of the population, expressed in a significant reduction of the number and proportion of the population under 18 years of age (from 19.4% in 2001 to 15.9% in 2011), and the increase of the number and proportion of the population over 65 years of age (from 16.8% in 2001 to 18.9% in 2011).

Forecasts for Bulgaria turning from a country of origin into a destination country for migrants have not yet materialized. Only 3,310 persons applied for permanent residence permits in Bulgaria in 2009. Of these 19.4 per cent are younger than 20 years of age, 44 per cent are aged between 20 and 39, 24 per cent between 40 and 59 years, and 12.5 per cent are older than 60. Male and female migrants constitute respectively 58 and 42 per cent of applicants in 2009.

The total number of foreign nationals permanently residing in Bulgaria in 2009 was 70,250 persons, which is 3.7 more than in 2008, including 63,337 third-country nationals. The

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<sup>36</sup> Ilyana Derilova-Stoykova is Chief of IOM Mission in Bulgaria, Nikola Kondev is an independent consultant.

main country of origin is the Russian Federation (21,483), followed by Ukraine (5,514), the Former Yugoslav Republic of Macedonia (5,507) and Turkey (4,092). Furthermore, Chinese migrants (2,011) comprise the largest migrant community originating from Asia, followed by Syrians (1,987) and Armenians (1,380). Among EU nationals, the majority of residents with permanent permits come from Poland (1,660), Germany (1,411) and Greece (963).

Furthermore, in 2010 in Bulgaria there were 13,343 third-country nationals holding temporary residence permits, which are permits issued only for maximum of one year (with a possibility of renewal) on various grounds, most commonly conditional to a valid work permit. The majority of the temporary permit holders were Turkish nationals (3,596), followed by the nationals of the Russian Federation (1,808), F.Y.R.O.M (835), Ukraine (710) and Moldova (430 persons).

Overall, 3,376 administrative compulsory measures under the Act on Foreigners in the Republic of Bulgaria were imposed in 2010:

- Prohibition to leave the country – 338;
- Prohibition to enter the country – 601;
- Revoked right to stay – 540;
- Expulsion -100;
- Compulsory transport to the national border – 1606.

The analysis of statistical data shows an increase in the number of imposed administrative enforcement measures by 15 per cent compared to 2009.<sup>37</sup>

## Labour Market Impact

Bulgaria's foreign population in Bulgaria comprises around 1.1 per cent of the total population of the country (83,439 persons in 2009). The number of foreign workers in Bulgaria is still not sufficiently significant to produce a significant impact on the domestic labour market. In fact, only around 33 per cent (25,329 persons in 2009, 25,995 in 2010) of the third-country nationals, both with temporary and permanent residence permits have been employed, and around 67 per cent (4,701 persons in 2009, 5,184 in 2010) of the nationals of EU/EEA and Switzerland residing in the country have been economically active in Bulgaria. (National Revenue Agency)

The overall skill composition of the immigrant stock in Bulgaria is around one third skilled and highly skilled workers, and the remainder is low skilled. The majority of EEA citizens working under regular labour contracts are highly qualified with more than 12 per cent in 2010 representing executive personnel among other occupations. In fact, similar skill distribution is observed among the employed third-country nationals, who are predominantly highly skilled and are employed in management, teaching, logistics, trade, media, as well as the hospitality and food industries. Sixty-two per cent of all labour contracts of third-country nationals in 2010 were permanent. Sixty per cent

<sup>37</sup> National Strategy on Migration, Asylum and Integration (2011 – 2020)

of third-country nationals employed in 2010 were from the Russian Federation and Ukraine, and 15% from Turkey, Serbia and F.Y.R.O.M (National Revenue Agency)

There are no detailed statistics on the labour market status of the third country nationals in Bulgaria. Among the self-employed (2600 persons in 2010), the majority of migrants come from Poland (1,166), followed by Greece, Italy, and Germany. With regard to the self-employed third-country nationals (7,875 in 2010), the biggest subgroup comes from the Russian Federation (2,685), followed by Turkey (830), Armenia (679), Ukraine (629), Syria (592), Moldova (399), and China (395).

## Institutional and Legal Framework for Admission and Employment

The LINET 2010 country report emphasised that Bulgaria was due to implement Council Directive 2009/50/EC regarding the conditions for entry and residence of highly qualified third-country nationals. This directive became one of the reasons for adopting the recent Act for Supplementation and Amendments in the Foreigners in the Republic of Bulgaria Act in the last quarter of 2010.<sup>38</sup> The amendments in the Act on Foreigners in the Republic of Bulgaria include partial transposition of the Council Directive 2009/50/EC on the issuance of the EU Blue Card residence in Bulgaria. These amendments cover the cases when third-country nationals have received their EU Blue Card residence permits in another EU Member State but would like to move to Bulgaria within the same scheme. To further the transposition of the rest of the Council Directive 2009/50/EC on the procedural aspects of permit issuance by the Ministry of Interior, an act introducing the necessary amendments was adopted by the closing date for implementation of the Council Directive 2009/50/EC – June 2011.

In 2007 the Council Directive 2003/109/EC of 25 November 2003 regarding third-country nationals holding valid long-term residence permits in the EU was partially implemented in Bulgaria with regard to the conditions for residence in the country of third-country nationals who have received long-term residence permits in another EU member state. Long-term residence status in other EU Member States was inaccurately interpreted by the Bulgarian administration as being equal to the permanent residence status as laid down in the Act on Foreigners in the Republic of Bulgaria Act, thus allowing the permit holders an indefinite period of stay instead of an initial limitation to five years with the right to subsequent renewal. In order to achieve alignment with EU legislation in the respective field, a draft was elaborated in 2010 for an amendment of the Act on Foreigners to differentiate between the existing permanent residence status in Bulgaria and the long-term residence status as described in the directive.

The last amendments to the Act on Foreigners include refinement of the term “family member”, introducing the definition for family reunification, and setting the conditions for receiving residence permits on the ground of family reunification.

<sup>38</sup> In force since the beginning of 2011.

## Institutional and Policy Framework for Integration

The migration and integration policy in Bulgaria is characterised by its distinctive focus on economic and labour market aspects of migration. This focus appeared in the government's priority list relatively late – in 2008 with the adoption of the National Strategy for Migration and Integration in Bulgaria for 2008-2015. This strategic document was developed and adopted during a period of economic growth and under considerable pressure from private sector employers experiencing shortages of highly skilled labour at the time. In this context, in 2008 the Bulgarian migration and integration policy was put under review, especially the part considering restrictions for employment of third-country nationals in Bulgaria in an effort to protect the domestic labour market.

The adoption of the National Strategy for Migration and Integration in Bulgaria for 2008-2015 was the first step towards opening Bulgaria's labour market for third-country nationals. The strategy paper represents the first official document that entirely focuses on Bulgarian migration policy and its development in the next seven years. It is also the first document that comprises reliable official data on migration flows, as well as on the labour market in the country. As laid down in the strategy, a National Migration Policy Council<sup>39</sup> was established in order to oversee the process and ensure maximum relevance to the socio-economic context.

In 2009, the economic crisis in Bulgaria changed the view of the social partners on the migration policy in the country. The two main trade unions agree in their positions on the need for more restrictive admission policies towards the third-country nationals. Most of the employers in the country do not experience labour force shortages, but moreover, are planning to reduce their staff.

In 2010 one of the main priorities of the government was compliance and implementation of the Schengen rules, which involved making adjustments to the migration and integration policy priorities in the country. The same year saw the elaboration of a new migration strategy – National Strategy of Bulgaria in the field of Migration, Asylum and Integration, which was adopted by the Council of Ministers in February 2011.<sup>40</sup>

The first strategy paper (2008) focuses on encouraging the return of Bulgarian citizens who emigrated from the country in the last twenty years, as well as on promoting immigration of third-country nationals with or without Bulgarian origin, especially those with high skill level to reside in the country especially when highly skilled. The subsequent strategy paper (2011) focuses on security measures, implementation of the Schengen rules and preparation for joining the Schengen area, as well as effective protection of the external border, prevention of irregular migration and human trafficking, and effective management of economic migration. Consequently the Ministry of the Interior takes the leading role in the process of shaping the Bulgarian migration policy.<sup>41</sup>

During the economic crisis, public discussion about immigration as an instrument for responding to the highly skilled labour force shortages echoed away, but even in the

<sup>39</sup> [http://www.saveti.government.bg/web/cc\\_53/](http://www.saveti.government.bg/web/cc_53/)

<sup>40</sup> [http://www.mvr.bg/NS\\_Migracionna\\_politika/default.htm](http://www.mvr.bg/NS_Migracionna_politika/default.htm)

<sup>41</sup> [http://www.mvr.bg/NS\\_Migracionna\\_politika/default.htm](http://www.mvr.bg/NS_Migracionna_politika/default.htm)

given situation there are still sectors of the economy that experience highly skilled labour force shortages. Employer organisations and labour market analysts agree on the forecast that in near future this discussion will resume.

The National Strategy on Migration, Asylum and Integration (2011 – 2020) underlined that the previous National Strategy on Migration and Integration (2008 – 2015) would be revised and remain in effect in the form of a Migration and Integration Programme for the same period, focusing on the implementation of the legal migration, integration and development policies and measures laid down therein.

In 2010, the Employment Agency's main effort was to address the consequences of the economic crisis and the high unemployment on the labour market in Bulgaria. Separate programmes and measures specifically designed for the third-country nationals were not developed in this period.

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# CROATIA

Zeljko Pavic<sup>42</sup>



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## Migration Trends

Influx of foreign workers into Croatia decreased in the 2009 and 2010 due to lower labour market demand. However, having in mind negative demographic trends the number of foreign workers should be rising in the future.

In mid- 2009 Croatia had around 4,429,000 inhabitants (Central Bureau of Statistics, 2011). The sum number of foreign nationals residing in country for various purposes (temporary residence, business permits, permanent residence permits) on 31 December 2010 was 30,787, comprising approximately 0.7 per cent of the total population (Table I).

Most foreign nationals in Croatia come from countries of the Former Yugoslavia, mainly from Bosnia and Herzegovina. In comparison to 2009 the total number of migrants in Croatia had been reduced by 4.6 per cent, primarily due to a lower number of migrants with temporary residence permits from Bosnia and Herzegovina due to a lower labour market demand.

In 2010 out of total 1,735 foreign nationals discovered as residing illegally, 452 (or 26,1%) were from Bosnia and Herzegovina, followed by Serbian nationals (217 or 12,5%) (Ministry of Interior, 2011).

Labour migrants in Croatia are predominantly male constituting more than 90 per cent of migrants in 2010. Most of foreign residents in Croatia fall into the 41 to 60 years old (40.9%) category, followed by 31-40 (32.6%) and 20-30 (21.9%). Labour migrants younger than 20 or older than 60 years are very rare. It can also be emphasized that female and male labour migrants do not significantly differ regarding their age.

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<sup>42</sup> Zeljko Pavic is Director of Audeo (marketing research and public polling agency).

**Table 1: Stock of foreigners with regular status in Croatia according to nationality (on 31 December 2010)**

Nationality	Temporary residence permit	Business Permit	Permanent residence permits	Total	Change in per cent (2010/2009)
1 Austria	334	6	274	614	+4.1
2 Bosnia and Herzegovina	7,295	35	4,841	12,171	-14.5
3 China	570	9	268	847	-9.9
4 France	219	1	72	292	-1.4
5 Germany	873	10	1,289	2,172	+0.9
6 United Kingdom	263	1	128	392	+3.8
7 Hungary	254	5	85	344	+11.9
8 Italy	607	15	448	1,070	+3.4
9 F.Y.R.O.M.	766	14	879	1,659	-10.2
10 Russia	428	5	106	539	+7.8
11 Slovenia	766	4	1,201	1,971	+0.9
12 Serbia	1,353	5	1,221	2,579	0.0
13 USA	269	0	186	455	+0.4
14 Other	3,242	7	2,427	5,682	+3.3
Total	17,239	123	13,425	30,787	-4.6

Source: Ministry of Interior of the Republic of Croatia, 2011.

## Labour Market Impact

Data on foreigners' labour market outcomes, including employment and unemployment indicators, are not available in official statistics. Since migrants comprise a very small part of the total population, data from the Labour Force Survey (LFS) for migrants, even if it existed, would be highly unreliable.

According to the data of the Croatian Employment Service (CES) demand on the Croatian labour market began to stabilize in 2010 after the sharp decline in 2009. According to the CES evidence<sup>43</sup> most economic sectors showed a decrease in labour demand (declared vacancies). The sectors where migrants are traditionally employed – construction, manufacturing, and hospitality and catering showed mixed results. Vacancies in construction fell by 17 per cent in one year from 2009 to 2010. Vacancies in manufacturing rose by five per cent and vacancies in hospitality and catering activities by 1.9 per cent.

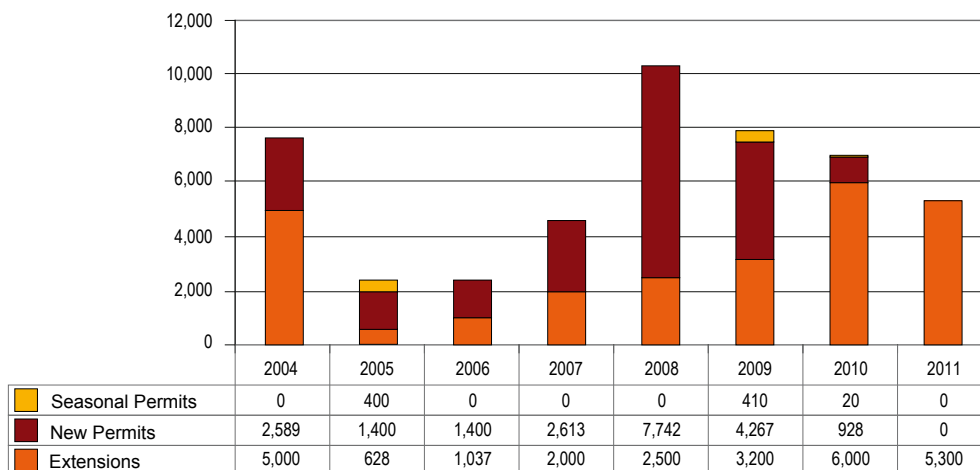
Since 2004 annual quotas for work permits varied to some extent, although remaining very low in relation to the total workforce. After the initial 7,589 permits in the 2004 quotas were set at a much lower level in the following three years. A sharp increase

<sup>43</sup> Data are calculated from the CES monthly statistical bulletins from 2009 and 2010 and are based on vacancies declared to the CES by employers.



was present in 2008, followed by a fall in the 2009 and an even sharper fall in 2010 due to recession. As a result of the rising domestic unemployment, the Government in 2011 allowed only 5,300 extensions of the work permits from the previous year whereas no new work or seasonal permits would be issued in 2011.

**Figure 1: Annual Quotas for Work Permits for Foreign Workers<sup>44</sup>**



In 2011 most work permits (3,000) were allocated to construction (despite the sharp fall in economic activity in this sector), followed by shipbuilding (750), tourism and catering (400).

**Table 2: Work Permit Allocation, 2011**

Sector	Number of permits
Construction	3 000
Shipbuilding	750
Tourism, catering	400
Agriculture and forestry	100
Manufacturing	100
Culture	60
Transportation	50
Health	50
Science and education	40
Other	750

Source: Official Gazette of the Republic of Croatia.

<sup>44</sup> Official Gazette of the Republic of Croatia, 19/2011, 150/2009, 21/2009, 106/2008, 130/2007, 30/2007, 131/2006, 153/2005, 185/2004, 57/2004. Quota system was introduced in 2004, up to that time the issuance of working permits was a discretionary right of the CES.

Numbers of issued work and business permits for foreign nationals in the period gradually grew from 2000 to 2009.<sup>45</sup>

**Table 3: Number of work and business permit holders in Croatia, 2000-2009**

Year	Work Permits	Business permits	Total	Annual % change
2000	4,695	-	4,695	-
2001	5,710	-	5,710	+21.6
2002	6,674	-	6,674	+16.9
2003	8,356	-	8,356	+25.2
2004	2,979	3,356	6,335	-24.2
2005	3,814	3,875	7,689	+21.3
2006	3,950	5,678	9,628	+25.2
2007	5,264	6,820	12,084	+25.5
2008	11,337	1,441	12,778	+5.7
2009	9,207	1,562	10,769	-15.7
2010	5,078	890	5,968	-55.4

Sources: Ministry of the Interior of the Republic of Croatia; IOM (2007).

With the exception of 2004, the number of issued work and business permits increased through 2009. Until 2007 more business permits than work permits were issued, but this trend reversed in 2008 as a result of stricter regulation of business permit issuance. Data from 2009 show that the sum of all permits decreased by 15.7 per cent compared to 2008, with the share of business permits increasing. In 2010 there was an even more significant fall in the number of issued permits by 55.4 per cent relative to 2009.

The increasing number of labour migrants between 2005 and 2008 was a consequence of increasing economic activity and demand for labour. However, Croatia was hit hard by the recession of 2009 and 2010. According to the *Employers Survey 2010* (Croatian Employment Service, 2010a), around 25 per cent of all employers in the 2009 were still confronted with a difficulty of finding workers while this difficulty was „very serious“ in 86.2 per cent of those cases. In most cases the difficulty related to finding a worker with the required profile. This represents a decrease since in 2008 of around 37 per cent in the number of employers which declared difficulties in finding workers. Furthermore, employers believe that the decrease in demand for construction jobs is going to continue, while the job demand in hotels and restaurants sector is going to rise.

Legal foreign labour comprises only a small part of total employment. Namely, in 2000-2010 the annual average of issued work and business permits amounted to 9,645, while the average number of employed persons in the same period was around 1.47 million, which implies that foreign workers comprised only about 0,7 per cent of the employment. This estimate represents a lower limit of the foreign share in total

<sup>45</sup> Although business permits are envisaged mostly for the foreign nationals who are planning to open their own business in Croatia, number of business permits should be added up to work permits due to the fact that the institute of business permits was often abused in practice due to some legal possibilities. Business permits were very often issued to the persons who were in fact workers.

employment due to the fact that it does not consider foreign nationals who are not subject to the legal obligation of possessing work or business permits. To this end foreign nationals with permanent residence permits (13,425 on 31 December 2010) should be mentioned (Ministry of the Interior, 2011). Unfortunately, there is no data on employment of foreign nationals with permanent residence permits.

Almost 70 per cent of all labour migrants in Croatia qualify as semi-skilled. Female labour migrants are significantly more educated than male migrants. For example, about 38.4 per cent of all female migrants are highly skilled, while this holds for only 12.2 per cent of male migrants. However, it should be emphasized that educational levels probably do not perfectly match qualifications needed for migrant jobs, due to missing data it is not possible to estimate extents of migrant overqualification.

**Table 4: Labour migrants by educational level (31 December 2010)**

Skill level	Men	% within male labour migrants	Women	% within female labour migrants	Total	% within total
Low-skilled	1,094	14.0	32	3.2	1,126	12.8
Semi-skilled	5,327	68.1	590	59.2	5,917	67.1
Highly skilled	1,174	15.0	353	35.4	1,527	17.3
Unknown	222	2.9	22	2.2	244	2.8
<b>TOTAL</b>	<b>7,817</b>	<b>100</b>	<b>997</b>	<b>100</b>	<b>8,814</b>	<b>100</b>

Note: Low-skilled – ISCED 0-2; semi-skilled ISCED 3-4; highly skilled ISCED 5-6.

Source: Ministry of the Interior of the Republic of Croatia.

## Institutional and Legal Framework for Admission, Employment and Integration

There have been no significant changes in institutional and legal framework for admission and employment in 2009 and 2010. The only new element was the aforementioned reduction of quotas for migrant workers due to lower labour market demand and higher domestic unemployment.

The legal position of migrants with regard to labour market continues to be weak. Migrants are still tied to jobs and employers for which the work permit was issued. Since temporary residence permits are tied to work permits (the latter is a precondition for the former), non-renewal of a work permit implies losing the right to temporary residency in Croatia. Migrants with permanent residence permits are therefore in a much better position on the labour market when compared to the migrants with temporary permits.

*Migration Policy for the Years 2007/2008* remains the only official document pertaining to migration and integration policies. Migration policy for the subsequent years (2009/10) was not developed in the Parliament notwithstanding the legal obligation (Aliens Act) to do so. No activities are being undertaken regarding labour market integration of migrants or social integration of migrants in general.

In the Ombudsman Report for the Year 2010 it is stated that there were 94 complaints in the field of the status and civil rights, most of them related to the citizenship acquirement or other rights regulated by Aliens Act (Ombudsman, 2010). This represents an increase compared to 55 complaints in 2009 but this increase is mostly related to the specific project regarding the Roma population not to foreign nationals as a general group.

According to the Ombudsman, most complaints were related to situations where authorities refused to grant temporary residence permits due to tax debt, i.e. non-payment of health insurance. According to the Aliens Act, temporary residence permits should be granted only if the foreign resident has a valid purpose for staying in Croatia, has sufficient means of support, has secured proper residence and is paying health insurance in Croatia. The amount which is due for health insurance and methods of proving that the immigrant has sufficient means are stipulated in the *By-law Relating to Method of Calculation and Amounts of Migrant Support Means (NN/88/2009)*. Due to the recession some migrants were not able to extend their temporary residence permits because they were not able to pay health insurance. According to the Ombudsman report, most of these cases were solved by Taxation Service deductions thus allowing residence permits to be extended.

The report does not provide information on discrimination or rights violations against foreign nationals on grounds other than those stated in the *Aliens Act*.

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# CYPRUS

Nicos Trimikliniotis<sup>46</sup>



## Migration Trends

Cyprus has been experiencing strong positive net migration flows, including in 2009-2010. Nowadays, the total number of non-Cypriot nationals residing in the areas under control of the Republic of Cyprus is estimated to be between 120,000 and 160,000 persons, including the estimated number of irregular or undocumented migrants from third countries.

The immigrant population has become an important component of the labour force. In October 2010, out of 376,300 employed persons, 114,425 were nationals of either other EU or third countries, comprising 30.4 per cent of those gainfully employed (Table 1). According to the Ministry of Labour and Social Insurance, the share of employed third-country nationals (TCNs) comprises 16 per cent of those gainfully employed. However, Table 1 indicates that the EU accession has led to a very rapid growth of EU citizens in the gainfully employed population.

**Table 1: Number of employed foreign nationals in Cyprus, 2005-2010**

Year	2005	2006	2007	2008	2009	2010
EU nationals	23,558	16,838	30,482	42,630	48,793	53,875
Third-country nationals	46,225	45,868	49,560	53,693	58,243	60,550
Total*	58,784	60,917	81,042	96,436	107,036	114,425

Source: Ministry of Labour and Social Insurance

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The number of total valid permits of TCNs in 2011 was 64,419, based on figures provided by the Ministry of Interior. The key third countries of origin are Sri Lanka, the Russian Federation and the Philippines. In April 2010, there were 7,803 foreign students in Cyprus,<sup>47</sup> as well as around 2,400 persons recognised as refugees or granted humanitarian protection, around 2,000 asylum-seekers.<sup>48</sup> Furthermore, estimated 20,000-30,000 irregular migrants resided in the country,<sup>49</sup> consisting mainly of “overstayers”, the vast majority of whom are also part of the labour force.

In 2009, there were 83,387 EU nationals registered in Cyprus exercising their right on free movement of workers, primarily coming from Greece, the United Kingdom, Poland, Bulgaria and Romania.<sup>50</sup> The actual number of the working EU nationals is lower. The number of EU nationals paying social insurance for 2010 is 53,875, and they are not legally obliged to declare their departure (Table I). This constitutes a significant increase in the number of legally employed EU workers in 2010, considering there were only 48,793 registered in 2009.<sup>51</sup>

Based on October 2010 data, TCNs largely work in private household and other services. This remained unchanged compared to the previous years, with the exception of the decline in TCN employment in construction, catering and hospitality as a result of the economic crisis. Despite recording an decline of the total number of gainfully employed population in 2009 (by 0.71%) which has not occurred since 1985, the number of migrant workers (both EU nationals and TCNs) continued to rise, thus increasing the percentage of the labour force not in employment, but actively seeking work.<sup>52</sup>

## Labour Market Impact

The Cyprus economy, with a lag, was affected negatively by the global financial crisis. However, by the third quarter of 2010 the GDP growth was on the road to recovery. Nevertheless, other indicators seem to point out that the recovery has been largely in output and not in wages and employment. The unemployment rate is still rising: registered unemployed in April 2011 constituted an increase of over 4.5 per cent compared to the previous year. Moreover, this was unexpected as in April seasonal employment picks up with the start of the tourist season.<sup>53</sup> Gainful employment has not recovered to its pre-crisis level, while anecdotal evidence seems to indicate that even within the increase

<sup>47</sup> Information provided by the Ministry of Interior, 22.04.2010

<sup>48</sup> A total 1312 application for 2011 persons were pending in 2009; a total of 257 persons have been recognized as refugees and another 2013 were granted humanitarian protection (source:Asylum Unit, 22.04.2010).

<sup>49</sup> This number is quoted by many officials and studies but there is no verified method to calculate this number. This is a figure as estimated by the Ministry of Interior and communicated to the author in an official letter on 23 March 2010. In 2005 the Migration Department is said to have estimated the number to be at 25,000 based on figures of arrivals, deportations and the estimations of the overstayers in the country (see Michael et. al. 2005: 13).

<sup>50</sup> The data refers to those registered up until the 31/8/2009. The information was provided by the Ministry of Interior, 23.03.2010.

<sup>51</sup> About 85,000 EU citizens registered by 2009 but some of these have registered and may have subsequently left the Republic; some may be retired persons and others are doing undeclared work. The Ministry of Labour estimates that around 15-20% of EU workers are doing undeclared work.

<sup>52</sup> Source: Statistical Service, Republic of Cyprus “Labour 1985-2010” (accessed 04.04.2010).

<sup>53</sup> Source: Statistical Service, Republic of Cyprus “Registered Unemployed, Apr 2011”.



in employment in 2010 there is a larger share of part-time work. A key reason for this jobless recovery has been the increase in output of industries with high labour productivity, such as in financial intermediation and the still poor performance of labour intensive industries, including tourism, manufacturing and construction.

Such sectors with poor recovery and employment prospects are substantial employers of foreign nationals, even though the priority employment for TCNs is household services which managed to maintain its jobs. Although it was expected that the crisis in the construction and hotel industry would lead to a mass exodus of foreign workers, this did not occur. There has been a steady increase in both third-country migrants entering Cyprus and in the rise in their legal employment even during the recession of 2009. This has led to tensions in the society as a whole against the backdrop of growing national unemployment.

The labour market in Cyprus is to a large extent a stratified market, especially in 2009-2011. Cypriots in their vast majority do different jobs than the EU nationals, and TCNs do different jobs than the EU nationals. Substantial job growth has taken place only in household services, where TCNs are mostly employed.

A study published in 2009 dealing with the impact of immigration on unemployment, labour force participation and part-time employment in Cyprus found that, despite the sharp increase of the number of migrant workers in Cyprus over the last 15 years, the presence of migrant workers has not affected total unemployment or total labour force participation in Cyprus. (Christofides et. al., 2009) However this might not be the case during the latest economic crisis, but more data and time is required to analyse the causal relations.

## Institutional and Legal Framework for Admission and Employment

With the change of policy in 1990, the criteria for granting permits were extended and a procedure was outlined for employers to recruit staff from abroad. The policy assumption was that the employment of migrant workers would be short-term, temporary, restricted to specific sectors and to specific employers. However, the institutional framework failed to properly accommodate and encourage the civic participation of migrants or developing any sense of their belonging to Cypriot society. To meet the labour shortages, the government issued individual visas to migrant workers for employment, which were short-term and restricted to specific sectors.

Although the actual developments of the past decade reversed the dominant assumption that immigration would be temporary, the policy devices designed in 1990 with that presumption in mind constituted an admission framework with the following characteristics: a) work permits are granted on the condition that each migrant worker is attached to a specific employer without the freedom to change jobs unless the original employer consents to such a change;<sup>54</sup> b) work permits are

<sup>54</sup> An exception applies to female migrant domestic workers who are not allowed to change employer during the first year of their employment in Cyprus, even if the employer consents to it.

granted on an annual basis and with a maximum period of initially six and then four years. Structurally, this produces and reproduces a framework of precariousness and exclusion. Furthermore, evidence of non-compliance by employers with labour laws is abundantly recorded in Parliamentary reports dating back to 1997, as well as in the Reports by the European Commission against Racism and Intolerance (ECRI 2001; 2006). It is only very recently that debates on the rights of migrant workers and the benefits of a multicultural society have emerged. Migration became an important topic in the parliamentary elections held in May 2011.

In 2007, Directive 2003/109/EC was transposed by amending the existing Aliens and Immigration Law. The period of five years of lawful residence, required as a precondition for the granting of long-term migrant status is not deemed to have been interrupted if the applicant was absent from Cyprus for a period not longer than six consecutive months or for a total of maximum ten non-consecutive months.<sup>55</sup> Although the original Directive did not include any language requirements, under pressure from the trade unions, a stringent Greek language requirement was introduced through a change in the Aliens and Immigration Law carried out in 2009.<sup>56</sup>

In 2008, a Supreme Court decision reaffirmed the existing practices followed by the immigration authorities effectively deprived the vast majority of long-term migrants of the right to acquire the long-term residency status. In the case concerned<sup>57</sup> the applicant was a female migrant who arrived in Cyprus in 2000 and was since lawfully working as a domestic worker. In 2006, soon as the deadline for the transposition of Directive 2003/109/EC expired, the applicant applied to the Ministry of the Interior for the status of a long-term migrant, as provided by the Directive. Although the said Directive was not transposed into the Cypriot law until 14 February 2007 (Law 8(I)/2007), the Court accepted that, based on the ECJ decision on the case of *Publicco Ministero v. Tullio Tatti* the said application had to be examined in light of the said Directive and the law which subsequently transposed it.

The Ministry of the Interior rejected the application on the grounds that the applicant's successive residence permits were limited as to their duration. The Ministry's decision was based on article 18Z(2) of the Aliens and Immigration Law Cap 105, as amended by Law 8(I)/2007 purporting to transpose Directive 2003/109/EC, which excludes from the scope of the law, inter alia "persons whose residence permit has been officially restricted with regard its duration". Whilst the Directive states "persons whose residence permit has been formally limited", the Cypriot law states "persons whose residence permit has been formally limited *as to its duration*." *The Supreme Court rejected the appeal and confirmed the decision of the Ministry of the Interior, on the grounds that the fixed-term duration of the applicant's visas did indeed fall within the abovementioned exception.*

In their dissenting opinion, four Supreme Court judges stated that the addition of the wording "*as to its duration*" fundamentally transforms the essence of the exception provided for in the Directive. The dissenting opinion further states that the term

<sup>55</sup> Cyprus/Aliens and Immigration Law, as amended by Law 8(I)/2007, article 18H(2).

<sup>56</sup> Cyprus/Aliens and Immigration Law, as amended by Law 143(I)/2009, article 3(A).

<sup>57</sup> *Cresencia Cabotaje Motilla v. Republic of Cyprus through the Interior Minister and the Chief Immigration Officer*, Supreme Court Case No. 673/2006 (21.01.2008).

“formally limited” used in *Directive* article 3(2)(e) refers to the temporary nature of a stay not related to its duration, but rather to the nature of the status or the profession of the person concerned. The dissenting judges found that the fact that certain migrants are on a fixed term visa is insignificant and does not alter the fact that they have a reasonable expectation for a longer residence, since the Directive requires merely lawful residence.

The decision has affected thousands of migrant workers who are issued with the fixed-term residence visas. Therefore, in effect although the legislative framework changed significantly, the policy framework remained similar to that before the transposition of the Directive. The ECRI Report on Cyprus (fourth monitoring cycle)<sup>58</sup> notes that “since there is a policy for migrant workers” visas are not to be extended beyond four years, making the chances of obtaining citizenship for third-country nationals virtually impossible, a “marriage industry” is said to have grown up between third-country nationals and Cypriots. The authorities have reported efforts to combat “sham marriages”, including the requirement for a certificate of cohabitation and an investigation conducted by the local authorities before a citizenship is granted.”

## Institutional and Policy Framework for Integration

The policies governing migrant workers from the moment of entry, their working conditions and their legal and social rights, are set out in the agreement between the Cypriot government, the employers’ organisations (OEV and KEVE) and the workers’ unions (PEO, SEK, DEOK and some sectional unions).<sup>59</sup> The criteria, originally compiled in 1991<sup>60</sup> and reaffirmed in 2004, stipulate that (third-country) migrant workers are granted the same employment terms and all other rights enjoyed by the Cypriot workers derived from existing collective agreements and social security schemes.

No measures have been adopted so far to encourage or even address the labour market integration of migrants. There are no studies which examine how migrant employment was affected by direct labour market measures aiming at the labour market integration of other vulnerable groups. The existing body of research mentioned above<sup>61</sup> shows the inadequacies of policies so far and the need for a clear and robust integration policy framework.

As a result of the EU accession, as well as a more active role played by NGOs and some trade unions, there has been an on-going debate in recent years on employment of migrant workers in Cyprus with the focus on their labour rights. At the same time, there have also been strong anti-immigrant sentiments expressed in various debates

<sup>58</sup> ECRI Report on Cyprus (fourth monitoring cycle), Adopted on 23 March 2011, Published on 31 May 2011 (accessed 31 May 2011) <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Cyprus/CYP-CbC-IV-2011-020-ENG.pdf>

<sup>59</sup> PEO is the Left wing union and stands for Pan-Cyprian Federation of Labour. Together with the Right-wing SEK (Confederation of Cypriot Labour) they are the largest trade unions. DEOK is a small Democratic Labour Federation of Cyprus.

<sup>60</sup> Circular of the Dept. of Labour of the Ministry of Labour and Social Insurance ref.T.E.48/83 dated 02.12. 1991.

<sup>61</sup> See for instance the works of Matsis and Charalambous 1993; the work of the current author and his collaborator as well as the work produced for RAXEN and FRALEX; Charakis et. al. (2005); MIGS (2008) etc.

and media discourses (see ECRI 2001, 2006; Trimikliniotis and Demetriou 2005; 2006; 2007; Harakis 2005) with at least one party with a strong anti-immigrant stance created in 2011.

The interpretation of the current immigration law by the Courts and its implementation by immigration officers has shown a tendency to considerably enlarge the scope of state discretion which often leads to discriminatory behaviour. Indeed, immigration officers were criticised for discriminatory behaviour by both the Second and the Third ECRI Reports for Cyprus in 2001 and 2006 respectively.<sup>62</sup> So far there has been no institutional change to address this issue.

However, a new approach to migrant integration policy has emerged since 2008 when the new Government took office. The National Action Plan for Integration of Legally Residing Migrants in 2010-2012 was adopted in October 2010.

The overall coordination of the general policy on integration is in the hands of the Ministry of the Interior, which coordinates an inter-departmental approach.<sup>63</sup> The Plan outlines the parameters of the integration policy<sup>64</sup> and consists of a comprehensive plan of support and information to the TCNs who are lawfully residing in the country, referring specifically to the rights and obligations of migrants. Also the Action Plan aims to involve and activate local government and civil society and will heavily draw upon the annual programmes of 2007 and 2008 of the European Integration Fund.

During the stakeholder consultations preceding the adoption of the Action Plan, the Ministry of the Interior indicated that it was undertaking a study on promoting participation in public life of migrants with long-term stay. The Action Plan identified membership of migrants in all types of civic entities from sports clubs to political parties. The notion of integration was described as a dynamic, permanent, multifaceted and reciprocal process of two way duties and rights between migrants and the receiving society, largely depending on the adaptability of all stakeholders including the migrants themselves.

In order to adequately evaluate the migration phenomenon and legislate accordingly, the Ministry called for improving the availability and quality of migration statistics, developing integration indicators, as well as their systematic review and use in policy planning.

Beyond the legislative changes, a number of accompanying measures are foreseen:

- Actions for provision of relevant information, awareness-raising and training;
- Language classes;
- Promotion of equal treatment at work;
- Access to justice;

<sup>62</sup> The 2<sup>nd</sup> ECRI report reads: "Concern is also expressed at reports of discriminatory checks on the part of immigration officers of non-whites coming to Cyprus."

<sup>63</sup> For a discussion on the current debates on integration and migration see Trimikliniotis 2009a; 2010a and Trimikliniotis and Souroulla 2006a; 2006b; 2010.

<sup>64</sup> In Greek "Εθνική Πολιτική Ένταξης" i.e. national policy for inclusion, which is the state-of-art in the Greek language terms, rather than the term '*ensomatosi*' reflecting the current debates on the subject amongst Greek scholars (see Pavlou and Christopoulos for the state of the art Greek debates on the subject).

- Seminars for employers and employees on labour relations; vocational training; health provisions at schools and maternal services (all provided free of charge irrespective of nationality);
- Educational measures for the integration of children at schools;
- European Refugee Fund projects and EQUAL Community Programmes.

In preparation of the National Action Plan on Integration, in 2009 the Ministry of the Interior set up an inter-departmental committee of experts on the migrant integration in Cyprus and invited governmental departments and other stakeholders to submit comments. The Ombudsman proposed twelve key proposals as the main parameters of the policy, which appear by and large to have been adopted in the final document. There is only one reference to the needs of irregular migrants, where the ombudsman calls for granting them access to social services for protection of their life, health, human dignity and the provision of basic subsistence such as health and social welfare.<sup>65</sup>

The National Action Plan for Integration was unveiled on 16 October 2010 by the Minister of the Interior. The plan has eight priority themes, a timetable for implementation and allocates various tasks to the specific government agencies:

1. Awareness and information;
2. Employment (access to the labour market, training and unionisation, information to migrants on the labour system in Cyprus, as well as anti-discrimination training to both employers and employees);
3. Greek language training;
4. Health (access to emergency services, programmes aimed at preventing contagious diseases);
5. Housing (support structures for immediate needs);
6. Basic civic and cultural orientation (production of material and modules, forums, training for journalists, NGOs, social partners, local authorities and government officials);
7. Participation in public life (support to migrant NGOs, encouraging participation in sports, promoting new law for the participation of migrants in municipal elections);
8. Evaluation and review of integration indicators, including employment and participation data.

<sup>65</sup> See the note of Ombudsman to the Minister of Interior, entitled, “4η Σύσκεψη Ειδικής Επιτροπής Εμπειρογνώμων για τη διαμόρφωση πλαισίου πολιτικής για την ένταξη των νομίμων μεταναστών στην Κυπριακή κοινωνία” (dated 29.05.2009, AKP 5.21.02). This submission note was made available to research team in January 2010. For more on the latest integration debates in see Trimikliniotis (2010a) and Trimikliniotis and Fulas-Souroulla (2010).

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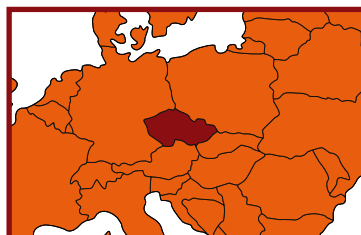
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# CZECH REPUBLIC



Jan Schroth<sup>66</sup>

## Migration Trends

The number of migrants (including those from the EU countries) in the Czech Republic (CR) grew gradually since 2000 until May 2009 when it peaked at 444,410. In 2010 the number of foreign nationals residing in the CR dropped for the second year in a row. In comparison with the end of 2009, the number declined by 1.8 percent to 425,301 foreign nationals, which represented four per cent of the population (1.3 % EU citizens, 2.7 % TCNs) at the end of 2010. A slight decrease was also recorded during the first half of 2011 (CZSO, 2011). The total 60 per cent decline of immigration between 2008 and 2010 was the biggest among OECD countries. (OECD, 2011)

The top five immigration source countries in the stock of migrants in 2010 was Ukraine (29.2% of foreigners), Slovakia (16.9%), VietNam (14.9%), Russia (7.5%) and Poland (4.3%), with more than 70 per cent of foreigners altogether coming from these five countries (CZSO, 2011).

The emigration from the CR has been significant in particular among Ukrainians (minus 7.6 thousand between 2009 and 2010) and the net migration of Slovakian, Polish, Moldovian and Mongolian citizens has also been negative in these years.

**Table 1: Migration in the Czech Republic, 2000-2010**

	2000	2005	2008	2009	2010*
Immigration	4,227	58,576	76,151	38,199	13,100
Emigration	161	21,796	3,821	9,350	20,300

Source: Czech Statistical Office (CZSO).

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**Table 2: Top 15 nationalities of immigrant stock, 2000-2010 (31 December)**

Nationality	2000	2005	2009	2010	2009-2010
Total	200,951	278,312	432,503	425,301	-7,202
Ukraine	50,212	87,789	131,932	124,339	-7,593
Slovak Republic	44,265	49,446	73,446	71,780	-1,666
VietNam	23,556	36,832	61,115	60,301	-814
Russian Federation	12,964	16,273	30,297	31,941	+1,644
Poland	17,050	17,810	19,273	18,242	-1,031
Germany	4,968	7,187	13,792	13,871	+79
Moldova	2,147	4,674	10,042	8,872	-1,170
Bulgaria	4,018	4,551	6,403	6,927	+524
United States	3,238	3,952	5,941	6,074	+133
Mongolia	950	2,435	5,745	5,576	-169
China	3,551	3,580	5,352	5,437	+85
Romania	2,390	2,701	4,091	4,415	+324
Belarus	2,633	3,020	4,307	4,364	+57
United Kingdom	1,490	2,234	4,363	4,356	-7
Kazakhstan	2,248	2,247	3,905	4,271	366

Source: CZSO.

While in 2000 one fourth of all migrants had permanent residence status, in 2011 their share increased to almost 45 percent. The total number of 11,551 long-term visas were granted in 2010. This represented a massive annual decline by 37.8 per cent with the biggest drop in the remunerated categories (employment and business activities) of visas. The total share of these two types of visas was 38 per cent. One third (33.4%) of long-term visas granted was for educational reasons and approximately one quarter (24.3%) was granted for family reasons (Ministry of the Interior, 2011).

## Labour Market Impact

The Czech economy grew slowly in the first quarter of 2011. A significant share of the growth was attributed to the manufacturing industry, which increased by more than 10 percent in the first quarter of 2011, comparing to the same period in 2010. On the contrary, agriculture and construction shrunk in comparison with the first quarter of 2010

Foreigners exhibit a very high level of labour market activity (75%), which is five per cent higher compared to Czech nationals in 2010. This directly corresponds to the age structure of foreigners and the prevailing economic migration. More than half of migrants fell within the age category of 20 to 39 years in 2010 (CZSO, 2011).

Work has remained the most commonly declared purpose of stay. At the end of 2010, the total number of 215,367 foreign nationals was registered on the labour market

(circa 15,000 decrease compared to 2009). Out of these 143,997 were EU/EEA/Switzerland nationals with only a duty to declare their employment. The number of work permits issued to the TCNs was 49,121, of which 126 persons were Green Card holders. There were also 22,126 third-country permanent residency holders who did not need to be in possession of work permits. Additionally 91,000 of foreigners were registered as entrepreneurs (an increase of about 3,200 compared to 2009).

Segmentation is typical for some of the largest migrant communities. Ukrainians mostly possess work permits, although the numbers of trade licenses issued to this group have increased recently. They are involved in manual and auxiliary work, mainly in construction, but also work in industry (food-processing, textiles) and agriculture. Vietnamese migrants are traditionally small-scale market entrepreneurs/sellers; however the share of paid employees has increased in the last few years. The majority of Russians work as entrepreneurs, in real estate and services in particular.

Almost 70,000 legally employed foreigners – about 25% of the 284,551 migrants employed at the end of 2008 – left the official labour market in 2009-2010. According to the Labour Office Register, almost 23,000 third-country national employment permits were cancelled prematurely or were not extended after expiration in 2009, and more than 7,000 in 2010 (MoLSA 2011).

Officially, in 2010 only 1.8 per cent of foreigners were employed in the primary sector (2.2% in 2009), 48.5 per cent of foreigners worked in the tertiary (46% in 2009) and 49.7 per cent (51.8% in 2009) in the secondary sector. Of the latter, 33 per cent worked in industry and 16 per cent in the construction sector. However, these numbers are probably distorted by the fact that in many sectors, such as construction or agriculture, many foreigners work with a trade license not as directly employed workers.

Developments on the labour market further confirmed expert assessments that foreigners do not compete with natives on the labour market. Evidence is provided by the fact that regions with the highest number of foreign workers usually report unemployment rates far below the average. At the end of 2010, 9.6 per cent of residents were unemployed. But in the regions where the proportion of foreigners in the workforce exceeds eleven per cent (Prague and several industrial regions), the overall unemployment rate ranged between 4.1 and 6.4 per cent only (Leontiyeva, 2010).

In an environment where many Czechs are involved in the informal economy, irregular employment of migrants is further facilitated. In 2010, a total number of 2,848 foreign nationals were apprehended for irregular stay, a decline of 33.3 per cent in comparison with the previous year (Mol, 2011). According to labour inspection data, the highest numbers of migrants in irregular employment come from Slovakia, Ukraine and Vietnam both in 2009 and 2010. During 2009, inspections were carried out with 1,898 employers (17% of the total employing foreign workers), and irregular work was detected in 401 cases representing 21 per cent of inspected group. In total 3,170 migrants were found to be in irregular employment in 2009, and 1,797 in 2010 (MoLSA, 2011). According to experts, real numbers of irregularly residing and working foreigners are much higher, at least counted in dozens of thousands. The MoLSA admitted there are up to 37 per cent foreigners working illegally in CR (OPU, 2011).

Due to the difficulties to obtain employment permits and work contracts, a significant number of migrants who lost their jobs in 2009-2010 changed their type of declared

economic activity for a trade licence. However, in reality these migrants often keep working in the same positions, mostly in factories. Also, companies are being founded, under which foreigners can work as self-employed entrepreneurs (Jelínková, Hánová, 2010).

**Table 3: Employment of foreigners by type of permit, 2000-2010 (31 December)**

Type of permit	2000	2005	2009	2010
Total in absolute terms	164,987	218,982	318,462	306,350
Registered at Labour Offices	103,647	151,736	230,709	215,367
Trade license holders	61,340	67,246	87,753	90,983
	%			
Registered at Labour Offices	62.8	69.3	72.4	70.3
Trade license holders	37.2	30.7	27.6	29.7

Source: MoLSA/CZSO.

The analysis of available data shows significant concentration of the foreign workers in the low-skilled categories. One fourth of foreigners work in elementary occupations<sup>67</sup> requiring primary education compared to only 6.3 per cent of natives. Semi-skilled category occupations (clerks; service workers and shop and market sales workers; skilled agricultural and fishery workers etc) requiring secondary education are held by about a half of all foreign workers compared to 60.5 per cent of the Czechs at the end of 2010. On the contrary, only one fourth of foreigners were employed in the highly skilled occupations compared to 40.7 per cent of natives (CZSO, 2011).

One of main reasons why employers recruit workers from abroad, in lower qualified segments in particular, is that foreign employees exhibit much higher time and space flexibility than Czechs. The CR has, overall, a very small share of time-limited contractual work (7% in 2009 and 7.3% in 2010), as well as part-time work (5.5% and 5.9% respectively) (MoLSA, 2011). The flexibility is also the reason why employment of less skilled workers is more frequently arranged by private employment (recruitment) agencies when compared to highly skilled workers.

## Institutional and Legal Framework for Admission and Employment

In January 2009 several significant changes in legislation, planned already before the crisis, were implemented:

- Cancellation of employer permits to recruit employees from abroad which were previously issued by the Labour Offices;
- The category of foreign nationals not requiring a permit to be employed was extended to students and to foreign graduates from Czech schools;

<sup>67</sup> Classification CZ-ISCO based on ILO International Standard Classification of Occupations (ISCO-08) replaced former Czech K-ZAM classification from 1 January 2011.

- It became possible to issue a work permit for a period of up to two years (formerly, the maximum period was one year);
- A 60 days protection period to find new job has been introduced for some categories.

However, due to the approaching crisis the abovementioned changes, in practice were not effective. On the contrary, in actuality approaching foreigners became increasingly restricted.

In reaction to the economic crisis, the Ministry of the Interior as the principal migration policymaker, developed a comprehensive concept on *Ensuring Security of the Czech Republic after the Dismissal of Foreign Workers due to Economic Crisis*. In this document, the authorities propose a set of solutions, both of an emergency and preventive long-term nature, defined in cooperation with other competent ministries.

The concept was approved by the government in February 2009. The proposal was centred around a programme of voluntary return and contained a number of practical and legislative measures, the main objective of which was to regulate further flows of migrants. In particular, it outlined a stricter policy on issuing of business and employment visas. This policy was implemented through rigorous examination of:

- the intended purposes of stay during the visa granting procedure,
- determination of the economy's current labour needs
- or through specification of the range of positions that the employment agencies would not provisionally be allowed to offer to foreigners.

Since 2009, limited reception system of the long-term visa applications has been implemented at the selected consulates, especially in VietNam, Moldova, Mongolia, and Ukraine. Reception of visa applications is limited in terms of purpose of stay connected in particular with economic activities. Quotas for issued visas have been set by the government resolution, but information on the limit for every country is not publicly available.

Additionally, based on internal directive of MoLSA for Labour Offices in March 2009, new work permits for TCNs are issued in justified and exceptional cases only and for a shorter period than was previously common. Nevertheless a work permit can be issued for up to two years by the Employment Act, depending on the specific contract with the employer with a visa duration at most extending to the date of expiration of work permit. In practice the Labour Offices issue work permits only for short periods.

An important change in immigration system was the Alien Police reform. The new government, formed in July 2010, decided to accelerate the reform by two years while arguing for state budget cuts. *The Amendment to the Act on the Residence of Foreigners* came into force from 1 January 2011. The general aim of the reform was to shift certain administrative tasks to the Ministry of the Interior in order to separate the administrative agenda from control activities.

In the first stage of the reform, which came into force on 1 January 2009, the competency for issuing all permanent residence permits was shifted from the Alien Police to the

Ministry of the Interior. The competency for issuing long-term residence permits and deciding on long-term visas was further shifted in 2011. In connection with this second stage of the reform, the organizational structure was also significantly transformed. Previously, seven individual regional directorates of the Alien Police were closed down and replaced by new departments with fewer police staff set up within the structure of fourteen regional Police Directorates .

The comprehensive amendment to the Act on the Residence of Foreigners brought additional significant changes for foreigners since 2011, which are mostly viewed as negative by migrants and the majority of NGOs and experts. Long-term visas (including those for the purpose of employment) are now issued for the maximum period of six months instead of two years.

Since June 2011 as stipulated by the amendment, foreigners with long-term and permanent residency permits (not applicable to EU citizens and their family members) have been receiving residence permit cards with biometric data, instead of passport stickers. Foreigners have to pay approximately EUR 100 for every new card and visit the Ministry of the Interior office several times to complete this procedure.

The most criticized part of the amendment is the significant increase of the amount of the health insurance payment limits which must cover at least EUR 60,000. For employed foreigners insurance is paid by the employer, but expensive private insurance must be paid for their family members including children. Furthermore self-employed migrants rely mainly on the Czech commercial health insurance companies.

Special measures have been focused on foreigner entrepreneurs. In reaction to increase of foreigners switching from employment to entrepreneurship purposes of stay, the Ministry of the Interior now monitors the purpose of stay. A TCN must document that the trade license is still valid, and that the firm is still listed in the Companies Register. Foreigners also have to submit certificates on tax, as well as health and social insurance payments. Moreover, changing the previous purpose of stay to the purpose of conducting business can now be made after at least two years of previous stay. An applicant for a long-term visa for the purpose of conducting business is always obliged to attend an interview at the embassy, and to provide a detailed description and explanation of their business plan.

As positive step can be seen the establishment of a new appeal body *the Commission for Decision-Making in Foreign National Residence Affairs*. Foreigners can appeal to this independent body when they are not granted a long-term visa or a residence permit by the Ministry of the Interior.

Together with other restrictive measures, the Ministry of Labour and Social Affairs (MoLSA) also stopped the only active immigration policy program with long term integration objective - the Selection of Qualified Foreign Workers. The MoLSA decided to interrupt the project due to budget cuts in December 2010. The project was launched in 2003 as a five year pilot.<sup>68</sup> Foreigners from twelve selected countries<sup>69</sup> and graduate foreign students from the Czech universities and secondary schools

<sup>68</sup> See [www.imigracecz.org](http://www.imigracecz.org) for detail information about the project

<sup>69</sup> Kazakhstan, Croatia and Bulgaria since 2003; Belarus and Moldova since 2004; Canada and Serbia and Montenegro since 2005; Bosnia and Herzegovina, Russia, FYROM and Ukraine since 2006; India since 2007.



regardless of country of origin, meeting the point-system admission criteria were admitted to facilitated application for permanent residence with a shorter administrative period.<sup>70</sup> However, in comparison to the overall migration inflow, the total number of applicants during the five year pilot phase was quite low (1,083 in total), possibly due to the precondition of finding a job and obtaining a long-term employment visa before entering the country, coupled with the lack of support services offered to potential migrants. Despite opening the project for citizens of a greater number of countries (total of 51) in January 2009, the number of applicants did not grow radically (in total 1,964 participants in December 2010).<sup>71</sup>

The only remaining active migration policy tool is the Green Card system, which was launched in January 2009 in order to provide employers with a flexible and faster system of foreign recruitment. Experience so far shows that the system does not bring many advantages in terms of shortening the procedures. The numbers of applications and issued Green Cards are very low (only 131 in total by end of June 2011) despite Ukraine being included in the list of eligible countries.<sup>72</sup> Additionally, EU Blue Cards can be issued as of January 2011.

In the beginning of 2011, the government approved the proposal on New System of Economic Migration developed by the Ministry of the Interior together with other relevant agencies as a long-term concept of immigration policy. The new conceptual document should be incorporated into legislation in 2012. The document puts emphasis on clear conditions for immigration to the CR and on strengthening the responsibilities of various entities involved in the organization of the migration process. The new system is still discussed and finalized, but it will be based on the following principles:

- Economic migration is to be governed primarily by the needs of CR – the scope and structure of this migration are to be derived from the needs of the Czech economy;
- The scope and structure of economic migration should be flexibly adaptable to the structural changes of the economy and the economic cycle;
- The importance of co-operation with the countries of origin and the operation of effective return instruments;
- With regard to permanent settlement, migration of skilled and highly-skilled migrants will be preferred; migration of low-skilled foreigners will primarily be on a temporary basis, and should involve a higher level of assistance by the state;
- Activities in the field of migration must be guaranteed by co-responsibility of the legal and physical entities participating in admission to CR or in whose interest is the entry and stay of migrant worker in CR;
- The countries of origin of economic migration to CR should be diversified;
- Preference for circular migration.

<sup>70</sup> In 2.5 years (secondary school graduates) or in 1.5 years (for university graduates) instead of the standard 5 years.

<sup>71</sup> Together with participants almost two thousand nuclear family members were also able to apply for permanent residence with shorter administrative periods.

<sup>72</sup> Mostly from Ukraine and Serbia.

## Institutional and Policy Framework for Integration

In response to the economical downturn, the Ministry of the Interior introduced *ad hoc* Emergency Integration Programmes in regions with the highest increase of unemployment of foreigners (industrial regions in particular) in 2009. The projects were based on close cooperation between the Ministry and municipalities, and consisted of activities such as social and legal counselling, language courses, social and cultural training, education in schools and cultural exchange. Local governments funded by the Ministry carry out these projects, including through subcontracting NGOs or local stakeholders to provide services. Seven projects were active in 2010 (EMN, 2011).

In some regions these projects were coordinated by the Foreign Nationals Integration Support Centres. The objective for creation of such centres by the Ministry of the Interior in all regions of the CR was to create the opportunities for long-term and strategic support of integration. The centres should ensure information and consultative activities in social and legal fields. Since 2009, the centres were opened in ten out of the fourteen Czech regions. The centres should cooperate with the NGOs, but in some regions local NGOs with long traditions and experience perceived these new centres more as competitors. Many NGOs have long-term problems with financing and are not satisfied with the limited support from the state. NGOs are increasingly dependent on the EU funding (European Integration Fund in particular) distributed by the Ministry of the Interior through regular project calls.

An updated Concept of Immigrants' Integration was approved by the government in March 2011.<sup>73</sup> Economic independence (self-sufficiency) remains one of the integration priorities. The other principles are language proficiency, orientation in the host society and relations between immigrants and mainstream society, social exclusion of immigrants, education attainment of the second generation of immigrants and integration at the regional and local levels.

Language tests for foreigners became a condition for permanent residency since 1 January 2009. Despite the initial limited access to free language courses, the majority of applicants successfully passed the exam since only the very basic A1 level<sup>74</sup> is required.

### Active Labour Market Programmes

Activation support (mostly training and re-qualification courses) implemented directly by the state Labour Offices can only be provided to foreigners with permanent residence or recognized refugees. Overall, 854 TCNs attended re-qualification programmes in 2010, and 291 of those found a new job (108 out of 535 in 2009) (MoLSA, 2011).

<sup>73</sup> The Concept of Immigrants' Integration was adopted by Government Resolution in 2000 and its updated version in 2006

<sup>74</sup> A1 level corresponds with 140 language course hours. The exam is provided by schools authorized to conduct state language exams (only state language schools).

## Discrimination in Employment

Despite increasing problems with unemployment during the crisis foreigners rarely contact state institutions, including Labour Offices. The role of NGOs has increased during the crisis and they have launched a number of new projects assisting vulnerable foreigners.<sup>75</sup> In October 2009, NGOs expressed concerns in an official letter to the authorities over the exploitation of labour migrants and the restrictive state policy. The NGO letter draws attention to the shortcomings of the national legislation and to the lack of vision regarding the future of migration policy. The statement also contained a strong appeal to correct the implementation of the so-called *Sanctions Directive*<sup>76</sup> providing for stricter punishment of employers involved in the irregular employment.

The protest of Romanian workers against their employers and mediators over the non-payment of their salaries and poor working and housing conditions raised media and public interest in 2010. In December 2010, the government approved a resolution in order to allocate special funds to provide assistance and transportation to return home for citizens of Romania in need. The number of Romanian and Bulgarian workers has been increasing on the Czech labour market since 2009, and they experience problems very similar to those of TCNs.

Despite media attention in some cases<sup>77</sup> no single conviction for forced labour or other forms of labour exploitation was made yet by Czech courts. Very often if migrants contact the appropriate authorities to report non-payment of wages and other types of exploitation, the investigation is later aborted because of lack of evidence.

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<sup>75</sup> For example, Open Society Fund opened the Migrants in Crisis call in 2009 supporting several projects.

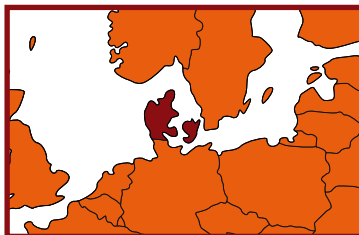
<sup>76</sup> Directive 2009/52/EC was not transposed into national legislation by the 20 July 2011 deadline.

<sup>77</sup> For example, a case of several dozens of Vietnamese and other foreigners in the Czech state forestry was unveiled in 2010.

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# DENMARK

Sally Khallash<sup>78</sup>



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## Migration Trends

By the end of 2010, there were 559,810 migrants and their descendants in Denmark, or approximately 10 per cent of the total population (Figure 1). In particular, 3.4 per cent of the total population were migrants and their descendants from Western countries, and further 6.6 per cent were from non-Western countries.<sup>79</sup> Close to one-third of immigrants hold Danish citizenship, and about 70 per cent of descendants of migrants are citizens.

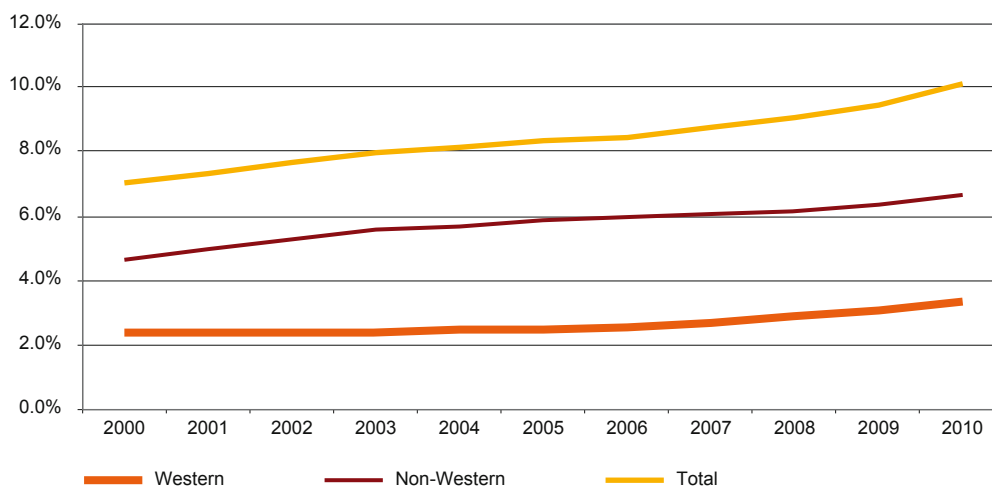
The stock of migrants grew continuously in the past decade, although the bulk of newcomers arrived during 1980s. In 2010, Denmark received 30,105 migrants from Western countries and 16,858 migrants from non-Western countries (Statistics Denmark, 2011). Also, immigrants are likelier to be of working age compared to the average age of the Danish population: 65 per cent of non-Western migrants are aged 20-49 compared to 38 per cent of the Danish-born population (Danish Immigration Service, 2011 and Statistics Denmark).

The largest group of immigrants and descendants in Denmark are of Turkish origin comprising 11 per cent of the respective population stock, followed by those of German and Polish origins. The largest immigrant group arriving in Denmark during 2010 are Polish nationals (3,737 immigrants). Polish nationals have been at the top of immigration statistics for the last five years. Table I shows the ten largest groups of immigrants and descendants in Denmark. (Statistics Denmark, 2011)

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<sup>79</sup> Western countries comprise the EU countries, Iceland, Norway, Andorra, Liechtenstein, Monaco, San Marino, Switzerland, the Vatican State, Canada, USA, Australia and New Zealand. Non-Western countries comprise all countries which are not defined as Western countries.

**Figure I: Share of immigrants and their descendants in Denmark, 2000-2010**

Source: Statistics Denmark, 2011.

**Table I: Immigrants and descendants population by country, 2010**

Country	Immigrants	Descendants	Total	% Population
Turkey	32,496	27,680	60,176	10.7
Germany	28,309	2,826	31,135	5.6
Poland	26,833	3,377	30,210	5.4
Iraq	21,316	8,431	29,747	5.3
Bosnia and Herzegovina	17,734	4,608	22,342	4
Norway	14,680	1,425	16,105	2.9
Sweden	13,150	1,931	15,081	2.7
Iran	12,581	3,231	15,812	2.8
United Kingdom	12,113	1,267	13,380	2.4
Lebanon	12,024	12,076	24,100	4.3

Source: *Tal og fakta*, 2010.

Family migrants and students have largely dominated immigration to Denmark. Of particular note, the number of immigrants and descendants coming to Denmark to enrol in an educational programme is growing, accounting for the most of the increase of residence permits in 2010 (Statistics Denmark, Danish Immigration Service). The number of annual permits of residence for refugees and family members fell drastically between 2000 to 2006 before stabilizing during the period between 2006 and 2008. Between 2009 and 2010, the number of family reunifications and refugees saw a small increase (Table 2).

**Table 2: Resident permits issued to refugees and family migrants, 2000-2010<sup>80</sup>**

Category	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Refugee status	4,388	5,742	3,489	1,852	1,045	853	838	1,013	1,242	1,279	1,961
Family reunification (spouse or cohabitant)	6,399	6,499	4,880	2,538	2,344	2,498	2,787	3,616	3,075	3,662	3,869
Family reunification (minors)	5,934	4,185	3,052	2,170	1,469	1,011	795	837	674	816	899
Family reunification (parents)	238	266	219	83	19	2	0	0	0	1	0

However, due to immigration initiatives in recent years, the percentage of labour migrants grew steadily compared to family migrants and refugees. Recently, Denmark focused extensively on the recruitment of skilled foreign labour into the Danish market, especially in sectors where domestic labour shortages are beginning to appear.<sup>81</sup>

## Labour Market Impact

As illustrated in Figure 2, in 2009 the employment rate of 77.7 per cent for the native-born population is both high and stable over time. Furthermore, the employment rates for men and women are approximately equal at 79.7 per cent and 75.7 per cent respectively. The employment rate for immigrants is much lower at about 54.1 per cent. Here a greater disparity exists where the male immigrant population employment rate is 59.6 per cent and the female rate is 48.8 per cent. While the employment rate of immigrants has improved over time, comparatively it still lags significantly behind the Danish population.

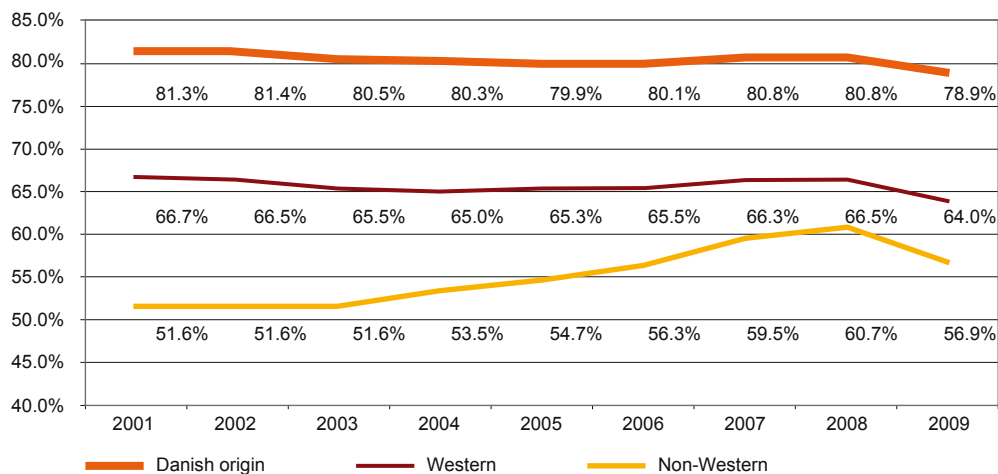
The unemployment rate for the Danish-born population fluctuates between 1.8 per cent (with the lowest point before the financial crisis) and 4.2 per cent in January 2010 (Statistics Denmark). Unemployment rates have been stable during 2010, indicating a stabilization of the economy.<sup>82</sup>

The Danish labour market displays a complex social structure. Generally non-Western migrants earn lower wages than native Danes as shown in Table 4. In 2009, 76 per cent and 81 per cent non-Western immigrants and descendents respectively earned the lowest and unspecified wages. In comparison, only 58 per cent of Danish-born wage earners were placed in the bottom-wage and unspecified wage category. Furthermore, many Danish-born are self-employed.

<sup>80</sup> Danish Immigration Service 2011: Tal og fakta på Udlændingeområdet.

<sup>81</sup> In 2002, the "Positive List" was introduced to favour the recruitment of foreign workers in certain jobs where there is a shortage of specially qualified workers.

<sup>82</sup> It is currently not possible on Statistics Denmark to find unemployment in percent for native-born vs. non-Western immigrant population. The numbers available are number of unemployed in total.

**Figure 2: Employment rate by origin, 2001-2009<sup>83</sup>****Table 3: Occupation by socio-economic status and origin, 2009**

Occupation 2009	Non-Western Immigrants		Non-Western Descendants		Danish-Born Population	
	Numbers	%	Numbers	%	Numbers	%
Self-employed	10,138	8.5	762	3.5	180,885	7.0
Top executives	618	0.5	151	0.7	85,563	3.3
Highest wage earners	8,437	7.1	1,237	5.7	337,135	13.0
Middle wage earners	9,631	8.1	2,064	9.4	495,186	19.0
Bottom wage earners	43,662	36.6	10,684	48.8	984,880	37.9
Other wage earners and unspecified wage earners	46,338	38.9	6,977	31.9	512,877	19.7

Source: Statistics Denmark.

Note: There is a change in data collection in 2009. Figures for 2009 are not fully comparable with previous years. Data for 2010 is not available.

About two out of three non-Western immigrants have not completed education or training in Denmark. With this difference it is very difficult to make meaningful comparisons between the educational level of immigrants and those of Danish origin. (Statistics Denmark, 2010)

<sup>83</sup> Danish Ministry of Integration September 2010: Tal og fakta om integration. Note: There is a change in data collection in 2009. Figures for 2009 are not fully comparable with previous years. – Data for 2000 and 2010 not available. – Data for 2000 and 2010 not available.



**Table 4: Skill composition of the migrant stock and the native population (%)**

Year Origin	2000		2005		2009	
	Non-Western	Danish	Non-Western	Danish	Non-Western	Danish
Primary school	6.5	26.4	8.2	25.6	9.3	22.8
General secondary	1.3	5.9	2.1	5.9	2.5	5.8
Vocational secondary	4.7	39.7	6.8	39.5	8.7	38.7
Higher education	4.7	26.9	6.6	27.9	9.2	31.8
Na/No education	82.8	1.1	76.3	1.1	70.4	1.0
Total	100%	100%	100%	100%	100%	100%

Source: *Nøgletal NyiDanmark*, <http://noegletal.nyidanmark.dk>

Approximately 70 per cent of Danes held a vocational or higher education between 2000-2009. This was true for only about 10-20 per cent of non-Western immigrants in the same time period. The vast majority of non-Western immigrants have either no education or an unknown educational attainment. The latter may partly conceal the fact that many non-Western immigrants either had no qualifications or that it was difficult for the authorities to determine the education and skill level of these persons.

Table 4 illustrates that while the skills and education level of the non-Western immigrants still lag behind the native population, they have greatly risen over time. In comparison, the educational level of the Danish population has remained mostly unchanged over this period. This improvement can be explained by the improved abilities of public authorities to select more competent migrants, or it may be due to an improved capacity to determine immigrant skill level.

Table 8 shows the employment and unemployment rates relative to highest level of Danish education in 2006 and in 2009. Alongside an improvement in educational attainment for all skill groups, both native and Non-Western, it can be observed that attachment to the labour market varies according to educational attainment. For example, the highest employment rates are found among the Danes with higher education, while those without education or training have the lowest employment rates.

Immigrants who have not stated their level of education also have the lowest employment rates. Fifty-five per cent 30-64 year old non-Western immigrant men with unknown education are in employment, while only 42 per cent of women have jobs.

**Table 5: Labour market attachment for 25-64 year old non-Western immigrants and Danes divided by the highest completed education**

Education Level	2006		2009	
	Employment rate (%)	Unemployment rate (%)	Employment rate (%)	Unemployment rate (%)
<b>Non-Western Immigrants</b>				
Primary school	55	15	58	8
General & vocational secondary education	70	9	74	4
Short & Medium long education	77	10	82	4
Higher education	73	8	74	4
N/A - No education	44	15	52	6
Total	49	14	58	5
<b>Native population</b>				
Primary school	62	6	66	4
General & vocational secondary education	82	3	85	2
Short & Medium long education	89	3	93	1
Higher education	85	3	85	2
Na / No education	50	8	48	5
Total	79	4	85	2

Source: *Tal og Fakta, 2007*

Note: Numbers for 2000, 2005 and 2010 were not available.

## Institutional and Policy Framework for Admission and Employment

Since 2001 the Aliens Act has been subjected to 18 different revisions, each change usually tightening the rules. On July 1, 2011 the government coalition plans to pass new, tighter restrictions in the Aliens Act enforcing higher competence requirements as well as restrictions on family reunification for non-Western and low-skilled immigrants; while at the same time rewarding family reunification of high-skilled and western immigrants into the labour market and society.<sup>84</sup> Foreigners can obtain permanent residence within four years, and family reunification can only occur if the applicant has not received public benefits within three years of application (instead of the previous one-year rule). Finally, refugees travelling back to their country of origin can have their permits withdrawn for ten years.<sup>85</sup>

<sup>84</sup> <http://retsinformation.w0.dk/Forms/R0710.aspx?id=137380>

<sup>85</sup> <http://www.nyidanmark.dk>

Spouses, cohabiting partners, and children can obtain family reunification and residence permit initially for a limited period with extension possibilities.<sup>86</sup> The process of bringing spouses and/or other family members to Denmark is relatively complicated due to a restrictive reunification policy, requiring the sponsor to meet a number of criteria. In addition, the costs are being increasingly transferred to the family, especially with the tightened family reunification rules of November 2010 which introduced a point system for family reunification. As of April 2011 demands for language skills were increased, and the proposed amendment of 1 July 2011 imposes more costs for family reunification on the immigrant.<sup>87</sup> Furthermore, the reunification policy is restrictive to the newcomer particularly as the timeframe for residence permits is 1-2 years, requiring a repeated re-evaluation process for renewal of the permit. The family member has an autonomous status in the sense that the residence timeframe does not automatically correspond to that of the spouse with a work permit in Denmark. Furthermore, a residence permit for the family member does not automatically provide access to the labour market, and a work permit must be obtained.

Permanent residence is applicable to foreigners who have lived lawfully in Denmark for at least seven years, or to a person living in Denmark for five years who has not received public support for three years prior to application, and who has significant ties to the Danish labour market and Danish society, and a contract extension after the issuance of the residence permit. The new points-based system following the latest changes of the Aliens Act in 2010 encourages foreigners to take an active effort to become integrated in the labour market and society at large to be able to obtain permanent residence status within four years. Thus, the time limits for granting permanent residence status depend on the level of integration into Danish society, in particular language skills, attachment to Danish society, public benefits obtained, and integration in the Danish labour market.

The new requirement for relevant adaptable integration qualifications means that those who do not meet a number mandatory qualification will be refused family reunification. This applies regardless of the applicant's age and means that no one has an automatic claim on family reunification. Family reunification will now be subject to the resident spouse's integration into Danish society. Also, it is required that applicants possess relevant qualifications, which would ensure faster integration.

In the reformed Danish points system, applicants must get a certain number of points in relation to a number of integration relevant criteria, including language proficiency, work experience and completed training – all at the expense of the applicant.<sup>88</sup> Potential migrants will also be awarded points if they are willing settle in less popular parts of Denmark.

<sup>86</sup> Aliens Act, Art. 9

<sup>87</sup> <https://www.retsinformation.dk/Forms/R0710.aspx?id=136290>

<sup>88</sup> 60 points if above 24 years and 120 point if under 24 years of age. More on points: [http://www.nyidanmark.dk/en-us/coming\\_to\\_dk/familyreunification/spouses/60-120-point-requirement/60-120-point-requirement.htm](http://www.nyidanmark.dk/en-us/coming_to_dk/familyreunification/spouses/60-120-point-requirement/60-120-point-requirement.htm)

**Table 6: Point requirements for admission before and after November 2011<sup>89</sup>**

Before November 2011	After November 2011
No requirements.	<p><b>Completed Education</b></p> <ul style="list-style-type: none"> <li>• PhD / Masters in Denmark or top 20 university</li> <li>• PhD / Masters from other universities</li> <li>• Bachelors in Denmark or top 20 university</li> <li>• Bachelors from other universities</li> <li>• Short and medium-length education in Denmark (beyond secondary education)</li> <li>• Short and medium-length education (beyond secondary education)</li> </ul> <p><b>Work Experience</b></p> <ul style="list-style-type: none"> <li>• Qualified professional work experience in Denmark for 2 years</li> <li>• Qualified professional work experience for 2,5 out the past 3 years</li> <li>• Other work experience for 2,5 years out of the past 3 years</li> </ul> <p><b>Language Skills</b></p> <ul style="list-style-type: none"> <li>• Danish, Swedish and Norwegian</li> <li>• English, German, French, Spanish</li> </ul> <p><b>Other</b></p> <ul style="list-style-type: none"> <li>• Active civic participation in home country (eg. in association)</li> <li>• Settlement in less popular regions in Denmark</li> <li>• Autonomy (can not be combined with work)</li> </ul>

*Source: Author's elaboration based on official documents.*

The collective ties of the resident or the applicant for residence in Denmark should be greater than their aggregated ties with another country. With the new rules, the couple's aggregate ties with Denmark should be substantially greater than their aggregate ties with another country. That means that it is no longer sufficient with a visa stay, but that the applicant now must have several visa stays in Denmark. In addition, the applicant will have to pursue a Danish language course at own expense.

According to the new rules, all foreigners will meet stricter requirements for permanent residency regardless of when they have obtained it. This means that residents who already have obtained permanent residency under the old rules must now meet the new requirements of having full-time employment for more than two and a half years of the last three years. Furthermore, the permanent resident must pass a Danish language test. In addition, residents must not have received public financial assistance within three years and not have an imprisonment sentence one and a half years prior to application date. Finally, the economic security limit has been increased from 6,700 EUR (DKK50,000) to 13,400 EUR (DKK100,000) (indexed).<sup>90</sup>

<sup>89</sup> 60 points if above 24 years and 120 point if under 24 years of age. More on points: [http://www.nyidanmark.dk/en-us/coming\\_to\\_dk/familyreunification/spouses/60-120-point-requirement/60-120-point-requirement.htm](http://www.nyidanmark.dk/en-us/coming_to_dk/familyreunification/spouses/60-120-point-requirement/60-120-point-requirement.htm)

<sup>90</sup> [http://www.nyidanmark.dk/en-us/coming\\_to\\_dk/permanent-residence-permit/permanent-residence-permit.htm](http://www.nyidanmark.dk/en-us/coming_to_dk/permanent-residence-permit/permanent-residence-permit.htm)

**Table 7: Requirements for residency before and after November 2011**

Before November 2011	After November 2011
<ul style="list-style-type: none"> <li>• Must have Danish or Nordic citizenship, residency as a refugee, or permanent residency during the past 3 years.</li> <li>• Must not have received assistance under the Active Social Policy or the Integration Act. within the last 3 years preceding the decision on the permit.</li> <li>• Must demonstrate own housing of reasonable size (maximum 2 persons per room or at least 20m<sup>2</sup> per person).</li> <li>• Must not have been convicted of violence or the like to a spouse or cohabitant within the last 10 years of the time of the decision.</li> <li>• Must sign a statement to the best ability to participate actively in own, the Danish education of accompanying foreign children and integration into Danish society.</li> <li>• Must provide financial security of ~6,700 EUR (50,000 DKK) (indexed).</li> </ul>	<ul style="list-style-type: none"> <li>• Must have Danish or Nordic citizenship, residency as a refugee, or residency during the past 3 years.</li> <li>• Must not have received assistance under the Active Social Policy or the Integration Act. within the last 3 years preceding the decision on the permit.</li> <li>• Must demonstrate own housing of reasonable size (maximum 2 persons per room or at least 20m<sup>2</sup> per person).</li> <li>• Must not have been convicted of violence or the like to a spouse or cohabitant within the last 10 years of the time of the decision.</li> <li>• Must sign a statement to the best ability to participate actively in own, the Danish education of accompanying foreign children and integration into Danish society.</li> <li>• Must provide financial security of ~13,400 EUR (100,000 DKK) (indexed).</li> <li>• May not have been sentenced to imprisonment for 1,5 year or above.</li> <li>• May not have been sentenced to imprisonment for 60 days or more for terrorist-related crimes.</li> <li>• May not have outstanding debts to the public.</li> <li>• May not have receiving public assistance under active law in the previous 3 years.</li> <li>• Must have signed a declaration on integration and active citizenship.</li> <li>• Must have passed Danish Test 2.</li> <li>• Must have held full-time employment for at least 2,6 years within the last 3 years.</li> <li>• Must have worked more than 4 years, completed an education in Denmark or have passed Danish Test 3.</li> </ul>

*Source: Author's elaboration based on official documents.*

Since 1 January 2011 there is fee on applications for family reunification, study and work. The fees vary according to purpose of entry.

Furthermore, on 20 May 2011 a number of changes were implemented in the au pair scheme:

- The period of residence as an au pair is extended to a 2-year residence permit. Permits will not be extended beyond this time.
- Divorced parents get to have an au pair who does not follow the child when the child stays with the other parent.
- The group of persons who may receive an au pair is extended to healthy retired couples, who in the future are given the possibility of having an au pair, even if there are not children living at home. Since the purpose of the scheme is cultural exchange, it will be a condition that the stay would give au pair an opportunity to improve language skills and knowledge of Denmark.

## Institutional and Policy Framework for Integration

In close contact with the Job Centre, newcomers to Denmark are evaluated and placed in a matching group for integration training corresponding to his or her potential for employment. The matching groups are created to secure the shortest possible unemployment period and to showcase the newcomer's potential. On 26 April 2010 the five matching group categories were replaced by a simpler three-group system, evaluating individuals as either equipped for a job, equipped for employment training within three months, or temporarily passive.

The validation of immigrant skills is being further strengthened to boost fast labour market inclusion. As part of the four-party agreement on integration, which the Government, KL, LO and DA formed in October 2010, the parties will launch various initiatives to raise awareness throughout municipalities concerning competence of newcomers. This includes the collection of knowledge and best practice analysis to be made available to municipalities in the form of research, informative materials, resources, and training. The target group for the intended validation measures are low- and semi-skilled migrants who did not enter through labour immigration channels.

In 2010 the government initiated a project "Ethnic Business Promotion". The purpose of "Ethnic Business Promotion" to facilitate the creation, survival, and growth of immigrant entrepreneurs and companies with immigrant owners. Behind this initiative is a partnership consisting of Copenhagen, Aarhus, Odense, Aalborg, Vejle and Slagelse municipalities, Danish Regions, the Ministry of Integration and the Ministry of Economic and Business Affairs Denmark represented by the Danish Enterprise and Construction Authority.

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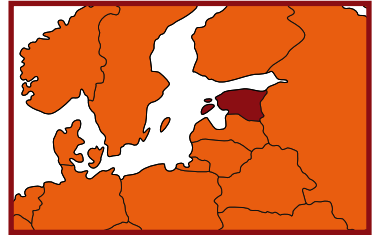
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# ESTONIA

Kaia Philips<sup>91</sup>



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## Migration Trends

The Estonian population gradually decreased during the last decade from 1,372,071 in 2000 to 1,349,400 inhabitants by 1 January 2011 (Statistics Estonia). Demographic and economic forecast predict that as of about 2015 the proportion of the working population will rapidly decline.

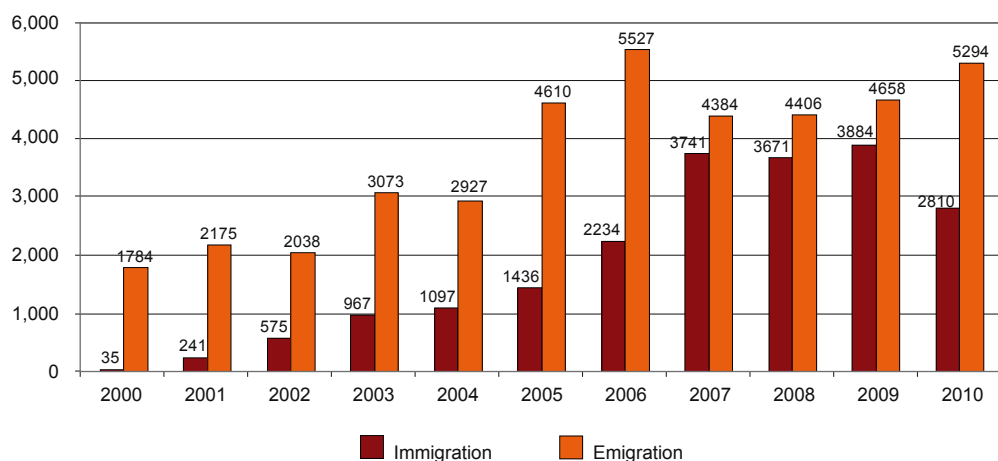
By the beginning of the 1990s, intensive immigration (mostly from other parts of what was at the time the USSR) transformed Estonia a country with a significant share of foreign-born persons.<sup>92</sup> Estonia is not a particularly attractive destination for the EU citizens or third-country nationals, including refugees and asylum-seekers due to its geographic location, level of economic development and conservative immigration policy. Estonia's net migration with respect to other countries has been constantly negative during 2000-2010 (Figure 1).

Even though immigration has been gradually increasing since 2000, the overall picture indicates that the highly fluctuating emigration figures have been higher than immigration figures. In 2007-2010 around 2.8-3.9 thousand persons per year came to Estonia and around 4.3-5.3 thousand persons per year emigrated from Estonia. Between 2010 emigration increased by 13.7 per cent, and the immigration decreased by 27.7 per cent compared to the year 2009. However, a positive migration balance in 2010 can be observed with Asia and Africa, as well as with the Russian Federation, Ukraine and Belarus.

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<sup>92</sup> Persons of this category still residing in Estonia are treated as long-term resident third-country nationals in accordance with the provisions of Directive 2003/109/EC, in Estonian discourse they are portrayed as minorities.

**Figure I. Immigration and emigration in Estonia, 2000-2010**

Source: Statistics Estonia.

A total of 16,063 people migrated to Estonia during 2004-2009, and further 2,810 did so in 2010 (Table I). Consequently, immigration accounts for only about 0.3 percent of the total population of Estonia. The most important country of origin is Finland with 6,046 persons (32% of all migrants in 2004-2010). The second most important country of origin is the Russian Federation with 4,009 persons (21%). A considerable number of people also arrived from Ukraine, Germany, the United Kingdom, Latvia and Sweden. Compared to 2004, only the share of migrants from the EU countries increased in 2010, and the largest decline was in the share of Ukrainian and Russian migrants.

**Table I. Immigration by region/country, 2004-20**

Region	2004	2005	2006	2007	2008	2009	2010
Europe	997	1,280	2,031	3,446	3,301	3,464	2,570
EU-27	507	735	1,378	2,520	2,191	2,337	1,741
EU-15	422	608	1,203	2,192	1,919	2,035	1,577
Norway	10	14	22	15	33	37	28
Switzerland	4	2	10	8	4	6	9
Ukraine	127	137	91	184	192	237	112
Belarus	21	13	26	49	40	41	22
Russian Federation	321	362	498	651	798	757	622
Africa	2	2	7	11	25	13	27
Asia	38	62	96	154	163	225	125
America	54	82	95	117	163	168	83
Oceania	6	10	5	13	19	14	5
<b>Total</b>	<b>1,097</b>	<b>1,436</b>	<b>2,234</b>	<b>3,741</b>	<b>3,671</b>	<b>3,884</b>	<b>2,810</b>

Source: Statistics Estonia.

On 1 April 2011, there were 118,517 persons with foreign nationality residing in Estonia, constituting 8.7 per cent of the total population. In addition, there were 96,634 (7.1%) residents of undetermined citizenship. The majority of residents with the foreign nationality were citizens of Russian Federation (around 81%), followed by nationals of Ukraine, Finland, Latvia, Lithuania and Belarus.

The Immigrant Population Survey carried out by Statistics Estonia (2008) indicates that 13 per cent of migrants who arrived in Estonia after 1992 have acquired Estonian citizenship, 44 per cent of them have Russian citizenship and 33 per cent are nationals of other countries. In comparison to those who arrived before 1992, the group of recent immigrants includes considerably fewer individuals with unspecified citizenship (29.3% and 9.7% respectively). Around half (53%) of those who moved to Estonia after 1992 reside in Estonia on the basis of a temporary residence permit, and the rest do not require a residence permit or have a permanent residence permit (Järv, 2009).

According to Police and Border Guard Board (PBGB) statistics, the number of persons applying for residence permit on the basis of family migration decreased with every year. Regardless of this fact, family migration continues to be the most important immigration channel in Estonia. In 2010, 1,063 residence permits were issued for family reunification (in 2009 – 1,136 and in 2007 – 1,572).

## Labour Market Impact

According to the “Labour Market Review 2/2010” published by the Bank of Estonia, the economic crisis reached depths that were unprecedented in Estonia, and there were major changes in the labour market with respect to the number of jobs, length of the working day, pay and the overall legislation (Viilmann, 2010). The economic decline and the fall in numbers of jobs mostly affected the construction sector, which had grown rapidly as well as several branches of manufacturing, increasing the threat of structural unemployment.

Most probably, economic recovery will initially lead only to an increase in the number of working hours per employee, but not to a rise in the number of employed workers. Therefore in the future more measures must be taken to provide retraining and to eliminate structural gaps and reduce structural unemployment (Viilmann, 2010). This also means that the current situation does not favour the recruitment of migrant workers from the third countries. However, some technology and ICT companies in Estonia (such as Skype, Playtech, and others) have admitted that they continue recruiting new qualified workers in the conditions of the global economic decline. At the same time, one of the most active users of migrant workers, BLRT Group (Baltic Ship Repairers), reduced their recruitment of Ukrainian workers, as workers with the necessary qualification could be found in Estonia during the economic crisis. (Veidemann, 2009).

Until the end of 2008, the employment rate was growing among the native and foreign-born population and was particularly high for those aged 25-49 in both categories (Table 3). The employment rate of working age (15-64 years old) people for both groups were almost equal in 2010, however in the previous years the employment rate

of foreign-born people has been higher by 4.5 percentage points in 2008 and by 2.4 percentage points in 2009.

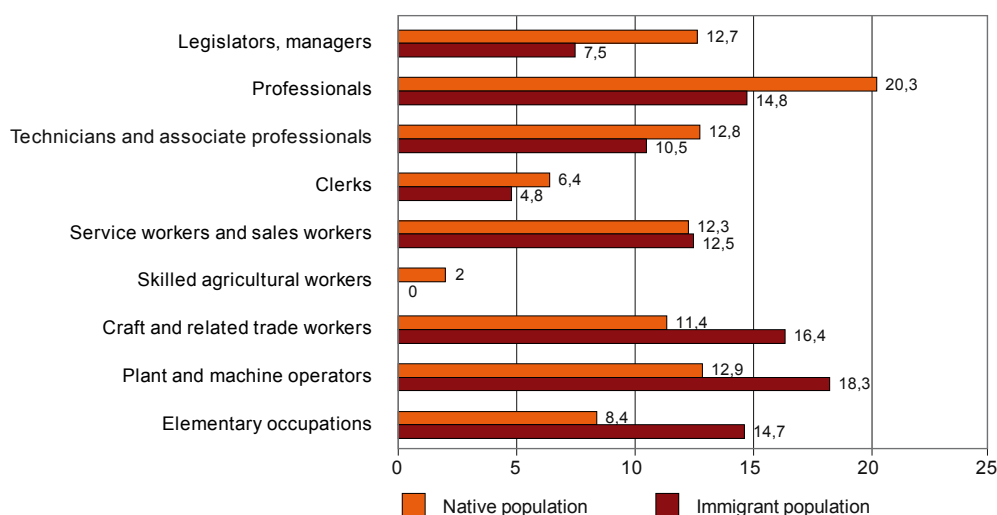
**Table 2: Employment rate of native and foreign-born population by age group, 2008-2010**

Population group	Age group	2008	2009	2010
<b>Total</b>	15-24	35.9	28.5	25.3
	25-49	84.2	76.4	74.8
	50-74	51.1	48.7	45.8
	15-64	69.5	63.2	60.7
<b>Native-born population</b>	15-24	35.0	28.2	25.6
	25-49	84.8	77.5	76.3
	50-74	51.9	49.0	46.0
	15-64	68.5	62.7	60.8
<b>Foreign-born population</b>	15-24	44.2	31.3	22.0
	25-49	82.4	72.9	68.9
	50-74	49.6	48.0	45.4
	15-64	73.0	65.1	60.4

Source: Statistics Estonia.

In 2010 the native-born population is overrepresented in higher occupational levels (legislators and managers, professionals, technicians and clerks), while in lower level occupations (craft and related trade workers, plant and machine operator and elementary occupations) the share of foreign-born population is higher.

**Figure 2: Employed native and foreign-born population by occupation, 2010 (economic activities total=100, %)**



Source: Statistics Estonia.

The Ministry of Social Affairs conducted a study (Veidemann, 2009) of migrant workers in spring 2009. The target group of the study consisted of medium-size and large companies that employed more than 20 people and the sub-sample consisted of companies that have actually recruited workers from outside the EU/EEA. Results of the study reveal that around 3.6 per cent of the surveyed companies have recruited migrant workers from third countries. An almost equal share, four per cent of companies considered recruitment, but decided against it for various reasons, including complicated recruitment process and difficulties in identifying suitable workers. In total, 7.6 per cent of economically active companies with more than 20 employees have recruited and considered recruitment of third-country nationals. Results show that companies in the manufacturing industry have recruited more migrant workers, but the educational sector also stands out as a field of activity where recruitment of foreign workers is actively pursued or considered. However, 60 per cent of potential recruiters found that their need for migrant workers has decreased in comparison to 2008. Companies that have already recruited and considered recruitment of migrant workers, are more likely to consider recruitment also in the future than other companies.

## Institutional and Legal Framework for Admission and Employment

Migration and asylum policy and the institutional context in Estonia generally remained unchanged in 2009-2010 compared to the previous years.

In 2010, an extensive reform in the field of internal security was completed. As a result, the Police and Border Guard Board (PBGB) was created by merging the Board of Border Guard, Citizenship and Migration Board, Police Board, Central Criminal Police and Personal Protection Service. The tasks of the new body include ensuring the security of the external border of the EU, establishing citizenship and issuing documents, security and public order within country and prosecuting as well as preventing crime. In May 2009, the Labour Market Board and Unemployment Insurance Fund (UIF) were joined into one institution – the UIF.

Several non-governmental organisations are active in the field of migration, asylum and integration issues. As a result of reorganisation in 2009, two foundations – Estonian Migration Foundation and Integration Foundation were merged into one organization. Since 1 January 2010 it operates as Integration and Migration Foundation Our People (MISA). The task of the foundation also include facilitating integration process in the Estonian society and co-ordinating activities related to immigration and emigration, publishing the respective information and preparing reports. Due to termination of the Estonian Migration Foundation, the duties as the Contact Point of the European Migration Network were taken over by the Estonian Academy of Security Sciences as of 1 January 2010. (EMN, 2011)

There have been some amendments to the Aliens Act and in the Obligation to Leave and Prohibition on Entry Act in 2009-2010 (EMN, 2011).

In 2008, Ministry of the Interior initiated further amendments to the Aliens Act to improve its legal clarity, and on 1 October 2010 the new Aliens Act entered

into force. The new Act regulates more elaborately studying and working in Estonia and extends responsibility in the event of violation of rules. It also foresees more favourable conditions for those in Master's or Doctoral studies and regulates unpaid practical training and voluntary service (according to the EU Council Directive 2004/114/EC).

In order to make the regulation on issuance of residence permits more flexible for students, favourable conditions were introduced for students in master and doctoral programmes in Estonia. According to the Estonian Higher Education Internationalisation Strategy 2006-2015, the state is expecting an increase in the number of students from third countries in Masters and Doctoral studies in Estonia. The strategy specifies that by 2015 there should be 2,000 foreigners studying at Estonia's institutions of higher education. The Aliens Act also foresees possibilities for submitting an application for residence permit for starting graduate and postgraduate studies directly to the PBGB if the TCN is staying in Estonia legally (instead of submitting abroad to an Estonian consulate). The state is also planning to allow those TCNs staying in Estonia on the basis of a temporary residence permit for studying to apply for a residence permit for employment in Estonia, which currently is not allowed. (EMN, 2011)

Also the amendments foresee that persons receiving international protection are allowed to work in Estonia without a work permit. Before, individuals had to apply separately for a work permit.

The amendments to the Aliens Act also include provisions on employer sanctions:

- For enabling violation of conditions for employment in Estonia by a foreigner, including enabling employment that is not in compliance with the conditions established by law.
- For violation of rules of the employment in Estonia, including foreigner employment that is not in compliance with the conditions established by law.
- Payment of salaries to the foreign worker that is lower than the salary established for employment in Estonia or failure to pay a salary.
- Failure to accordingly notify the authorities as required.

The new Aliens Act also brings the national legislation into full compliance with the provisions of the EU Directive 2003/86/EC on the right to family reunification. The Ministry of the Interior is also developing amendments to transpose the so-called Blue Card Directive (2009/50/EC). (EMN, 2011)

Since September 2010, Estonia is the pilot country for the EU 7<sup>th</sup> Framework Programme project "Participatory Immigration Policy Making and Harmonisation based on Collaborative Web 2.0 Technologies". The aim of this three-year pilot project is to give the EU citizens and opportunity to participate in the process of formation of migration policies and related important decisions through Web 2.0 solutions. The project is aimed at improving results in policy and decision making as well as increasing involvement of citizens in designing local as well as cross-EU migration policies and decisions through broader co-operation inside the EU. In this pilot project, Estonia focuses mostly on the development of decision-making policy on the local level but also on harmonising the migration policies on the EU level. (EMN, 2011)

In 2010, the most important debate in the field of migration concerned perspectives of opening of the labour market to foreign workers. The Employers' Confederation in their "Manifesto of Employers for 2011-2015" (published in August 30, 2010) suggested opening of the Estonian labour market for foreign labour from third countries. The Manifesto states: "... in order to prevent the decrease in the competitiveness of the local labour force, the Estonian labour market must be opened for foreign labour from third countries. It is important first and foremost with respect to a labour force with higher qualifications, but if necessary, short-term employment on lower paying positions (e.g. seasonal or skilled work) should be facilitated. Due to the fact that in the case of short-term employment there is no risk that cheaper labour would decrease the competitive position of Estonian employees at the labour market, it would be reasonable to decrease the requirement for average salaries for short-term employment".

Entrepreneurs consider the salary criterion unjustified in a situation where the economy is rapidly changing (for more information about the attitudes of entrepreneurs see Veidemann (2009)). One of the problems lies in the speed of publishing the statistics – the delay may be up to six months. For example, in 2009 the average annual salary of 2007 and 2008 was taken as a basis for calculations. Thus, in 2009 during the deep economic downturn the employers were obligated to pay to the employee salary based on 2007 and 2008 statistics, when salaries were reaching their highest levels in a decade. (EMN, 2010a; Veidemann, 2009)

## Institutional and Policy Framework for Integration

The mandate for developing the national integration policy transferred from the Ministry of Population and Ethnic Affairs to the Ministry of Culture in June 2009.

The initial financial allocation for integration/community cohesion measures for 2008-2010 was 52,451 thousand EUR. State budgetary resources comprise around 50 per cent of the total budget, the rest funded by the European Social Fund and the European Integration Fund. Due to economic recession, allocations from the state budget have been decreased by ca 20 per cent in 2009 and 2010, compared to the initially planned amounts. Nevertheless, the activities were implemented as foreseen in the strategy, albeit in smaller scope. (EMN, 2011)

The pre-2008 state integration programme did not separately treat migrants who have arrived after 1992, and hence no specific measures for their integration were envisaged. Integration of new migrants has thus far been project based, and not coordinated by the state. Since 2010 all new immigrants have a possibility to participate in the new immigrants' adaptation programme offered by MISA ([www.meis.ee/adoption-programme-for-new-immigrants](http://www.meis.ee/adoption-programme-for-new-immigrants)). Newly arrived third-country nationals are included in the introduction programme immediately after their arrival in Estonia. The curriculum includes modules on the civic education, language training and professional training if necessary.

Changes in language studies in 2009-2010 include free Estonian language courses for persons with undefined citizenship and TCNs. Since September 2009, free Estonian language courses are offered to non-citizens through the Integration Foundation with the financing by the European Integration Fund and the Ministry of Culture. This

project will continue until the end of 2013 and will provide the possibility of free Estonian language courses once a year for at least 400 persons from the target group. The courses are provided for different proficiency levels up to B1. The volume of the courses depends on the proficiency level (100-2000 academic hours). Passing the examination is not a precondition for enrolling in the course. (EMN, 2011)

A study “New immigrants in the educational system” was carried out by the Ministry of Education and Research in 2007. The objective of the study was to analyse the readiness of the Estonian educational system to admit children of new immigrants, including refugees, into Estonian educational institutions. According to the study, children of new immigrants are currently studying in 28 per cent of Estonia’s general education institutions. In the majority of cases the number of children of new immigrants studying in schools was small, usually no more than five. The adequacy of curricula in terms of actual needs, teacher training in higher education institutions, development of a support network for children’s integration, the statistics and reporting system, and the sharing and availability of information were all given relatively negative assessments. (Ministry of Education and Research, 2007b)

In September 2010 the Ministry of Culture launched a web portal Etnoweb ([www.etnoweb.ee](http://www.etnoweb.ee)) which was created for improving communication between various cultural organisations and minority communities, as well as for the attention of the general public. Etnoweb provides a survey of cultural minority groups, news from communities and government institutions, upcoming cultural events, calls for proposals, list of potential partners for projects, as well as contact information of consultants and officials. In 2010, 21 NGOs were supported by the European Integration Fund to organise joint activities in various areas, including nature protection, sport, music, art, child protection, culture, and so on. (EMN, 2011)

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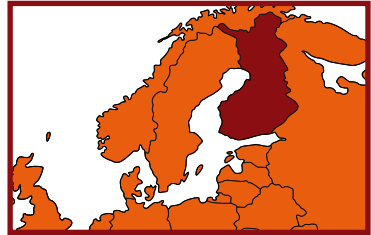


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# FINLAND

Sirkka Komulainen<sup>93</sup>



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## Migration Trends

In Finland, the number of migrants is still relatively low compared to other European countries. Of the foreign-born, the share of persons born in third countries increased from 48.4 per cent in 1990 to 64.6 per cent in 2000, then declined again to 61.9 per cent in 2010. Most of them were born in the Russian Federation and other former USSR countries (Statistics Finland, 2011; Heikkilä et al., 2011).

The recent increase in immigration to Finland comes largely from EU Member States, especially Nordic countries. Modest refugee flows come partly from a resettlement quota, since the October 2006 Migration Policy Programme allowed a more flexible allocation of selection criteria. The largest groups of non-EU students are Russians and Chinese, whose entry to the labour market is also facilitated by the Programme. Explanations for the low level of labour migration to Finland from non-EU countries included the country's high unemployment rate and in particular the rate of long-term unemployment (Statistics Finland, 2011). As the baby-boom generation ages into retirement, this situation is changing (Söderling, 2010).

The primary focus of Finnish labour market policy is on promoting employee mobility within the EU. The remigration of Finnish citizens who have previously moved abroad and the employment on the Finnish labour market of foreign students in Finland upon graduation is also promoted (Asa and Bärlund, 2010).

In 2010 there were 167,954 foreign nationals in Finland, which indicates a positive change of 7.9 per cent from the previous year. Amongst the largest groups of foreign nationals in 2010 were Estonians (17.3%), Russians (16.9%); Swedish (5.1%), Somalis (3.9%) and Chinese (3.3%) (Table 1). The total population of Finland in 2010 was 5,207,322, of which 3.2 per cent are foreign nationals.

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**Table 1: Foreign nationals in Finland 2009–2010**

Country of citizenship	2009	%	Annual change 2008–09, %	2010	%	Annual change 2009–10, %
Estonia	25,510	16.4	12.9	29,080	17.3	14.0
Russia	28,210	18.1	4.8	28,426	16.9	0.8
Sweden	8,506	5.5	0.8	8,510	5.1	0.0
Somalia	5,570	3.6	13.2	6,593	3.9	18.4
China	5,180	3.3	12.1	5,559	3.3	7.3
Iraq	3,978	2.6	22.9	5,024	3.0	26.3
Thailand	4,497	2.9	14.4	5,021	3.0	11.7
Turkey	3,809	2.4	11.1	3,973	2.4	4.3
Germany	3,628	2.3	3.6	3,715	2.2	2.4
India	3,168	2.0	15.8	3,468	2.1	9.5
Others	63,649	40.9	8.0	68,585	40.8	7.8
<b>Total</b>	<b>155,705</b>	<b>100</b>	<b>8.7</b>	<b>167,954</b>	<b>100</b>	<b>7.9</b>

Source: Statistics Finland, Demographic statistics.

The Finnish Immigration Service collects data on residence permit applications (Table 2). The overall number of residence permit applications in January-August of 2010 was 12 per cent higher than during the same period in 2009. This was mainly due to the significant increase in the number of applications for residence permits for self-employed persons, and many applications for family reunification. The portion of rejected decisions as a whole (25.2%) has risen by approximately four percent compared to 2009.

**Table 2: Residence permits decisions in 2010 by purpose of application**

Persons	Positive	Negative	Total
Employed persons	2,707	769	3,476
Self-employed persons	38	30	68
Persons of Finnish origin	414	242	656
Students	3,864	462	4,326
Other grounds	2,356	195	2,551
Family ties, marriage	1,455	450	1,905
Family ties, children	2,335	489	2,824
Family ties, others	200	638	838
Family members to Finnish citizens	518	143	761
	<b>13,987</b>	<b>3,418</b>	<b>17,405</b>

Source: Finnish Immigration Service 2011b (reference period 01.01.-31.12.2010).

According to Statistics Finland, in 2010 Finnish citizenship was granted to 4,350 foreign citizens permanently resident in Finland. The number was 900 higher than in 2009.

The number of irregular migrants is gradually increasing in Finland. According to Asa (2010) 6,888 persons took up irregular stay in the country in 2009. The majority later turned themselves to the police in order to seek asylum.

## Labour Market Impact

The 2008 statistics on the main activity by nationality indicated that the highest unemployment rate in Finland was amongst third-country nationals. The highest employment rates were observed amongst Finnish nationals (71.3%), followed by the Estonians (69%), Dutch (68.4%), Romanians (67.4%), Kenyans (72.9%) and Danish (66.2%). In 2008 there were 78,604 employed and 18,104 unemployed persons in Finland who did not speak Finnish as the native language and around 50,000 temporary migrants (Myrskylä, Statistics Finland, 2010) – a heterogeneous group ranging from seasonal berry pickers to intra-corporate transferees. The exact number of temporary workers is difficult to measure as there are no precise recent statistics for this category.

**Table 3: Labour market status by nationality, 2009, population aged 15-74**

	Both sexes					
	Total	%	Working age	%	Employed	%
Total population	5,351,427	100	2,589,838	100	2,289,975	100
Finland	5,195,722	97.1	2,511,381	97.0	2,230,177	97.4
Total foreigners	155,705	2.9	78,457	3.0	59,798	2.6
EU 27	56,106	1.0	32,145	1.2	27,584	1.2
Africa	15,843	0.3	6,806	0.3	4,400	0.2
Americas	5,508	0.1	2,686	0.1	2,177	0.1
Asia	33,540	0.6	14,764	0.6	10,457	0.5
Oceania	620	0.0	294	0.0	259	0.0
Unknown	1,812	0.0	787	0.0	517	0.0

	Both sexes					
	Unemployed	%	Students	%	Inactive	%
Total population	2,761,589	100	422,618	100	190,520	100
Finland	2,684,341	97.2	407,165	96.3	158,933	83.4
Total foreigners	77,248	2.8	15,453	3.7	31,587	16.6
EU 27	23,961	0.9	3,422	0.8	10,045	5.3
Africa	9,037	0.3	1,909	0.5	3,423	1.8
Americas	2,822	0.1	522	0.1	1,681	0.9
Asia	18,776	0.7	4,930	1.2	7,991	4.2
Oceania	326	0.0	31	0.0	222	0.1
Unknown	1,025	0.0	138	0.0	318	0.2

Source: Statistics Finland, 2011.

According to Statistics Finland's Labour Force Survey, the decline in overall employment halted in 2010. The unemployment rate also stayed almost level with 2009 (9.1%). At 67.8 per cent, the employment rate was only 0.5 percentage points lower than in 2009. Migrant men are considerably more often employed than migrant women, and this applies to all nationality groups.

According to the SAK (Central Organisation of Finnish Trade Unions), immigrant unemployment is nearly three times the national average, with migrants often employed in service sectors, and especially as cleaners and restaurant workers, regardless of their educational level. A two-tier labour market that disadvantages foreign workers has emerged in certain industries where the workforce is organised in SAK-affiliated unions. Foreign workers do not always enjoy such benefits as overtime and weekend work bonuses or holiday compensation, and there are shortcomings in industrial safety and housing conditions. Most of the problems arise at workplaces where the workers are temporarily in Finland and where the work is distributed through subcontracting chains. Temporary foreign employees encounter difficulties in the construction and technology, transport, agriculture, cleaning, market gardening, hotel and catering, and other industries. Many of them also have to pay agency fees when seeking work in Finland, even though such fees are illegal (SAK, 2011).

Even though many public authorities compile statistics on foreign workers, no precise figures are available on the number of foreigners working in Finland on a permanent or temporary basis. The most accurate figures on foreign workers pertain to permit holders from outside of the EU. Around 4,400 residence permits in 2010 (just under 5,000 in 2008) were issued to third-country nationals for the purpose of employment. Most of these permits went to cooks, chefs, cold buffet chefs, gardeners, cleaners, agricultural workers, plumbers, heavy goods and combination vehicle drivers, and welders. The most common nationalities of permit applicants were Russian, Ukrainian, Chinese, Turkish, Croatian, Thai and Filipino.

In 2010, the ALPO project by the Ministry of the Interior (2011c) involved a mapping of barriers for migrant labour market integration. There are no detailed findings available. Generally however, the results indicate that:

- Migrants in Finland tend to be fairly young and constitute a valuable resource for the labour market (Heikkilä and Pikkarainen, 2008);
- An educated and experienced migrant has just as good chances of employment as a native Finnish citizen;
- Migrants in Finland are a heterogeneous group;
- There are knowledge gaps regarding employment in the longer term for different migrant groups, as well as on aspects of their labour market integration, career progress, educational background, language skills, and reasons for migrating to Finland;
- Recent research suggests that Finland is characterised by the so-called dual labour markets (ibid);
- There may be job applicant related reasons for unemployment such as:
  - ability to gather information;

- lack of relevant knowledge and skills;
- ill health;
- family-related issues; or attitudinal issues.
- Additionally, there are particular challenges affecting migrants such as:
  - lack of social networks;
  - lack of sufficient knowledge of the Finnish labour market;
  - difficulties involving recognising qualifications and work experience;
  - lack of information about how practices could be improved;
  - and lack of Finnish language skills and knowledge of the Finnish culture;
- There may be employer related problems such as:
  - inappropriate employment practice;
  - passivity in recruitment process;
  - unrealistic expectations of the employees;
  - insufficient knowledge and skills;
  - attitudinal problems;
  - and lack of resources for employee training;
- There are general problems regarding service provision, such as:
  - a benefits system that discourages taking on for example temporary work;
  - benefit and support systems being too complex;
  - the sectoral nature of support systems;
  - inadequate or insufficient language training;
  - fragmentation of integration services and lack of resources;
  - and inadequacies within the education system, such as no efficient means for preventing migrant youth from dropping out of further education.

## Institutional and Legal Framework for Admission and Employment

Immigration of workers in Finland is promoted taking into consideration the Finnish need for labour, Finnish population trends and the situation in the immigrant workers' countries of departure. The policy is focused on responsible and ethical recruitment with the aim of securing the sourcing of workers from abroad when suitable candidates are not available in Finland or the EU.

The Action Plan on Labour Migration was adopted as a Government Resolution in November 2009. It was prepared by the Ministry of Interior through an inter-ministerial steering committee including consultation with social partners and civil society, and expands on policies created in the government's immigration policy programme. It describes the situation of labour migration, Finland's strategic policies in this respect, and the necessary measures and resources. Most measures proposed aim at preparation for the particular challenges brought by labour migration (OECD, 2011).

The Government proposal for the amendment of the Aliens Act and the Act on the Register of Aliens with regards to the provisions concerning the residence permit system for employed persons was submitted to the Finnish Parliament in late 2009. The proposal moved to committee in February 2010. It recommends that the current

system of determining home market labour availability would be discontinued, abolishing the two-phase permit issuance procedure.

The current system stipulates that the permit includes the initial decision of the employment office and the final residence permit decision of the Finnish Immigration Service or the respective municipal police department of the relevant population register district. The application for the worker's residence permit can be made by either the worker or by the employer. The reform would result in the decisions being centralized with the Finnish Immigration Service, and only the prospective migrant workers would be able to submit an application. The reform is set to enter into force in 2011. This schedule is, however, contingent on Immigration Services' successful implementation of its new electronic system for processing immigrant affairs (Asa, 2010).

The Ministry of the Interior set a project on 17 February 2010 to amend the Aliens Act with regards to provisions on the immigration and residence of highly qualified non-EU citizens. Preparations for amendments to the Aliens Act to implement the Blue Card Directive have begun in the Ministry of the Interior.<sup>94</sup>

The Act on Unemployment Security has been amended on 1 January 2011 to provide a foreigner, who has been granted a fixed-term continuous residence permit (residence permit A), with the right to labour market support including assistance in job-seeking and unemployment benefits. This right will apply regardless of the reason for granting the residence permit, if other prerequisites for eligibility to unemployment benefit are met. An A permit can be granted, for instance on the basis of family ties, Finnish ancestry or international protection.

In addition, following this reform, persons with an A residence permit granted for a specific occupational sector, persons with a residence permit for a self-employed individuals granted on the basis of a reason other than exercising a profession, and researchers as referred to in the so-called *Researcher Directive* will be entitled to labour market support, provided that they fulfil the conditions for being granted unemployment benefit in other respects. A foreigner's right to receive daily unemployment benefit will not change: a person with a fixed-term temporary residence permit (residence permit B) will remain ineligible to receive unemployment benefits in the future.<sup>95</sup>

## Institutional and Legal Framework for Integration

The Finnish integration policy is based on the *Act on the Integration of Migrants and Reception of Asylum Seekers*. The Act came into force in 1999, and has been amended several times since then. Changes in the migration flows into Finland in the recent years have required a comprehensive reform to the Act. The proposal for reform was adopted by the Finnish Parliament on 30 December 2010 and the reformed Act will enter into force on 1 September 2011 (Vänskä-Rajala, 2010). The objective of

<sup>94</sup> Ministry of the Interior, 2011a. <http://www.intermin.fi/intermin/home.nsf/pages/BAF892C969C847E2C2257146004AFICA?opendocument>

<sup>95</sup> Employment and Economic Development Office, 2011a, [http://www.mol.fi/mol/en/01\\_ministry/06\\_press/2010-12-22-01/index.jsp](http://www.mol.fi/mol/en/01_ministry/06_press/2010-12-22-01/index.jsp)



the reform was to expand the scope of application of the Act, to promote integration especially at the early stages and to give more concrete form to the concept of two-way integration. The reform aims at promoting the equality of migrants with the remainder of the population. The primary direction of Finnish refugee policy has remained unchanged.

Under the *Act on the Integration of Migrants and Reception of Asylum Seekers 2010*, all migrants will be provided basic information on Finnish society, rights and obligations when they register for or are granted a residence permit. They will also be provided information on state services and the integration system. Every immigrant that requires a continuous resident permit will be entitled to an initial survey of their situation to assess needs for language training and to determine whether they require an integration plan. The aim of this measure is to speed up integration and employment and make integration measures more responsive to the individual needs of each immigrant. The Act will also include more detailed provisions on integration education arrangements, in particular with respect to learning Finnish or Swedish. Language training will be arranged according to the recommendations of the National Board of Education.

Furthermore, support structure projects ALPO and MATTO funded by the European Social Fund (2007-2013) and led by the Immigration Department of the Ministry of the Interior were designed to improve services in the initial phases of integration and the resources focused on the immigration of workers (Asa, 2010).

The Centre for Economic Development, Transport and the Environment (2011a) is currently funding the *Koulutusportti-Project* that aims to enhance integration education and making the best use of educational resources. The project is based at the capital region where immigration has risen steadily since 2000. The project addresses problems associated with the fragmentation of services for migrants and lack of co-ordination.

In October 2010, the applicability of a citizenship test was discussed at the initiative of the Director General of the Finnish Immigration Service in conjunction with the reform of the Integration Act. In addition, the year 2010 also saw extensive dialogue, both in the immigration administration and mainstream media, on the implementation of the Family Reunification Directive at the national level and the definition of a family member in the Aliens Act. The Act defines that a notion of a family member is limited to members of the nuclear family, which has been seen by some commentators as being too narrow an interpretation.

## Active Labour Market Programmes

The Centre for Economic Development, Transport and the Environment (2011b) in the capital region has completed the INSITE-project to support labour migration into Finland (1 March 2009 – 31 December 2010). The project mapped out the recruitment of the foreign labour force from a regional point of view. INSITE operated under the ESF-funded programme on the development of labour migration in view of a rising demand for support services for labour migrants. It aimed to enhance the effectiveness of formal recruitment channels, public employment services and co-operation between municipal/state officials and employers. The objective of the project was to encourage

legal and regulated labour migration as well as improve the attractiveness of Finland as a destination.

Development projects are carried out at different levels to support the local municipalities in their efforts to enhance the integration processes (Heikkilä et al., 2011). European Union structural funds contribute annually up to about EUR 10 million for local and national projects in the area. For example, In To is a service point of the Social Insurance Institution of Finland (Kela) and Finnish Tax Administration for employees moving to and from Finland. In To also helps self-employed persons, students and companies hiring and recruiting foreign labour. It was set up in 2008 and opened as of January 2011 on a permanent basis (Seppelin, 2010).

Despite the nationwide well-established system of public employment agencies in Finland, and the relatively easy access this formal channel offers to job-seekers to the information on new vacancies, social networks might still constitute a substantial source of job information and employment opportunities for immigrants in the Finnish labour market (Ahmad, 2005).

## Discrimination in Employment

The Ministry of the Interior (2011d) leads a Monitoring Group to address discrimination in the period from 2010 to 2013. The tasks of the Monitoring Group as follows:

- Co-ordinate and implement national discrimination monitoring;
- Define the formal and substantive requirements for annual discrimination investigations concerning different areas of life;
- Gather information about discrimination concerning different population groups and maintain a webpage containing this information;
- Develop research and statistics on discrimination by co-operating with research institutes and organisations that hold statistical information;
- Disseminate information and train professionals about discrimination, its monitoring and potential information needs.

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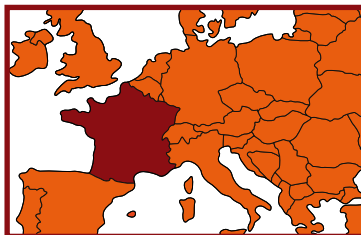
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# FRANCE

Emmanuel Hassan<sup>96</sup>



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## Migration Trends<sup>97</sup>

The number of initial residence permits issued to non-EU/EEA nationals in France rose from 149,982 in 2000 to 187,381 in 2009. This represents a growth rate of 2.5

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<sup>97</sup> Statistics on the inflow of migrants are compiled using different administrative sources:

- The French Office of Immigration and Integration (OFII – *Office Français de l'Immigration et de l'Intégration*) records all persons allowed to stay in France for at least three months during their mandatory medical examination.
- The French Office for the Protection of Refugees and Stateless Persons (OFPRA – *Office Français de Protection des Réfugiés et Apatrides*) records all asylum seekers.
- The Ministry of Interior records all residence permits delivered by prefectures through the so-called AGDREF (*Application de gestion des ressortissants étrangers en France*) database. Access to this database is nevertheless restricted to a few institutional actors as well as researchers.

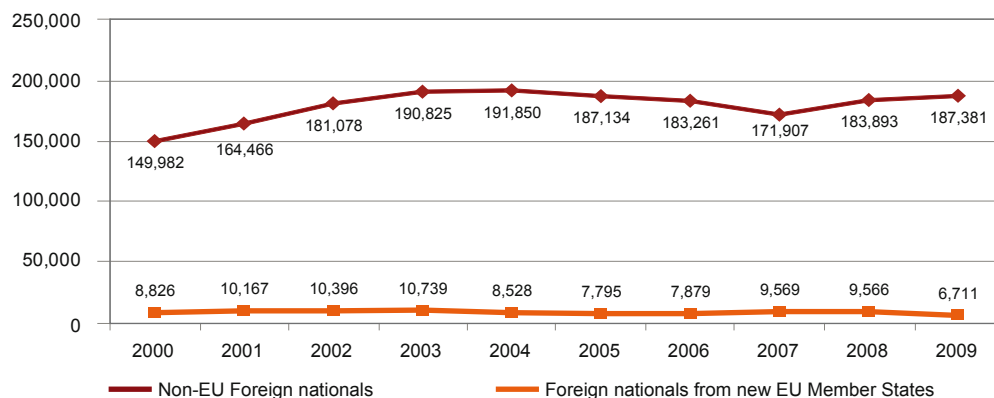
Statistics on migrants' inflows presented in this report are based on administrative data compiled by the Ministry of Interior on the number of initial residence permits. Only publicly available data (up to 2009) are used in the report. Migrant stock statistics are based on the census data from the National Institute of Statistics and Economic Studies (INSEE). During the preparation of the report, these data are available up to 2008. Data for 2008 are compared to those published in 1999, as recommended by INSEE. The foreign population is defined according to a nationality criterion.

Official statistics on population and nationality in France often distinguished between immigrants and foreigners. Under the terms of the definition adopted by the High Council for Integration, an immigrant is a person who is born as foreigner and abroad, and resides in France. Persons who were born abroad and of French nationality and live in France are therefore not counted. The foreign and immigrant populations are therefore not quite the same: an immigrant is not necessarily foreign and certain foreigners were born in France (mainly minors). Immigrant status is permanent: an individual will continue to belong to the immigrant population even if they acquire French nationality. It is the country of birth (and not nationality at birth) that defines the geographical origin of an immigrant.

A foreigner is thus a person who resides in France and does not possess French nationality, either because they possess another nationality (exclusively) or because they do not have one at all (this is the case of stateless persons). Persons of French nationality who also possess another nationality (or several nationalities) are considered in France as being French. A foreigner is not necessarily an immigrant and may have been born in France (minors, in particular).

per cent by year on average, but the rise was particularly high between 2000 and 2004. Subsequently, from 2008 to 2009 the number of new residence permits rose on average by some 1.9 per cent per year. The annual number of the initial residence permits issued to the foreign nationals from the recently acceded EU Member States remained below 10,000 during the period.

**Figure 1: Number of first residence permits delivered to the foreigners, 2000-2009**

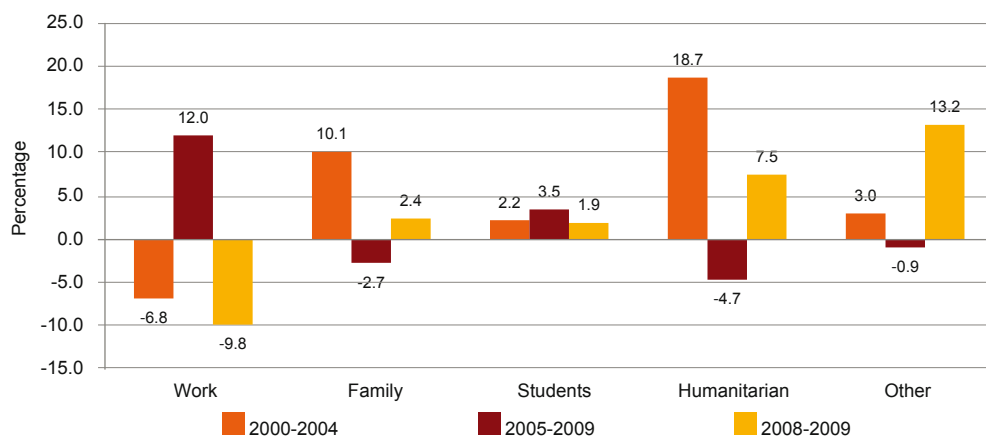


Note: metropolitan France only.

Source: Ministry of Interior, SGII – DSED.

The number of the first residence permits delivered for work purposes decreased between 2000 and 2004 but strongly rebounded subsequently (Figure 2). It increased at annual rate of 12.0 per cent from 2005 to 2009. This high growth is mainly due to the surge of the first residence permits for work purposes delivered after 2008.

**Figure 2: Annual growth of the number of first residence permits to non-EU nationals by reason for admission, 2000-2009, per cent**



Note: non-EU foreigners are foreign nationals from regions/ countries other than the European Union (EU-27), the EEA, and Switzerland; metropolitan France only.

Source: Ministry of Interior, SGII – DSED.

This surge is to be seen in relation to the changes in immigration policy in France during that period that aimed to encourage work migration in targeted employment occupations and to attract skilled migrants in particular (Secrétariat Général du Comité interministériel de contrôle de l'immigration, 2011; Prioux, Mazuy, and Barbieri, 2010).

The sharp decline of the number of the first residence permits delivered for work purpose in 2009 (-9.8 per cent compared to 2008) was likely caused by the global economic downturn (Secrétariat Général du Comité interministériel de contrôle de l'immigration, 2011).

Family migration shows a reversed trend: a sharp growth in the first half of the 2000s and a large decrease from 2005 to 2009 (Figure 2). The rise in the number of the first residence permits for family purposes in 2006 was principally due to the legalisation of undocumented foreigners with at least one child enrolled in school in France. They obtained a residence permit by virtue of their individual and family ties in the country (Régnard, 2007, 2010; Prioux, 2008). The number of new residence permits issued for family purposes decreased afterwards until 2008, and rebounded slightly 2009 (+2.4 per cent).

The downward trend in family migration during the second half of the past decade also echoes the reorientation of the French immigration policy during that period. While the French government has encouraged selective work migration, it has also intended to restrain family migration.

Students' migration increased during the first and the second half of 2000s (Figure 2). The number of residence permits delivered for studies grew by 1.9 per cent from 2008 to 2009.

After a strong growth during the first half of the past decade, humanitarian migration dropped at an annual rate of 4.7 per cent between 2005 and 2009 (Figure 2). The number of the first residence permits issued for humanitarian purposes nevertheless strongly rebounded between 2008 and 2009.

Initial residence permits issued for work purposes in metropolitan France showed the strongest growth during the second half of the 2000s. However the majority of initial residence permits delivered to foreign nationals from third-countries was still issued for family purposes in 2009.

During that year, 45.6 per cent of residence permits delivered to non-EU foreign nationals were issued for family purposes, against only 10.3 for work purposes (Table I). The low share of residence permits issued for work purposes should nevertheless be nuanced. Work migration is structurally under-estimated in metropolitan France. Indeed, family ties have become the main decision factor to deliver residence permits since the suspension of labour migration in 1974. In fact, a large proportion of family migrants find work shortly after arriving in France (Thierry, 2004; Prioux, 2005).

Yet, the share of initial residence permits delivered for work purposes in 2009 did not differ significantly from its share at the beginning of the past decade (Table I). The same is true for initial residence permits delivered for family purposes.

In 2009, the share of residence permits delivered for studies totalled 28.4 per cent, while the share of initial residence permits issued for humanitarian reasons amounted to 9.9 per cent (Table I).

**Table 1: Number of the first residence permits delivered to non-EU nationals by reason of admission, 2000-2009**

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
<b>Absolute figures</b>										
Work	14,843	18,185	20,956	12,457	11,298	11,905	11,678	11,751	21,352	19,251
Family	62,970	68,601	75,649	93,605	94,384	95,242	98,646	87,537	83,465	85,486
Students	45,099	49,466	54,936	52,317	49,305	46,294	44,943	46,663	52,163	53,160
Humanitarian	6,439	8,251	9,050	11,429	13,595	22,334	16,665	15,445	17,246	18,538
Other	20,631	19,963	20,487	21,017	23,268	11,359	11,329	10,511	9,667	10,946
Total	149,982	164,466	181,078	190,825	191,850	187,134	183,261	171,907	183,893	187,381
<b>In percentage</b>										
Work	9.9	11.1	11.6	6.5	5.9	6.4	6.4	6.8	11.6	10.3
Family	42.0	41.7	41.8	49.1	49.2	50.9	53.8	50.9	45.4	45.6
Students	30.1	30.1	30.3	27.4	25.7	24.7	24.5	27.1	28.4	28.4
Humanitarian	4.3	5.0	5.0	6.0	7.1	11.9	9.1	9.0	9.4	9.9
Other	13.8	12.1	11.3	11.0	12.1	6.1	6.2	6.1	5.3	5.8
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Note: non-EU foreigners are foreign nationals from regions/ countries other than the European Union (EU-27), the EEA, and Switzerland; metropolitan France only.

Source: Ministry of Interior, SGII – DSED.

Table 2 shows the foreign population in metropolitan France broken down by nationality in 1999 and 2008. Foreigners from the Maghreb represented 29.3 per cent of foreigners in 2008, a decrease of 5.5 percentage points compared to 1999. Other important countries of origin of foreigners include EU countries, particularly Portugal, Italy, and Spain. In 2008, foreigners from the European Union accounted for 36.0 per cent of all foreigners in 2008, down from 36.6 per cent in 1999. The share of foreigners from Portugal, Italy, and Spain in the foreign population in metropolitan France accounted for 22.0 per cent of all foreigners, compared with 28.1 per cent in 1999. Men were highly represented among foreigners from Portugal, Italy, Algeria, Morocco, Tunisia, and Turkey in 2008 while women were more dominant among foreigners from other countries.

There were some noticeable changes in the socio-economic structure of the foreign population between 1999 and 2008. While 22.5 per cent of foreigners were classified as manual workers in 1999, this share decreased to 16.8 per cent in 2008. The share of other inactive persons also declined. Conversely, the share of retired persons among foreigners nevertheless raised from 11.3 per cent in 1999 to 15.2 per cent in 2008.

In spite of improvements during the past decade, foreigners aged more than 15 years are considerably less educated than the French nationals by birth. In 2009, 50.9 per cent of foreigners aged more than 15 years had a low-level of education, against 38.4 per cent of French nationals by acquisition. The share of foreigners aged more than 15 with a medium-level of education was also much lower than that of French nationals by birth. However, the proportion of foreigners aged over 15 with a high-level of education remained only slightly below than of French nationals by birth.



Rough approximations estimate the stock of illegal migrants (staying on the national territory without a valid residence permit) to 300 000 (Buffet, 2006). Besides, several indicators are used by the French government to gauge the size of the stock of illegal migrants on the French territory (Secrétariat Général du Comité interministériel de contrôle de l'immigration, 2011). One of these indicators is the number of recipients of the State Medical Aid (AME – *Aide Médicale d'Etat*). This aid is a social benefit primarily intended to support the medical expenses of irregular migrants. The number of recipients of the State Medical Aid was 215,763 in 2009, an increase compared to previous years.

**Table 2: Distribution of the foreign population by nationality, 1999-2008**

	1999		2008	
	In thousands	In percentage	In thousands	In percentage
Portugal	554	17.0	491	13.6
Italy	202	6.2	174	4.8
Spain	162	5.0	128	3.6
Other EU countries	278	8.5	504	14.0
Algeria	477	14.6	471	13.1
Marocco	504	15.4	443	12.3
Tunisia	154	4.7	144	4.0
Turkey	208	6.4	222	6.2
Other countries	724	22.2	1,027	28.5
<b>Total</b>	<b>3,263</b>	<b>100.0</b>	<b>3,603</b>	<b>100.0</b>

Note: Metropolitan France only.

Source: INSEE, *Census*.

## Labour Market Impact<sup>98</sup>

The active population of foreigners and French nationals approximately amounted respectively to 1,538,000 and 26,558,000 in 2009. The share of the active foreigners in the total active population in metropolitan France amounted to only 5.5 per cent. Active EU foreigners made up 39.3 per cent of the active foreigners.

From 2005 and 2009, the active populations of foreigners and French nationals expanded, though at different paces. The number of active foreigners rose at an

<sup>98</sup> The main source of labour market statistics on migrants in France is the French Labour Force Survey carried out every year by the National Institute of Statistics and Economic Studies (INSEE). The majority of standard labour market indicators (for example, activity, employment, unemployment rates) can be calculated from the results of this survey. However, access to some data is nevertheless confidential. While publicly available primary data include some information of the nationality of respondents, it is nevertheless not possible to distinguish between EU and non-EU foreigners for confidentiality reasons. Labour market indicators broken by these nationality groups are only available when they are already compiled by INSEE. In this report, labour market statistics on migrants are based on the French Labour Survey. They often do not provide information for EU-foreigners and non-EU foreigners but for foreigners as a whole. At the time of the preparation of the report, only data up to 2009 were available. Labour market indicators in the report are based on the aforementioned definition of “foreigners”. However, most of French peer-reviewed studies on the labour markets situation of migrants are based on the prior definition of “immigrants”. This implies that the results presented in the report are imperfectly comparable to those published in the French peer-reviewed literature.

average annual rate of 2.2 per cent while that of French nationals went up by 0.7 per cent a year on average. The active population of non-EU foreigners expanded quicker than that of EU foreigners.

Between 2008 and 2009, the size of the active foreign population however declined by 1.3 per cent while that of French nationals increased by 1.1 per cent. The active populations of non-EU and EU foreigners did not uniformly decrease during the year: the number of active EU-foreigners grew sharply (+23.6) whereas that of active non-EU foreigners dropped by 12.7 per cent. It should however be stressed that the active population of EU foreigners decreased considerably in 2008 while that of non-EU foreigners increased sharply.

The employed populations of foreigners and French nationals respectively totalled circa 1,264,000 and 24,265,000 in 2009. The share of employed foreigners in total employment in France averaged 5.0 per cent. EU foreigners accounted for 43.5 per cent of the foreign employed population.

The employment of foreigners and French nationals nevertheless decreased in 2009. While foreign employment fell by 5.5 per cent, the number of employed French nationals only declined by 0.7 per cent. Again, the employment of non-EU and EU-foreigners did not change uniformly: the latter decreased by 19.1 per cent, the latter rose by 20.6 per cent.

In 2009, the unemployed populations of foreigners and French nationals reached approximately 274,000 and 2,294,000. The share of unemployed foreigners in the total unemployed population was 10.7 per cent EU foreigners accounted for 19.9 per cent unemployed foreigners.

**Table 3: Foreign active, employed and unemployed populations, 2007-2009**

	2005	2006	2007	2008	2009	2005-2009	2008-2009
	In thousands					Annual growth rate	
<b>Active population</b>							
French	25,871	26,043	26,148	26,267	26,558	0.7	1.1
Foreigners	1,406	1,417	1,498	1,557	1,538	2.2	-1.3
EU foreigners	558	605	621	489	604	2.0	23.6
non-EU foreigners	848	812	877	1,069	933	2.4	-12.7
<b>Employed population</b>							
French	23,688	23,851	24,179	24,425	24,265	0.6	-0.7
Foreigners	1,162	1,181	1,251	1,338	1,264	2.1	-5.5
EU foreigners	516	556	571	456	550	1.6	20.6
non-EU foreigners	646	625	680	882	714	2.5	-19.1
<b>Unemployed population</b>							
French	2,184	2,192	1,970	1,842	2,294	1.2	24.5
Foreigners	244	236	247	219	274	2.9	24.8
EU foreigners	41	49	50	40	54	6.9	37.3
non-EU foreigners	203	187	197	180	219	2.0	22.1

Note: EU = EU-27; age group = 15-64 ; metropolitan France only.

Source: INSEE, LFS.

In 2009, the activity rates of French nationals and foreigners respectively totalled 70.8 per cent and 64.3 per cent. The lower participation of foreigners in the French labour market was mainly due to non-EU foreigners. The latter had an activity rate of 60.3 per cent only, against 71.4 per cent for EU foreigners. The activity rates of both French nationals and foreigners slightly rose between 2005 and 2009. In particular, the increase averaged only 0.1 per cent for foreigners.

**Table 4: Activity, employment and unemployment rates of the French nationals and foreigners, 2005-2009**

	2005	2006	2007	2008	2009	2005-2009	2008-2009
	In percentage					Annual growth rate	
<b>Active rate</b>							
French	70.0	69.9	70.0	70.3	70.8	0.3	0.8
Foreigners	64.0	63.6	64.0	64.8	64.3	0.1	-0.9
EU foreigners	72.6	72.7	72.0	70.3	71.4	-0.4	1.5
non-EU foreigners	59.4	58.2	59.4	62.6	60.3	0.4	-3.5
<b>Employed rate</b>							
French	64.1	64.0	64.7	65.3	64.7	0.2	-1.0
Foreigners	52.9	53.0	53.5	55.7	52.8	0.0	-5.1
EU foreigners	67.2	66.8	66.2	65.6	65.0	-0.9	-1.0
non-EU foreigners	45.2	44.8	46.0	51.6	46.2	0.5	-10.6
<b>Unemployed rate</b>							
French	8.4	8.4	7.5	7.0	8.6	0.6	23.1
Foreigners	17.3	16.6	16.5	14.1	17.8	0.7	26.4
EU foreigners	7.4	8.1	8.1	6.5	9.0	4.9	38.3
non-EU foreigners	23.9	23.0	22.5	19.0	23.5	-0.4	24.0

Note: EU = EU-27; age group = 15-64 ; metropolitan France only.

Source: INSEE, LFS.

The employment rates of French nationals and foreigners were 64.7 per cent and 52.8 per cent in 2009 (Table 4). Again the poor performance of foreigners was mainly the fact of non-EU foreigners. Their employment rate only reached 46.2 per cent, compared to 65.0 per cent for EU foreigners. From 2008 and 2009, both French nationals and foreigners showed their employment rate decline. The drop was much more marked for foreigners (-5.1 per cent) than for French nationals (-1.0 per cent). This can be explained by the substantial decrease of the employment rate of non-EU foreigners (-10.6 per cent).

In 2009, the unemployment rate of foreigners was considerably higher than that of French nationals (Table 4). It averaged 17.8 per cent, against 8.6 per cent for French workers. It should however be noted that non-EU workers remained significantly more unemployed (23.5%) than the EU nationals (9%).

Between 2008 and 2009, the unemployment rates of French nationals and foreigners increased dramatically. The unemployment rate of French nationals grew from 7.0 per cent in 2008 to 8.6 per cent in 2009. While the unemployment rate of foreigners was

already more than twice as high as that of French nationals in 2008, it further rose in 2009. Among foreign workers, those from EU-countries nevertheless experienced the highest growth of their unemployment rate. This can be explained by the fact that EU foreigners continued to enter the French labour market in 2009 despite the economic slowdown.

The preceding results have showed that the labour market situation of foreigners, particularly those from third-countries, has substantially deteriorated at the end of the past decade. The deterioration of the labour market outcomes of the French nationals was less marked.

Labour market situation of foreigners, primarily non-EU ones, was already poor compared to that of French nationals before the economic downturn at the end of the 2000s. In part this is due to structural differences between foreigners and French nationals (for example, education level, marital status, geographical localisation of employment, age, and nationality).

However the poor labour market performance of foreigners persists even after control for these structural effects. Some empirical studies using on multivariate statistics have indeed found that immigrants in France are more likely to be unemployed than non-immigrants. Their probability of being active or employed is also lower (for example, Vergudo, 2009; Algan, Dustmann, Glitz, and Manning, 2010; Meurs, Pailhé, and Simon, 2006; Domingues Dos Santos, 2005).<sup>99</sup>

A number of French empirical studies have highlighted the low participation of migrant women in the French market compared to migrant men (for example, Meurs, Pailhé, Simon, 2006; Glaude and C. Borrel, 2002; Perrin-Haynes, 2008). This is especially the case of migrant women from third-countries. A large majority of these women have indeed migrated to France in the context of family reunification while men have tended to migrate for work purposes (Tavan, 2006). For a number of them, migration has as an immediate consequence entry into a state of inactivity, while they were active in their country of origin (Jourdan, 2011). Foreign women showed lower activity and employment rates than French women in 2009. For instance, their activity rate amounted 53.2 per cent, while that of French women was 67.0 per cent. They were also much more hit by unemployment - 17.6 per cent in 2009, around twice the size of that of French women.

Two employment occupations made up 44.4 per cent of foreigners' employment in 2009: "elementary occupations", with 23.3 per cent, and "craft and related workers", with 21.1 per cent. During that year, only 19.8 per cent of French workers held jobs in these employment occupations.

Occupations such as "clerks", "technicians and associate professionals", and "professionals" were particularly under-represented in the employment of foreigners. They added up to 23.2 per cent of foreign employment in 2009, while they represented 45.7 per cent of French nationals' employment.

There were only small changes in the occupation structure of foreigners between 2008 and 2009. The share of "legislators, senior officials and managers" grew by 2.2 percentage points in foreign employment. Nevertheless this can certainly be explained by the contraction of the employed population of non-EU foreigners in France in 2009.

<sup>99</sup> These studies however do not seem to control for employment occupations or sectoral activities.

Lhommeau, Meurs, Primon (2010) recently confirmed the wage gaps between migrants and the mainstream population, after controlling for individual and job characteristics. These wage gaps are more important for men than for women. There are also disparities across countries of origin. For example, migrant men from the Maghreb, Sub-Saharan Africa, and Southeast Asia, and Turkey are more likely to have lower wages than migrant men from the European Union.

**Table 5: Employment of the French nationals and foreigners by occupation, 2008-2009**

	2008			2009		
	French (1)	Foreigners (2)	Difference (2) - (1)	French (1)	Foreigners (2)	Difference (2) - (1)
Armed forces	1.2	0.2	-1.0	1.1	0.2	-0.9
Legislators, senior officials and managers	8.4	6.2	-2.3	8.7	8.4	-0.3
Professionals	14.1	8.7	-5.4	13.9	9.6	-4.3
Technicians and associate professionals	19.3	8.9	-10.4	19.5	7.8	-11.7
Clerks	12.4	6.6	-5.9	12.2	5.7	-6.5
Services workers and shop and market sales workers	12.5	13.4	0.9	12.8	12.6	-0.2
Skilled agricultural and fishery workers	3.4	2.2	-1.1	3.6	2.4	-1.2
Craft and related workers	11.1	22.2	11.1	10.8	21.1	10.2
Plant and machine operators and assemblers	8.7	9.2	0.5	8.3	8.9	0.6
Elementary occupations	8.9	22.4	13.5	9.0	23.3	14.4

Note: « Foreigners » includes EU and non-EU nationals; metropolitan France only.

Source: INSEE, LFS.

## Institutional and Legal Framework for Admission and Employment

The Decree of 27 April 2009 on long stay visa introduced new provisions on visas of more than three months. These new provisions entered in force on 1 June 2009. The following categories of migrants can be granted a long stay visa equivalent to a residence permit (VLS-TS - *Visa de Long Séjour valant Titre de Séjour*):

- foreign spouses of French nationals for the purpose of staying in France,
- students (study duration: from 91 days to 12 months),
- employees and temporary workers (contract duration: from 91 days to 12 months),
- and foreign visitors (duration of the stay: from 91 days to 12 months).

Prior to the Decree, these foreigners had to request a visa in one of the French Consulates abroad and then apply for a residence permit to the Prefecture in

France during the first twelve months of their stay. Therefore, the Decree simplifies considerably the legal requirements for admission to France.

In 2010, the French government introduced a bill related to immigration, integration, and nationality. This bill was enacted on 16 June 2011. The Immigration, Integration, and Nationality Law 2011 has transposed the Council Directives 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals, 2009/50/EC on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, 2009/52/EC providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.

## Institutional and Policy Framework for Integration

The Directorate for the Reception, Integration, and Citizenship (*DAIC – Direction de l’Accueil, de l’Intégration, et de la Citoyenneté*) of the French Ministry of Interior, Overseas, Territorial Authorities, and Immigration (*Ministère de l’Intérieur, de l’Outre-Mer, des Collectivités territoriales et de l’Immigration*) is responsible for all matters related to the reception and integration of legal migrants on French territory.

Created in 2009, the French Office for Migration and Family (OFII) is a public agency under the authority of the Ministry of the Interior. The OFII replaces the National Agency of the Reception of Foreigners and Migrations (ANAEM). The OFII plays a key role in the implementation of the French integration policy. Its mission is to participate in all administrative, health, and social actions related to:

- entry on the French territory of all migrants in the context of family reunification or those from third countries who intend to work as salaried;
- reception of asylum seekers;
- medical examination of foreigners that have a resident permit of more than three months;
- entry and stay of foreigners that are authorised to stay on the French territory for a period of less than three months; and
- return and reinsertion of migrants in their country of origin.

In 2010, the DAIC budget for the programme “Integration and access to nationality” (“Programme 104”) was EUR 79.28 million. This programme was divided into four main actions (Secrétariat Général du Comité interministériel de contrôle de l’immigration, 2011):

- “Action 11”: National actions of reception and language training for foreigners. The aim of this action is to enhance the integration of migrants. Budgetary credits for this action are transferred to OFII.
- “Action 12”: Actions for the integration of legal migrants. The purpose of this action is to facilitate the integration of foreigners, including refugees, by specific accompanying measures, either centralised or decentralised. The main themes

of these actions concern: language training for migrants; the knowledge of the education system; and the access to employment by means of partnerships with economic actors, support to the creation of enterprises by foreigners, and the promotion of diversity in enterprises.

- “Action 13”: Support to the reinsertion of older migrants in their country of origin;
- “Action 14”: Naturalisation and access to nationality.

The OFII is also responsible for the integration of migrants that are granted a long-stay resident permit for the first time. This responsibility includes the “reception and integration contract” (CAI).

In this perspective, the signature of the CAI between the migrant and the State is mandatory since 1 January 2007. This contract is drafted in the mother tongue of the migrant. By signing the contract, the migrant accepts to attend civic and citizenship education, and when needed, training to learn the French language. The French State provides the following free services to migrants: a one-day civics and citizenship education introducing the different French institutions and the principles of the French Republic, including gender equality and secularism; language training, up to 400 hours, that is certified by an initial diploma in French; an information session on life in France; and social support for the migrants, if needed.

The contract is signed for a period of 12 months. It can be extended for one year to allow the migrant to complete the French learning process. If all the requirements of the contract are fulfilled by the migrant, the contract is positively terminated. If this is not the case, the contract is negatively terminated and the decision is transmitted to the Prefecture. The Prefect can then take sanctions regarding the residence permit of the foreigner.

In 2009, 97,736 contracts were signed, against 103,952 a year before. The agreement on the terms of the contract is high. In 2009 and 2008, respectively 98.3 and 99.6 per cent of the contracts were signed. Some 17.4 per cent of the foreigners who signed the contract in 2009 originated from Algeria, 13.4 per cent from Morocco, 6.4 per cent from Tunisia, and 5.6 per cent from Turkey (Secrétariat Général du Comité interministériel de contrôle de l’immigration, 2011).

Since 2009, a skills assessment is mandatory for all signers of the “reception and integration contract”, except students of less than 18 years of age, foreigners of more than 55 years of age, foreigners already active or those who declare themselves inactive. Organised by the OFII, the assessment is carried out before the end of the “reception and integration contract” to help foreigners to successfully enter the French labour market. The OFII can exchange information with the *Pôle Emploi*, the French Public Employment Service.

The new skills assessment associated with the CAI since 2009 is generally well-perceived by new migrants. A majority of the new migrants that were prescribed a skill assessment in 2009 found it useful for their job search, guidance towards adequate training, or to redefine a training project in France. However, the perceived usefulness of the skills assessment is reduced for those holding a job at the time of the assessment and for those seeking the recognition of their diplomas obtained abroad (Régnaud and Domergue, 2009).

Less than one-third of migrants have good or very good education level upon arrival in France (Condon and Regnard, 2010). The level of trust of immigrants in justice and employment services in France tends to be higher than that of members of the mainstream population. However, immigrants tend to be more critical towards police. Moreover, the feeling of “being French” is particularly low among migrants (Tiberj and Simon, 2010).

With regards to these important factors, the CAI and the associated trainings represent progress towards better integration of new migrants. These new dispositions nevertheless have some weaknesses (Haut Conseil à l’Intégration, 2011). Civic and French language training are not sufficiently ambitious in terms of length to allow new migrants to integrate easily in the French society. Besides, the application of the dispositions of the CAI varies according to the countries of origin of migrants, creating an unequal treatment among migrants, as the OFII is not present in all countries.

In order to take into account the characteristics of foreign communities and their environment, the French integration policy has also been decentralised. It involves all relevant regional and local stakeholders (Secrétariat Général du Comité interministériel de contrôle de l’immigration, 2011).

The integration policy is implemented at the regional level through the so-called Regional Programme of Integration of Migrant Populations (PRIPI – *Programme Régional d’Intégration des Populations Immigrées*), created by a Decree of 14 February 1990 (Secrétariat Général du Comité interministériel de contrôle de l’immigration, 2011). These programmes are designed under the authorities of the Prefects of regions with the involvement of the other stakeholders. Their targeted actions are diverse: health, education, professional integration, continuing training, access to housing.

A ministerial circular of 28 January 2010 set up the policy framework for the re-launch of these programmes for 2010-2012. These programmes are to be mainly financed by the funds from the national programme “Integration and access to nationality programme” (“Programme 104”) of the Ministry of Interior devolved to the Regional Authorities for Youth, Sports, and Social Cohesion (DRJSCS – *Directions Régionales de la Jeunesse, des Sports et de la Cohésion Sociale*) and, if necessary, by the European Integration Fund.

France has launched a variety of measures aiming at promoting employment (Pôle Emploi, 2011). These measures include several subsidised employment contracts aiming at promoting access to the labour market to job seekers. As a general rule, access to these contracts is nevertheless restricted under the French labour law since they do not provide the delivery of a first work permit for foreigners from third countries, except in rare cases.

Since November 2009, the French Labour Code however allows new foreigners from third countries to access certain subsidised employment contracts aiming at improving employability. These contracts are the professional training contract (*contrat de professionnalisation*) and the apprenticeship contract (*contrat d’apprentissage*).

Registered job seekers at Pôle Emploi can benefit from a variety of services ranging from counselling and guidance to training courses. The French labour law defines the conditions that a foreigner from a third country must fulfil to be allowed to register as job seeker at Pôle Emploi. Foreigners must hold one of the following permits:



- a permanent resident permit,
- a residence permit “*compétences et talents*”,
- a temporary residence permit “*scientifique*”,
- a temporary residence permit “*profession artistique et culturelle*”,
- a temporary residence permit “*salarié*”,
- a long stay visa to a residence permit “*salarié*”,
- a temporary work permit,
- or a temporary residence permit “*vie privée et familiale*”.

In their empirical study on the employment situation of immigrants in France, Lhommeau, Meurs, and Primon (2010) show that migrants, especially those from the Maghreb and Sub-Saharan Africa, more often report unfair rejection of a job application than members of the mainstream population, even after controlling for structural effects.

A Decree of 17 December 2008 has created a label for the promotion of diversity and the prevention of discriminations in the context of the management of human resources within enterprises (Secrétariat Général du Comité interministériel de contrôle de l’immigration, 2011). It has also established a commission involving the State, trade unions, and employer organisations. The diversity label is awarded by AFNOR Certification, an organisation chosen by the government in the framework of a public procurement procedure. As of 6 July 2010, AFNOR Certification has awarded the “diversity certificate” to 222 enterprises.

In order to better promote the “diversity certificate”, the commission created working groups in 2009 to facilitate the access of small and medium-size enterprises, not-for-profit institutions, and public institutions to such label. As a result, AFNOR Certification issued new requirements for the award of the “diversity certificate” in 2010.

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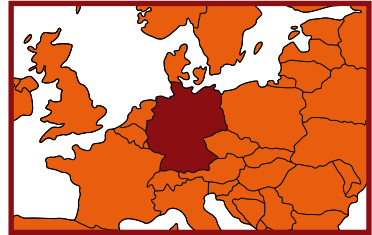
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# GERMANY<sup>100</sup>

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## Migration Trends

In describing the foreign population stock in Germany, two different statistical sources are to be distinguished: the Central Register of Aliens (Ausländerzentralregister, AZR) and the continuous update of population statistics register (Bevölkerungsfortschreibung). Both sources differ significantly regarding the size of the foreign population stock: whereas in the AZR only those non-nationals are accounted for whose stay in Germany exceeds three months, such a limitation does not apply to the population statistics register update. Consequently, statistics derived from the latter source display a higher number of non-nationals than the AZR (Opfermann, Grobecker & Krack-Roberg, 2006).<sup>102</sup>

According to the latest official statistics derived from the continuous update of the population register, approximately 7.13 million foreigners were living in Germany as of the end of 2009. With the total population of 81.8 million people, foreigners constituted about 8.7 per cent of the entire population (BAMF, 2011). As in previous periods, there

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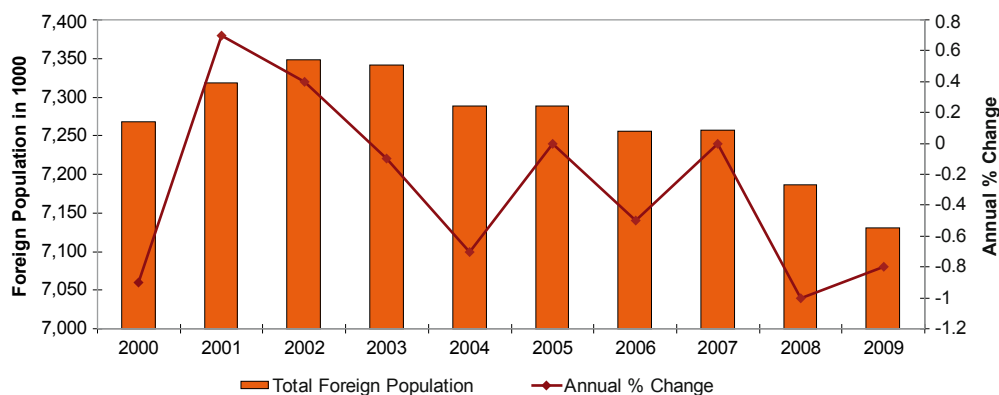
<sup>100</sup> Many official statistics in Germany differentiate merely according to citizenship and do not identify the migrant's ethnic or national origin. Therefore, relevant migrant groups such as ethnic German migrants (*Spätaussiedler* - Persons who are German in the sense of Article 116 of German Basic Law are entitled to German citizenship) and other Germans with a migration background (i.e. naturalised citizens or German children of foreigners) cannot be identified in statistical information on various topics. Significant progress concerning the data situation occurred with the implementation of the 2005 German Microcensus which applied for the first time a complex indicator of the respondents' migration backgrounds making use of a combination of the criteria nationality, personal migration experience and naturalisation of the respondent as well as of his/her parents. .

<sup>101</sup> EFMS - European Forum for Migration Studies, University of Bamberg, Germany.

<sup>102</sup> The AZR includes information on refugees and asylum seekers and EU nationals; German citizens with multiple citizenship as well as ethnic German migrants are not included. In contrast to the AZR, the second statistical data source draws upon the general population statistics based on the latest census (1987) and the continuous update of these population statistics through various mainly local authorities; it covers the entire population, broken down by sex, age, family status and nationality (solely differentiating between the categories "Germans" and "entire population").

was net emigration in Germany during the second half of the decade, in particular in 2008 and 2009, and predominately related to Turkish TCN's. While emigration rates remained more or less constant in recent years, the immigration figures from Turkey shrank, and return migration patterns changed: highly qualified Turkish nationals born in Germany opted increasingly for a career in Turkey.

**Figure I: Evolution of the foreign population in Germany: 2000-2009<sup>103</sup>**



Source: DESTATIS 2011; data from the continuous update of the population statistics

Foreigners who are registered in the AZR constituted only 6.69 million at the end of 2009. This number slightly increased in 2010: at the end of 2010, 6.75 foreigners lived in Germany according to AZR registrations, among those, 36.2 per cent foreigners with the citizenship from other EU-27 member states (Table I):

**Table I: Foreign population in Germany 2005-2010**

Citizenship	2005	2006	2007	2008	2009	2010
<b>Total</b>	6,755,811	6,751,002	6,744,879	6,727,618	6,694,776	6,753,621
<b>EU-27</b>	2,256,844	2,182,365	2,337,234	2,361,459	2,367,908	2,443,330
<b>TCN's</b>	4,498,967	4,568,637	4,407,645	4,366,159	4,326,868	4,310,291

Source: DESTATIS 2011 (GENESIS online databank); AZR data.

The AZR data allows for descriptions of some core characteristics of the foreign population: Approximately 19 per cent of all foreigners registered in the AZR were born in Germany.<sup>104</sup> The average age of the foreign population was 38.9 years (41.4 years for EU-foreigners). The average duration of stay in Germany was 18.9 years for all foreigners and 20.0 years for EU-27 foreigners. The share of man was approximately

<sup>103</sup> All statistics refer to the number of foreigners at the end of the respective year.

<sup>104</sup> The *jus sanguinis* and the *jus soli* are both recognized in Germany (cf. subchapter on integration policies and laws). Foreign residents living in Germany are classified according to the following categories: guest workers, EU nationals, Jewish migrants from the former Soviet Union, kinship migrants, seasonal and temporary workers, temporary IT specialists, refugees, asylum seekers, and ethnic Germans and their descendants.

60 per cent among all foreigners and 52.5 per cent among EU-nationals. Compared to the current total population in Germany (nationals and non-nationals) on the basis of the continuous update of the population statistics, the share of male foreigners is slightly higher (overall 49.0 per cent) and the foreign population is averagely younger (DESTATIS, *Bevölkerungsfortschreibung*).

The international migration statistics counted 606,314 movements of non-nationals (altogether 721,014 movements) to Germany in 2009 (Table 2). 56.8 per cent of movements to Germany derived from migrants with a citizenship of other EU-27 Member States.

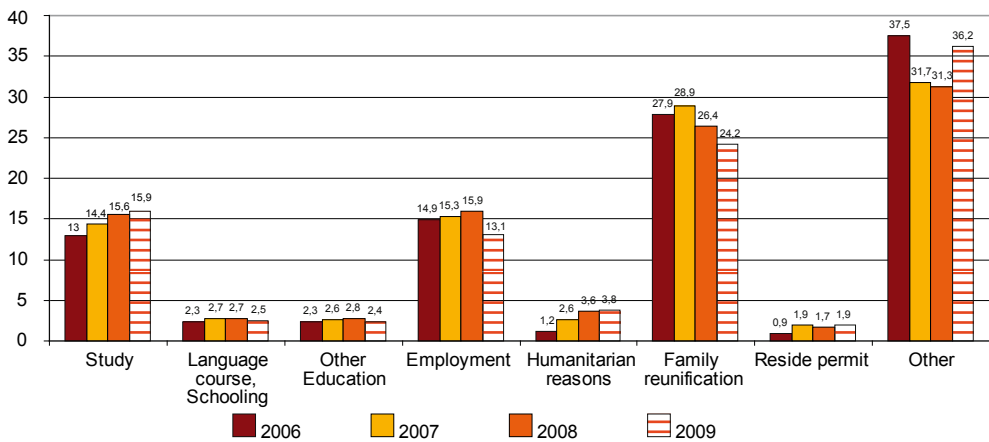
**Table 2: Inward and outward migration in Germany, 2009**

	Inward migration	Outward migration	Net migration
<b>Total</b>	721,014	733,796	- 12,782
<b>Thereof, non-nationals</b>	606,314	578,808	+ 27,505
<b>EU-26 (without Germany)</b>	409,218	405,535	+ 3,683
<b>TCN's</b>	197,096	173,273	+ 23,822

Source: DESTATIS 2011(GENESIS online databank); own calculation

The primary **type of entry** for TCN is still family reunification despite a slight decrease from 27.9 per cent to approximately 24 per cent in 2009 (Figure 2). Study is the second most widespread reason for migration (15.9%) with an upward tendency, followed by employment (13.1%). During the last few years, the share of TCN entering Germany for family reasons has decreased whereas the share of foreigners from non-EU countries has increased for reasons of employment, study or other forms of education (language courses, school attendance, professional training in multinational firms).

**Figure 2: Type of entry of TCN, 2006-2009**

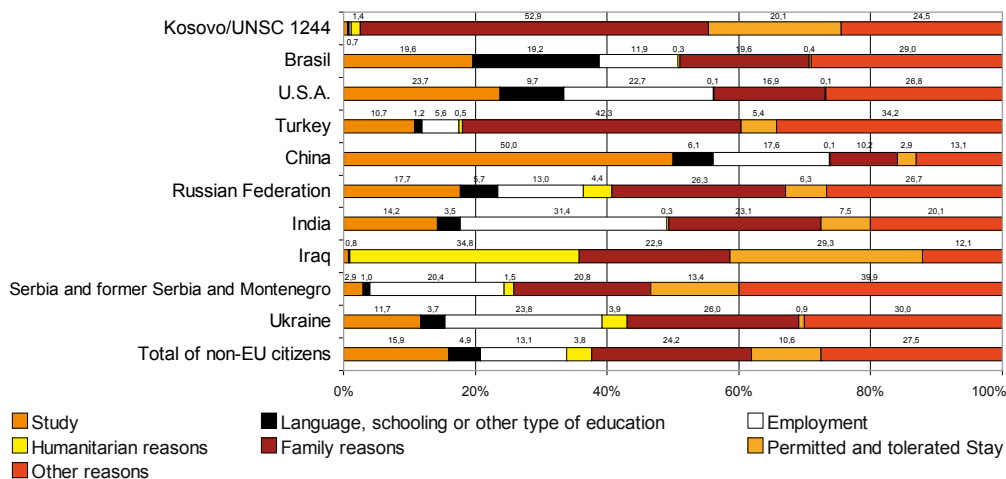


Source: BAMF, 2011; AZR data.

<sup>105</sup> These categories have been included in the data collection in 2006; therefore, data is not available for 2005.

Whereas family reunification was the predominant reason for entry among migrants from Kosovo/UNSC 1244 (52.9%) and Turkey (42.3%) in 2009, humanitarian reasons seem to constitute the main reason for migration for Iraqis (34.8%). Employment is the major push factor for Indians (31.4%) and 50.0 per cent of migrants from Chinese stock moved to Germany for academic pursuits (47.1%).

**Figure 3: Immigration by entry type and citizenship, 2009**



Source: BAMF, 2011; AZR data

The number of asylum seekers in Germany has almost continuously decreased between 1995 and 2007. Since 2008, however, there is a significant increase in the number people who applied for asylum for the first time (2007: 19,164; 2008: 22,085; 2009: 27,649 2010: 41,332 first-time applications; BAMF, 2010; BMI, 2011). Acceptance rates have been falling from about nine per cent in 1995 to only 1.6 per cent in 2009. The main countries of origin for first-time asylum applications in 2009 were Iraq (6,538), Afghanistan (3,375) and Turkey (1,429; see BAMF, 2011).

In Germany, stay and work permits can be granted separately. Therefore, there are different constellations of irregularity for migrants and, accordingly, different data sources for estimates of the irregular migrant population. Elaborated estimations of the number of migrants without a legal residence status or a toleration certificate, which were mostly quoted in public discussions since 2005, range from 100,000 up to 1 million people (Alt 2004; Sinn/Kreienbrink/Loeffelholz, 2006). This makes up approximately 0.24 to 2.24 per cent of the national labour force in 2010.

In 2009, altogether 294,828 temporary seasonal workers – mainly from Poland - came to Germany. They constituted the biggest group of labour immigrants. In addition, the share of highly qualified migrants entering Germany has slightly increased and the share of foreign students enrolled in German universities shows a clear upward tendency (SVR, 2011).



## Labour Market Impact

Foreigners who are employed or are seeking employment constitute more than ten per cent of the total labour force in Germany; for persons with a migration background,<sup>106</sup> this figure even amounts to 18.2 per cent for 2009 (Microcensus, 2009). Projections forecast a further increase of this share over the next years due to the younger age structure of migrants (Deutscher Bundestag, 2010). Germany is also facing a general decline of its labour force due to the problem of an aging population, especially within the group of natives. One could expect that migrants might compensate for negative labour force growth. However, only a very weak compensatory effect occurred due to a lack of positive net migration (*ibid.*).

Furthermore, labour market shortages due to structural changes and the business cycle have led to an increased demand for high-skilled and skilled workers that cannot be satisfied domestically (Constant, 2010). Germany has therefore “gradually opened up its labour market for permanent-type labour migration for the high-skilled” (OECD, 2010) but also for skilled employees in certain sectors such as for nursing staff (*Pflegekräfte*).<sup>107</sup>

Despite these measures, the labour market outcomes of migrants remained behind those of natives.<sup>108</sup> Persons with a migrant background, especially foreigners, still have lower employment rates and higher unemployment rates than the German population. On average, they work in less attractive market positions, which are characterised by lower wages and precarious working conditions (BAMF, 2005). However, the data also indicates that some groups of migrants, such as EU nationals are better integrated into the labour market than others.

Some of the disparities in the outcomes are attributable to lower educational attainment levels or the lack of human capital resources (such as language skills) among immigrants.<sup>109</sup> Labour market segmentation also plays a role, where the strong reliance on formal certification or qualifications in the German labour market (Liebig 2007) is of significance.<sup>110</sup>

According to Microcensus 2009, the overall activity rate in Germany was 76.2 per cent (77.9 per cent for native Germans with no migrant background; 69.2 per cent for migrants). While the gap between men among these groups is quite low, the gap

<sup>106</sup> Persons with a migrant background include: a) all immigrants, i.e. all persons that have immigrated into Germany within its current borders since 1950 (Germans and foreigners), b) all foreigners born in Germany – within its current borders – (including the ones naturalised by now), c) all Germans born in Germany – within its current borders – if at least one of their parents immigrated into Germany since 1950 or was born on German territory as a foreigner, i.e. with a non-German citizenship.

<sup>107</sup> Cf. §§ 18-31 *BeschV*

<sup>108</sup> This holds true even though migrants from the second and third generation have often improved their position on the labour market, as these generations also have lower labour market outcomes than the respective group of native-borns. Many empirical studies mention (structural) discrimination as well as personal/social networks as further factors which might explain the divergence between the outcomes of these groups.

<sup>109</sup> Whereas 34 per cent of persons with a migration background had no vocational qualification, only 10 per cent of persons without migration background lacked vocational qualification, in 2008 (Deutscher Bundestag 2010). The fact that a part of the migrants population is low-skilled, is partly a result of a phase of the German immigration history of guestworker recruitment (see Liebig 2007)

<sup>110</sup> This is for example the case for ethnic Germans, who have a relatively high educational level, but obtained their human capital in a different educational and work environment (Kalter et al. 2002).

between migrant women with an activity rate of 60.0 per cent and women without a migrant background with an activity rate of 72.8 per cent is considerably high. (Table 3)

Yet, if one compares people with and without a migrant background it becomes obvious that migrants differ substantially from natives in terms of their labour market outcomes, even though they both have a relatively high activity rate. In 2009, the overall employment rate of natives (72.7%) was 12.6 per cent points higher than the overall employment rate of persons with a migrant background (60.1%).

**Table 3: Labour force characteristics by migration background and gender, per cent**

		Without migration background			With migration background		
		2005	2008	2009	2005	2008	2009
<b>Activity rate</b>	<b>Male</b>	80.9	82.7	82.9	78.0	78.5	78.3
	<b>Female</b>	68.8	71.6	72.8	57.8	59.6	60.0
	<b>Total</b>	74.9	77.2	77.9	62.9	69.1	69.2
<b>Employment rate</b>	<b>Male</b>	72.9	77.4	77.2	63.4	68.8	67.4
	<b>Female</b>	62.1	65.9	68.3	47.8	51.3	52.8
	<b>Total</b>	67.5	71.7	72.7	55.6	60.1	60.1
<b>Unemployment rate</b>	<b>Male</b>	9.8	6.4	6.8	18.7	12.3	13.9
	<b>Female</b>	9.7	7.9	6.4	17.4	13.9	12.1
	<b>Total</b>	9.7	6.4	6.5	18.0	12.4	13.0

Source: DESTATIS 2011

Although the overall unemployment rate slightly increased in 2009 compared to the previous year, it had actually decreased between 2005 and 2009. Yet, the situation of migrants remained far less favourable than that of their native counterparts. In 2009, the unemployment rate of migrants was again, as already in 2008, twice as high as that of their native counterparts. Male migrants had the highest unemployment rate with 13.8 per cent.

The highest level of migrant unemployment in 2009 was among foreigners from the Ukraine (27.5%), alongside nationals of Kazakhstan (27.3%), African countries (26.0%), the Russian Federation (24.8%) and Turkey (19.1%), while foreigners from North America (11.1%), the EU 27 (9.5%) and Croatia (8.4%) had the lowest unemployment rates.

In terms of sectoral distribution, patterns of native and migrant employment seem to converge (Constant et al., 2010). Between 2000 and 2009 the service sector has been gaining importance, whereas the manufacturing industry became less important (BAMF, 2011). Today, Germany's service sector employs more than 45 per cent of all workers (Table 4). More than 37 per cent of all employed persons with a migrant background are employed in this sector.

**Table 4: Migrants and natives by employment sectors, 2009**

	Total number of employed (in mil.)	Agriculture and forestry (%)	Manufacturing industry (%)	Trade, customer service, communication (%)	Misc. services
<b>Total population</b>	38,662	2.3	29.0	22.8	45.9
<b>Without migrant background</b>	31,858	2.5	28.3	21.6	47.6
<b>With migrant background</b>	6,577	1.1	32.6	28.8	37.5

Source: DESTATIS 2011

Although there is very little statistical data available, some sectors are often mentioned in the context of frequent undeclared employment of foreigners. Referring to surveys (Enste, Schneider 2006), the main areas for undeclared employment are construction (38%), the service sector, including hotel and catering (17%) and private household services (15%). With respect to the share of migrants, Enste and Schneider state with reference to econometric studies and some other methods that ten per cent of undeclared workers are foreign nationals (Constant et al., 2010). Another sector where undeclared employment was present is nursing. However, there is rising debate among politicians about to whether or not to allow third-country nationals to work legally as nurses since the demand has risen due to the aging population.

The Microcensus data reveal a substantial under-representation of people of immigrant origin in the public services (only 1.3 per cent compared to natives who represent 6.3 per cent). This is partly attributable to the fact that certain jobs in the public service require the possession of the German citizenship. Yet, also among naturalised migrants, only 1.7 per cent are employed in the public services (SVR, 2010).

**Table 5: Migrants and natives by occupational position, 2009, per cent**

	Total number of employed	Self-employed (%)	Unpaid family workers (%)	Civil servants (%)	Employee (%)	Workers (%)
<b>Total Population</b>	38,662	10.9	0.6	5.4	57.0	36.1
<b>Without migrant background</b>	31,858	11.1	0.7	6.3	58.8	23.1
<b>With migrant background</b>	6,577	10.0	0.5	1.3	47.5	40.8
With own migration experience	5,572	10.5	0.5	1.2	45.5	13.0
Foreigners	2,804	12.8	0.7	0.8	44.4	2.8
Germans (former ethnic German migrants + naturalized)	2,768	8.1	0.3	1.7	46.6	43.4
Without own migration experience	1,005	7.1	N/A	1.5	58.4	32.6
Foreigners	551	8.5	N/A	N/A	55.4	35.0
Germans (naturalized)	454	5.3	N/A	2.6	62.1	29.5

Source: DESTATIS 2011

Self-employment, especially self-employment of migrants is getting a lot of attention in Germany. The number of self-employed migrants, especially of foreigners, has increased and even doubled since 1990. Therefore, self-employed migrants represented nearly half of the total self-employed population in 2009 (SVR, 2010). The increasing number of self-employed may be an effect of the introduction of measures of the government to promote self-employment for unemployed persons. Increasing self-employment is particular apparent in the Polish, Greek and Italian community (BAMF, 2011). The large increase of Polish self-employed was mainly caused by the regulations of the EU enlargement in 2004 and 2007, which introduced the freedom of movement, establishment and trade for the new EU-citizens. In addition, the new Crafts and Trade Code (*Handwerksordnung*) from 2004 facilitated the establishment of small businesses for foreigners by reducing the number of crafts for which one had to be an accredited master craftsman (*Meister*) (Lüken-Klaßen and Pohl, 2011).

Results of a recently conducted study also show that migrants tend to establish companies more frequently than Germans (IAB, 2011). Entrepreneurship of migrants has been also an important contribution to employment growth by generating new jobs. However, it is also assumed that this can be seen as a reaction to discrimination or other obstacles (formal exclusions and so on) to gaining employment (ibid., 2011).

There are wage differentials between Germans and migrants which are caused by the segregation of migrants into the low-wage sector of the economy (Constant et al., 2010). In general, individuals at the lower end who earn up to 1,300 EUR are clearly the majority. Among migrants, 66.5 per cent earn up to 1,300 EUR, whereas among natives this group only amounts to 56.0 per cent. Almost ten per cent of the natives earn 2,600 EUR or more, whereas among migrants this group only amounts to five per cent.

Although the wages of naturalised employees are still lower than those of native German employees, they have on average five per cent higher wages than employees with a foreign citizenship. According to Steinhardt (2008), almost 40 per cent of the wage gap between naturalised and foreign employees is explained by differences in educational attainment (Steinhardt, 2008).

## Institutional Framework for Admission and Employment

Applying a demand-driven migration regime, Germany organizes economic immigration through a two-step process: access to the labour market is regulated based on (1) legal provision and (2) labour market test (BMAS online 2009). As the main component of 2005 Immigration Act, the Residence Act (*AufenthG*) regulates entry, stay, and exit of third-country nationals. It defines four residence titles linked to economic activity in Germany: 1) visa, 2) residence permit, 3) settlement permit and 4) long-term residence permit EC.

With respect to rising demand for skilled labour, rules for admission of skilled persons, such as highly skilled<sup>111</sup>, students and researchers, were a main subject to facilitation in

<sup>111</sup> Persons deemed as highly skilled are (1) scientists with special expert knowledge, (2) teachers or scientific workers with specialist functions and (3) Specialists and executives with exceptional professional experience, with a annual salary in at least the amount of the assessment ceiling of the pension insurance According (§19(2) *AufenthG*).

recent years. Since 2005, highly skilled third-country nationals are already envisaged for long-term residence in Germany. If such a migrant appears to adapt to Germany living conditions and to make his/her own living without governmental assistance, they can immediately obtain a settlement permit (§ 19 AufenthG). Moreover, a minimum salary of 85,000 Euros per year used to entitle highly-skilled migrants to the issuance of a settlement permit as well. Due to low numbers of high-skilled immigrants in Germany, the threshold was reduced to 64,000 Euros per year in 2009. Several politicians and representatives of the economy, have currently endorsed further lowering the yearly income to 42,000 Euros by implementing the recent EU directive on entry and residence of highly qualified workers, the so called “Blue Card Directive” (Directive 2009/50/EC; BAMF 2011: 74). The *Blue Card* serves as a special temporary residence title that includes a work permit for the European Union.<sup>112</sup> It is supposed to ease the recruitment of highly skilled third-country nationals and has to be introduced in all EU member states by June 2011.<sup>113</sup>

In addition, the admission and residence procedure of researchers was simplified: while researchers from non-EU/EWR countries intending to stay for more than three month in Germany had to apply for a normal residence permit for employment according to § 18 AufenthG until 2007, the implementation of the EU directive on a specific procedure for admitting third-country nationals for the purposes of scientific research (Directive 2005/71/EC) introduced a special admission procedure. German research facilities are enabled to apply for a visa or residence permit for a researcher at the foreigners’ authorities. In this case, only general requirements for issuance of a residence permit are examined (§ 20 AufenthG; BAMF, 2010). In 2009, the basis for the residence of researchers was further strengthened by determining that entitlements would not be withdrawn as a result of changes to the research project during the period of residence (Parusel and Schneider, 2010).

Graduates of German universities from a third-countries can now receive a residence permit for up to one year for seeking employment (§ 16 Abs. 4 AufenthG); formerly, they usually had to leave Germany when completing their studies. If they find a qualified position within this period, a residence title permitting employment is granted (§ 27 (3) BeschV). In order to increase the graduate’s chance to remain in Germany, the “Ordinance on the Access of foreign Graduates to the labour market” (*Verordnung über den Zugang ausländischer Hochschulabsolventen zum Arbeitsmarkt*, HSchAbsZugV) to a large extent abolished the FEA labour market test including priority examination in 2007, which had been necessary until then.

Residence permits for the purpose of self-employment are issued in Germany if the business is of overriding economic interest and likely to achieve positive effects on the economy (Parusel and Schneider, 2010). In order to attract higher numbers of migrant investors, formal requirements were gradually lowered since the implementation of

<sup>112</sup> Already in 2000 the Green Card scheme for highly skilled migrants was announced as a temporary programme that allowed up to 20,000 skilled professionals from outside the EU to work in Germany for up to five years. These specialists should have held a degree in the relevant field and have already stayed in Germany. Otherwise they needed to provide proof of a job offer with an annual salary of at least 51,000 euros. Ultimately, only 11,500 such permits were issued from August 2000 to March 2002. The programme was officially abandoned in 2005 (Constant et al., 2010)

<sup>113</sup> According to current draft law, accompanying spouses can receive a residence permit, but not permission to employment (SWR online 2011).

the Immigration Act: Between 2005 and 2007, migrants had to invest at least 1,000,000 Euros and create ten jobs. The amounts were reduced to 500,000 Euros and 5 jobs in 2007. Minimum investment was reduced once again in 2009, to 250,000 Euros.

Cyclical and short-term labour shortages in Germany are addressed through immigration of seasonal workers, contract workers or even guest workers. Residence permits are issued in the frame of bilateral agreements that partly include annually defined quotas (§ 18(3) AufenthG). Granted right of residence varies between the different types of employment.

In the frame work of economic cooperation, third-country nationals are employed on the basis of bilateral agreements between the German Federal Employment Agency and the authorities in the country of origin. In order to enhance prerequisites for recruiting seasonal workers, the Labour Migration Control Act of 2009 extended the possible duration of residence for seasonal work from, until then, four to six months after priority examination (§ 18 AufenthG). Contract workers (workers contracted for a specific project via a foreign contractor) as well as guest workers (work permits for specific professions) are admitted on the basis of an annually defined quota. Contract workers may be granted a residence permit for a maximum of four years (§ 39 BeschV), whereas one for guest workers cannot exceed 18 month (§ 40 BeschV; Parusel and Schneider, 2011; Parusel and Schneider, 2010).

Although Germany has eased its labour migration regime substantially to adapt to social and economic requirements in the past years, public debate is still characterised by claims for more courage in migration policy to attract more and especially skilled migrants. Within negotiations of the government coalition, the Christian Democrats (CDU/CSU) are rather reserved about further policy amendments such as abolishing the priority examination for certain professions with labour supply shortages, or lowering the wage level requirement for highly skilled migrants (currently 66 thousand EUR/year). In contrast, the German liberal party (FDP) supports measures of easing admission.

These propositions partly point in the same direction as those of the council of experts of eight large German foundations for Integration and Migration (SVR). In its annual report, this council suggests a change of migration policies according to a three pillars model: besides the reduction of the yearly income limit already above mentioned, the council recommends encouraging international students of German universities to remain in the country, for instance, by granting two instead of currently one year of residence permission for seeking employment. Moreover, the implementation of a flexible point system for the so called MINT-fields (mathematics, informatics, natural science, technology) is recommended, which are the fields particularly affected by skilled labour shortage (MiGAZIN online 2011, independent online magazine focussing on migration and integration issues).

## Institutional and Policy Framework for Integration

With the new Immigration Act entering into force in January 2005, state-run statutory integration measures were introduced in Germany. The German integration framework is based on five pillars: language training, education, vocational qualification, social

advice, and the promotion of societal integration in general (Liebig, 2007), whereas priority is given to the first pillar.

The national *integration course* programme constitutes the core element of this coordinated integration policy.<sup>114</sup> Since its commencement in 2005, about 250,000 migrants attended these courses, one third of them women. The German integration course model comprises two components, a basic and an advanced language course with the objective to acquire language skills at level B1<sup>115</sup> (in speaking, listening, reading and writing) and an orientation course with the aim to obtain a basic knowledge of the legal system, culture, history and political system of Germany (BAMF, 2008). Both are completed by an examination<sup>116</sup> and if participants pass the final tests they receive a certificate, the “*Zertifikat Integrationskurs*”.<sup>117</sup>

The Integration Course Certificate serves as a precondition for obtaining a permanent residence permit as well as for naturalisation. Moreover, it can lead to positive or negative monetary sanctions (reimbursement, cutting of social benefits) for the migrants. However, neither the positive nor the negative sanctions have been applied comprehensively in the last years and “not having passed the test did not automatically lead to the refusal of a permanent residence permit” (INTEC, 2010). However, since 2011 the regulations became more binding: if an immigrant does not participate in an obligatory integration course, his/her residence permit can only be extended for one year, until he/she has successfully completed the integration course or can prove that he/she has successfully integrated otherwise.

Between 2005 and 2008 only 46 per cent of the integration course participants “attained the required level of language proficiency (B1); it has since increased to over 50 per cent. The pass rate for the nationally standardized knowledge of society test, which was introduced in 2009, is much higher (90 per cent)” (INTEC, 2010).

Clearly, integration courses alone are not a suitable instrument to provide better chances in the job market, since the language proficiency (level B1) reached in the course is generally not sufficient to find a job, especially in a higher position. Therefore, the Ministry for Economics and Labour has implemented a system of vocation-specific language courses targeted at unemployed migrants, co-financed through the EU Social Fund. However, as Liebig (2007) criticises “these courses are only aimed at people who had been previously employed in Germany, i.e. do not cover the important group of immigrants who may have some initial language knowledge, but no German work experience and whose language competence is not sufficient for labour market needs”.

<sup>114</sup> The national integration course programme is regulated according to the Residence Act (§43 AufenthG). The implementation of the integration courses lies in the responsibility of the newly created Federal Office for Migration and Refugees (BAMF). Integration course providers as the above mentioned welfare organisations and NGO's carry out integration courses on behalf of the Federal Office for Migration and Refugees. Details of the integration courses are set out in the Ordinance on Integration Courses (Integrationskursverordnung (IntV)) and the Integration Course Concept.

<sup>115</sup> B1 means the first level of independent language use according to the Common European Framework of Reference for Languages (CEFR).

<sup>116</sup> Since 2010, to be allowed to partake in the repetition of the “Aufbausprachkurs”, the participants have to have knowledge of the German language on level A2; this is supposed to ensure a higher quality of the repetition courses; participants of the alphabetisation course are exempted from this regulation and there are special courses for others that have not achieved level A2

<sup>117</sup> The actual language and orientation course examination was introduced in 2009 (INTEC).



Evaluations of the integration policies play a predominant role in Germany and their necessity is even defined by law. An Evaluation Commission has been set up and assigned the responsibility of constantly evaluating the integration courses and developing teaching plans as well as the final test.<sup>118</sup> Besides that, the commission is also responsible for developing the quality control process and improving the nationwide integration course programme.

In spring 2008 the Federal Ministry of Labour and Social Affairs (*Bundesministerium für Arbeit und Soziales*, BMAS) launched the national funding programme “XENOS – Integration and Diversity”<sup>119</sup>, a follow-up programme of “XENOS – Living and Working in Diversity” (2004-2007).<sup>120</sup> The general aim of the new XENOS initiative (2008-2014) is to combine measures for labour market integration with initiatives fostering diversity and tolerance and, respectively, fighting xenophobia, racism and discrimination. Among other thematic areas, many funded initiatives are in the area of further qualification and training programmes in schools, apprenticeships and at work, aiming to supplement or compensate deficits in training and qualification. The total funding by the European Social Fund (ESF) and national co-financing amounts to approximately 350 million EUR.

The XENOS initiative also includes a sub-programme with a particular focus on the target group of refugees and migrants with a tolerance certificate (*Duldung*), which has been introduced in autumn 2008.<sup>121</sup> The nation-wide programme is implemented on behalf of the BMAS and supported with ESF means. It strives to strengthen local and regional networks and initiatives regarding an optimisation of the consultation of the target group for a better access to the labour market. About 80 per cent of the measures in the scope of this programme are in the fields of language support, job and work-related advice and psychosocial consultancy. The interim evaluation at the end of 2009 showed that 22 per cent of the initiative’s participants could be integrated into the labour market or in vocational training after completing the measure; among these, 80 per cent were without professional

New legislation was adopted in 2011 simplifying the recognition of foreign qualifications with the aim to ease the path of foreign employees into the workforce by harmonising the recognition criteria and introducing a legal claim for a recognition procedure.

Between 2009 and 2011 two relevant policy changes occurred in the field of discrimination in employment. With the abolishment of the mandatory prior labour market check (*Vorrangprüfung*) at the beginning of 2009, improvements came into effect with regard to the formal restrictions in the access to the labour market. In consequence to this policy change, third-country nationals with a temporary residence status (e.g. during pending asylum procedures) and those with a tolerance certificate are entitled to access to the labour market without a prior check by the German

<sup>118</sup> In accordance with § 21 of the Ordinance on Integration Courses (IntV)

<sup>119</sup> Cf. <http://www.xenos-de.de/Xenos/Navigation/integration-und-vielfalt.html> <13.05.2011 >

<sup>120</sup> Measures of this programme included mobile advice teams and pools of experts to support the development of projects to improve young people’s opportunity to access information about training possibilities and job placement. The main target groups were young adults who were at a disadvantage in terms of access to the labour market, including migrants. The total funding (European Social Fund and national co-financing) amounted to approximately 150 million EUR.

<sup>121</sup> The programme runs under the title *XENOS - Arbeitsmarktliche Unterstützung für Bleibeberechtigte und Flüchtlinge*, cf. [http://www.esf.de/portal/generator/6610/sonderprogramm\\_\\_bleibeberechtigte.html](http://www.esf.de/portal/generator/6610/sonderprogramm__bleibeberechtigte.html) <13.05.2011 >.



Employment Agency (*Bundesagentur für Arbeit, BA*) if a German or EU citizen might also be available for the job. The prior check was also abolished for highly qualified citizen from the new central and eastern EU member states and their decedents.

Moreover, a bill on data protection of employees is currently discussed. As an amendment to the Federal Data Protection Act the bill aims at legally limiting the scope of registering sensitive data on the characteristics of job applicants such as racial and ethnic origin or religious beliefs.<sup>122</sup>

Due to the fact that discrimination is difficult to measure empirically and may often be masked by other deficiencies pertaining to migrants' positions, discrimination and discriminatory practices against migrants in the German labour market are under-researched topics. In most recent years, Kaas and Manger (2010) studied ethnic discrimination in Germany's labour market with a correspondence test. The researchers replied to advertisements for student internship with two similar applications that only differed by the applicants' names. They found that an applicant with a German name raised the average probability of a callback for a job interview by about 14 per cent. However, when the authors included reference letters with favourable information about the candidate's personality, this gap disappeared. In response to concerns, the ADS initiated a project to test anonymous job applications.

Concerning research on perceived discrimination, the Allensbach institute carried out a survey among approximately 1,600 migrants in 2009 (Bertelsmann Stiftung 2009: 67-71). The survey focused on migrants' attitudes and feelings of belonging to the German society and also covered issues of perceived and experienced discrimination. Regarding discrimination in the labour market, 51 per cent of the respondents who were currently in employment disagreed with the statement that "everyone has equal chances on the labour market irrespective of his/her origin"; This general assessment was, however, not always based on personal experiences as about 23 per cent of all respondents expressed their impression that they personally have been discriminated against based on their origin on the labour market.

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# GREECE

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## Migration Trends

According to the latest census of the National Statistical Service of Greece (ESYE) that took place in 2001,<sup>124</sup> there were 797,091 foreign residents in Greece including both those with a legal and with an irregular status of stay. The latest available Labour Force Survey (LFS, 4<sup>th</sup> trimester of 2010) conducted by the National Statistical Service of Greece estimates that currently there are 810,054 foreigners in Greece, which accounts for 7.4 per cent of the country's total resident population (6.2% are third-country nationals and 1.2% EU nationals) (Table 1).<sup>125</sup>

**Table 1: Estimate of Immigrant Stock, Greece, 31 December 2010**

	Total number	%	Data source
Total population	10,898,415	100	LFS, 4th trimester 2010
Valid stay permits	457,579	4.2	Valid stay permits on 31.12.2010, Ministry of Interior Affairs
Estimate of total immigrant population on the basis of LFS	810,054	7.4	LFS, 4th trimester 2010

The main source of data on regular immigrants in Greece is the stay permit database of the Ministry for Citizen Protection (MPC, former Ministry of the Interior). The process

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<sup>124</sup> According to a press release of the Statistical Service of Greece published on 22.07.2011 the final results of 2011 Census will start becoming available in the second semester of 2012 while the processing of the personal questionnaires will be completed during 2013. ([http://www.statistics.gr/portal/page/portal/ESYE/BUCKET/A1602/PressReleases/A1602\\_SAM01\\_DT\\_DC\\_00\\_2011\\_01\\_F\\_GR.pdf](http://www.statistics.gr/portal/page/portal/ESYE/BUCKET/A1602/PressReleases/A1602_SAM01_DT_DC_00_2011_01_F_GR.pdf))

<sup>125</sup> LFS sampling has significant limitations in terms of representativity of the migrant population. It does not cover populations such as live-in workers and generally underrepresents small population groups.

of renewal of stay permits for third-country nationals in Greece is characterized by long delays. A renewal may take 3-12 months, while the permits are of one or two year duration. Thus at any given point in time there is a large number of permits in the process of renewal. These permits therefore do not appear in the database as valid stay permits creating, unavoidably, a “hidden” migrant population that is in limbo for several months during the interval between legal and irregular statuses.

Therefore, instead of using the number of valid permits on 31 December 2010 as a point of reference for analyzing the legal migrant population, the report refers to the total number of permits that had been valid for at least one day in each of the past years. This allows for an estimation of the total legal migrant population in Greece, overlooking whether the migrant is in possession of a permit or in the process of renewal, and identifying the related trends (Table 2). Naturally, this method overlooks the fact that some renewal requests may be rejected or some migrants may not apply for a renewal due to leaving the country.

**Table 2: Estimate of the legal migrant stock in Greece, 2007-2010**

Year	Permits of validity at least for 1 day during the year
2007	620,019
2008	650,818
2009	636,258
2010	-

Source: Ministry for Citizen Protection, 2007-2010

The vast majority of male foreigners staying in Greece (69%) hold stay permits for the purpose of employment, while most migrant women (72%) have family reunification permits. Student permits are low in number. Additionally, over 62,000 persons were holding ten-year or indefinite duration stay permits on the 31 December 2010 (c.a. 9.1%) which represents an important improvement on the figure of 821 long-term permits in 2007.

There were 136,151 valid EU-national stay permits (issued for a period longer than 3 months) held at the end of 2010. However, qualitative evidence from recent research (Nikolova, 2010; Lazarescu, 2010) suggests that many EU citizens (Romanians and Bulgarians) living and working in Greece do not typically register, including due to a general mistrust towards the Greek authorities. Therefore the actual number of EU citizens residing in the country is likely to be much higher.

MPC is also responsible for issuing and renewing the Special Identity Cards for *Omogeneis* (co-ethnics) (EDTO), granted mainly to Greek co-ethnics of Albanian nationality. The Card extends to the holders socio-economic rights equal to those of Greek citizens, but offers no political rights. On 31 December 2009 there were 197,814 Greek Albanians holding EDTO cards<sup>126</sup> as per MPC data.

A second group of co-ethnics are “returnees” from the former USSR generally referred to as Pontic Greeks who arrived in Greece in the late 1980s and the early 1990s

<sup>126</sup> Data on EDTO card holders were released for the first time by the Ministry of Interior in 2009.



as economic migrants. According to the special census administered by the General Secretariat for Repatriated Co-Ethnics in 2000, 155,319 Pontic Greeks had settled in the country.<sup>127</sup> While Pontic Greeks were typically naturalised upon arrival through a preferential channel (see Christopoulos, 2006) they may be counted as immigrants due to their moving to Greece from abroad, and because they face serious societal and economic exclusion and marginalization.

Finally, based on Maroukis' (2008)<sup>128</sup> estimate for 2007, about 2.5 per cent of Greece's total resident population or approximately ten per cent of the total immigrant population are undocumented. These are either people who have never had a stay permit or those who did not manage to renew their permits. Triandafyllidou et al. (2011) (Table 3) provided a provisional rough estimate of the irregular migrant population at the end of 2010 which ranges between 350,000 and 440,000 persons.

**Table 3: Estimate of total immigrant stock (including irregular migrants), 31 December 2010**

	Total immigrant population (excl. co-ethnics)	Valid permits	Estimate of irregular migrant population	New arrivals (of irregular migrants and asylum seekers)
31 Dec 2007	900,000-~1,000,000	678,268	190,000-280,000	In 2005-2007: 90-180,000
31 Dec 2010	1,050,000- 1,140,000	457,579	350,000-440,000	In 2008-2010: 120-210,000

Source: Triandafyllidou et al., 2011.

According to 2009 LFS data, about half of the foreigners in Greece are between 25 and 44 years of age. Almost one in four immigrants is a child (younger than 15) and one in three is a young person (younger than 25). This age distribution pattern is clearly different from that of native Greeks where persons between 25 and 44 years of age account for less than one third (29%) of the total population. Immigrants thus contribute to mitigating the demographic challenges of the Greek society.

About 60 per cent of Greece's foreign population come from Albania. Bulgarians are the second largest immigrant group, but their percentage in the total migrant population is considerably smaller. Georgians and Romanians are the third and fourth largest communities (LFS 2009 data). It is likely that Bulgarians and Romanians are in reality three or four times as numerous for reasons described above (see also Nikolova 2011, Lazarescu 2011).

## Labour Market Impact

Labour matching in Greece largely takes place through informal networks even for Greek nationals and particularly so for immigrants. These networks correspond best

<sup>127</sup> More than half of them (about 80,000) came from Georgia, 31,000 came from Kazakhstan, 23,000 from Russia, and about 9,000 from Armenia (General Secretariat of Repatriated Co-Ethnics, 2000).

<sup>128</sup> The estimate of the illegally staying aliens offered by Maroukis (2008) is the most recent scientific estimate of its kind. For more information see: <http://clandestino.eliamep.gr>.

to the needs of small and very small businesses that characterise the Greek labour market, and the needs of families looking for domestic workers or caregivers.

Recent data (LFS, 3rd trimester 2010) show that nearly 40 per cent of all foreign workers are employed as unskilled labourers, mainly in manual jobs, and another 30 per cent of the third-country nationals and 15 per cent of the EU citizens are employed in skilled occupations (craftsmen). The construction sector employs 25 per cent of TCNs and 13 per cent of EU citizens, and domestic services employ respectively 23 and 15 per cent. An important part of the immigrant population, (16% of the TCNs and 21% of the EU citizens) is now employed in the service sector and as salespeople in shops or open air markets.

A small percentage of immigrants in Greece run their own businesses. The majority of self-employed immigrants are not employers, meaning that their activities may vary from being a domestic worker with multiple employers to being an architect or an owner of a small shop. At the end of the 3<sup>rd</sup> trimester of 2010 there were some 5,500 self-employed EU nationals and 35,000 self-employed TCNs in Greece (LFS).

Higher percentages of unemployment among immigrant men (both EU and TCNs), but not for immigrant women are observed in 2009 and 2010 (LFS, Table 4).

**Table 4: Unemployment rate by nationality and gender, 2005-2010**

	2005	2006	2007	2008	2009	2010
Unemployment Rates						
Total	4.4	4.0	3.7	3.6	4.7	6.5
Nationals	4.4	4.0	3.7	3.6	4.6	6.3
EU Citizens	3.7	4.7	3.2	5.3	7.6	8.2
Third Country Nationals	4.6	4.8	3.9	4.1	6.7	10.3
Men						
Total	3.3	3.0	2.9	2.9	4.2	6.2
Nationals	3.4	3.0	2.9	2.9	3.9	5.8
EU Citizens	1.6	2.2	1.5	4.1	6.0	7.9
Third Country Nationals	3.2	2.9	2.7	3.8	7.6	12.0
Women						
Total	5.4	4.9	4.5	4.3	5.3	6.8
Nationals	5.4	4.9	4.4	4.3	5.2	6.7
EU Citizens	5.2	6.3	4.5	6.1	8.7	8.4
Third Country Nationals	6.0	6.7	5.4	4.6	5.6	8.4

Source: National Statistical Service of Greece (ESYE), LFS.

In June 2010 over 14 per cent of insured employees were foreign and the percentage was much higher in the construction sector where insured foreign workers accounted for almost 45 per cent (IKA, Social Insurance Institute).

Overall, IKA data for 2010 on waged workers show a significant inequality between the wages of different nationalities. Foreign workers receive wages that are between

30 and 50 per cent lower than those of Greek nationals for general waged work and services. However, this inequality is significantly lower (between 6% and 15%) in the construction sector. Inequality similarly affects all immigrant groups. Therefore, it appears that discrimination and inequality depends on whether a worker is Greek, and not on the specific nationality of a migrant. Naturally, this hypothesis needs further testing. Additionally, data suggests that in the ethicized sectors (such as construction) discrimination and wage inequality is lower, perhaps indicating a higher need for immigrant work and better insertion of migrants in these sectors. Overall while wages increase in parallel, the wage gap between the Greek and foreign workers remains quite stable.

## Institutional and Legal Framework for Admission and Employment

The institutional and legal framework for admitting migrant workers in Greece is characterized by four main features:

- General closedness to economic immigration: immigration policy aimed to mediate or reduce the negative consequences of migration rather than explore its positive impact;
- Use of annual quotas to set admission numbers: quotas are rather low the procedure for their setting generating them is bureaucratic and not corresponding to the actual labour market needs;
- Greece has generally managed immigration *ex post* through massive regularisation programmes;
- Not surprisingly Greece has no highly skill immigration scheme, as actually there are no labour shortages in this skill sector, rather it has a surplus of unemployed young people with tertiary education.

Debates on immigration in Greece in 2009-2010 were dominated by the issue of increasing arrivals of irregular migrants and asylum-seekers through the Greek Turkish border and the concerns about the concentration of these new arrivals in specific neighbourhoods of downtown Athens with the resulting poverty, social upheaval, violence and increase in criminality. Migrant labour market integration has been a peripheral issue in the public and political debate. However, the appointment of a Vice Minister of Immigration by the new Socialist government in September 2010 and the transfer of most migration competences to the Ministry of Labour rather than MPC had signaled a different approach towards migration and integration.

Unfortunately, this post was abolished at the most recent government reshuffle on 17 June 2011. For the time being it is unclear what this change will mean as for Greece's migration and integration policies. Nevertheless, several changes to the overall legislative framework took place recently.

Migrants face important difficulties in securing a contract and welfare payments, given that they are employed in sectors where informal work is the norm even for natives. Nonetheless, the issuing and renewal of stay permits for work purposes in Greece is

fully conditioned on providing proof of legal employment. Their contributions to the welfare system are proven by “welfare stamps” (*ensima*) that provide proof of their days of work. Immigrants have to collect 200 daily welfare stamps in each calendar year to have their permit renewed.

When regularizing their status for the first time, they are allowed to buy these welfare stamps independently from the IKA or from the Agricultural Insurance Organisation (OGA). However, when renewing their permits they are normally not allowed to buy missing stamps. The rationale behind this law is to oblige the employers to pay welfare contributions to their employees. Unfortunately common knowledge that as long as employer inspections and sanctions are scarce, it is usually the workers that pay for the welfare stamps.

The situation worsened in recent years as the economic crisis particularly hit the sectors of migrant employment. In response, the Ministry of Labour announced on 13 January 2011 that they were considering options for lowering the number of welfare stamps (and hence of working days per year) necessary for a migrant to renew a permit of stay. On 23 May 2011 the Vice Minister for Migration announced that the authorities were considering an *ad hoc* regularization of migrants who are employed.

Law 3907/2011 adopted by the Greek Parliament in January 2011 opens the possibility of regularization for irregular migrants or rejected asylum-seekers who can prove that they have lived in Greece for at least the past 12 years. In addition, irregular migrants subject with an expulsion decision, which was not possible to enforce due to their health condition or because their identity was not established, will receive provisional renewable six-month stay permits. During the waiting period as ‘non-deportables’ the Greek state has an obligation to provide these migrants with decent accommodation and living conditions. If the state is unable to provide such conditions, the TCNs in question are allowed to work as paid employees.

Furthermore, the Vice Minister of Immigration (Ministry of Labour) and the General Secretariat of Population and Social Cohesion (Ministry for the Protection of the Citizen) have been considering a re-organization of the process for issuing and renewal of stay permits through setting up one-stop shops at regional level. However, such re-organization has not yet taken place. There are important concerns that even if it goes ahead, delays in processing documents will continue as all temporary personnel in the responsible agencies was laid off as part of austerity measures.

## Institutional and Policy Framework for Integration

### Citizenship reform

Until recently in practice naturalization in Greece was a feasible option only for persons of Greek ethnic origin from the former USSR. In March 2010, the Greek Parliament adopted a new law (No. 3838/2010) on citizenship which facilitated naturalization for the first generation immigrants, introduced provisions for the second generation, and local voting rights for TCNs living in Greece legally for at least five years or who hold permits of 10-year or indefinite duration or EU long term resident permits.

The new law has lowered the requirement for naturalization from ten to seven years. Children born in Greece of foreign parents can become Greek citizens by a simple declaration of their parents provided that both parents had lived living in Greece legally for at least five years. If one of the parents does not fulfill the requirement, a declaration can be made and the child may obtain the Greek citizenship as soon as the second parent satisfies the requirement.

Children who were born abroad to foreign parents but who have completed at least six years of schooling in Greece and live in Greece may also naturalize as a result of a simple declaration by their parents provided again that both parents had lived in Greece legally for at least five years.

Parents of Greek citizens are entitled to a permit of indefinite duration, regardless of their employment situation, in the best interest of the child.

## **Facilitating acquisition of the EU long term resident status**

Law 3838/2010 made the EU long term resident status a stepping stone to naturalization. It reduced the exorbitant application fee from EUR 900 to EUR 600. Furthermore, the integration test was simplified. Immigrants no longer have to follow the state-sponsored language courses which are only available in very few places, and can now prove their knowledge of Greek through a test (Law 3789/2010).

## **Discrimination in Employment**

Drydakis and Vlassis (2007) showed that Albanian low-skilled male workers (the largest immigrant group in Greece): (1) receive monthly wages up to 8.8 per cent lower than Greeks (and 5.3% below the legal minimum wage); (2) face a 43.5 per cent less chance of being recruited (access to employment); and (3) are 36.5 per cent less likely to be formally declared by an employer and thereby receive appropriate and full insurance coverage. At the same time, Gropas and Triandafyllidou (2007) found that the Greek Ministry of Employment officials considered that lower remuneration of the Albanian workers is not discrimination but rather a conscious entry-strategy into the labour market on the part of immigrants. The situation was instead assessed as unfair competition on the part of immigrants that put Greek workers at a disadvantage.

In its third report, ECRI denounced the existence of job advertisements in the classified sections of national newspapers that clearly state in the application criteria that “third-country nationals are excluded” (2004: 16).

The situations described above reveal the existence of widespread opportunistic discrimination, as described by Wrench (2007), affecting immigrant workers in Greece. The Vice-Minister for Immigration has repeatedly declared the willingness to reinforce labour inspectorates and implement systematic controls on the labour market with the aim of reducing informal employment both among natives and among migrants. However, so far there are no new concrete measures taken. It is probable that the current economic crisis has reinforced exploitation and discriminatory practices, albeit thus far there are no studies documenting this.

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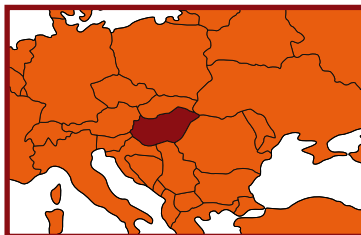
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# HUNGARY

Nenad Matejic and Alin Chindea<sup>129</sup>



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## Migration Trends

While Hungary has been registering an increase in the number of foreigners in recent years, their share of the total population has continued to be around two per cent. The total number of foreigners registered in Hungary in 2009 was 184,358, marking an increase of over 31,000 in comparison to the year 2000. The total number of foreigners increased to 197,819 in 2010.

According to the latest data, the total number of immigration permit holders in 2010 was 42,659, down by 9.6 per cent from 47,205 registered in 2009. The largest number of immigration permit holders were Romanian citizens (18,756), followed by citizens of former Yugoslav republics (4,986), Ukrainians (3,499), Chinese (3,376), citizens from the Commonwealth of Independent States - CIS (1,803), Vietnamese (1,077) and 9,162 citizens from other countries. Hungary also registered a decrease in the number of foreigners holding EEA resident permits in 2010, with the total number registered at 12,990, down by 38 per cent from 2009. A total of 32,897 non-EU/EEA nationals were in possession of a residence permit in 2010.

In 2010, there were a total number of 42,659 immigration permits, marking a decrease by 9.6 per cent from the number registered in 2009. Moreover, the total number of settlement permits in 2010 was 20,588, marking a decrease by 12.3 per cent. However, the number of permanent residents has increased by 71.6 per cent in 2010 when compared to 2009 (8,319 in 2009 and 14,272 in 2010). It should also be noted that the three main purposes for residence permit applications in 2010 had been for gainful activity (43.4 per cent), educational purposes (30.2 per cent) and family reunification (12.6 per cent).

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According to data from the Hungarian Office of Immigration and Nationality, when compared to 2009 (4,672), Hungary registered a 55 per cent decrease in the total number of recorded asylum-seekers in 2010 (2,104). The main change that was detected in 2010 was the increased number of non-European asylum-seekers and the decreased number of asylum-seekers coming from Europe. In addition, the number of refugees in 2010 in Hungary was 1,887, with 391 receiving protection and 258 given authorisation to stay (OIN, 2010).

The number of foreign workers in Hungary continued to decline, based on the data on the number of work permits issued. The number of work permits issued (general permits, seasonal permits) and the number of applications in 2010 was 24,535, including 10,890 general, 447 agricultural seasonal work permits and 13,198 foreign workers were reported by the employers. Compared to the year before, the number of work permits issued and announcements in 2010 decreased by 3,680, 13 per cent lower than in 2009. Moreover, the number of general permits increased by 1,526 while the number of reported workers has decreased by 5,287. Compared to data from 2008, the number of work permits issued and announcements decreased in 2010 by 42.2 per cent or 17,922.

## Labour Market Impact

The global economic crisis of the late-2000s did not leave the Hungarian economy untouched. The economic crisis hit the Hungarian economy in the autumn of 2008, bringing about a period of recession. In 2009, the Hungarian GDP dropped by 6.3 per cent. The situation started slowly improving at the beginning of 2010.

The unemployment rate reached 11.2 per cent in 2010, an increase of 1.1 per cent over the 2009 rate. According to the latest data available, a total number of 474,500 persons were unemployed in Hungary in early 2011 (Eurostat).

Competition remained low on the Hungarian labour market between third-country nationals and the native workers. According to an ILO survey involving an expert panel and conducted in 2008, the general view is that foreigners do not take away jobs from Hungarians and that they generally take up jobs which require lower qualifications (Juhasz, 2008). It should also be noted that third-country nationals generally face legal barriers (also for example naturalisation of foreign diplomas) and difficulties when accessing the Hungarian labour market, and the limited English language skills of Hungarian officials constitute an additional hurdle for TCNs seeking employment in Hungary.

The negative demographic trends in Hungary, presented in the previous section, can have severe detrimental effects on the country's economy and growth. Indeed, in order to maintain its economic growth and compensate for its declining population, Hungary will certainly need to welcome inflows of migrants. In their work in which they address the issue of demographic decline and its effects on Hungary, researchers Hars and Sik (2008) argue that Hungary would need around 30,000 immigrants per year in order to counterbalance the population decline. It has been shown that the Hungary has shortage of labour in the occupations such as mechanical engineers and IT specialists (EMN, 2011).

# Institutional and Legal Framework for Admission and Employment

Several relevant institutional and legal developments have occurred in the last two years in Hungary. The period after the elections held in April 2010 and the formation of the new Hungarian Government in May 2010 was marked by reorganisation of the government structures and coming into force of a number of new laws.

Prior to the changes in mid-2010, the competences and responsibilities related to migration in Hungary were held by the Ministry of Justice and Law Enforcement (MOJLE) and Ministry of Social Affairs and Labour (MOSAL), with the involvement of other actors such as the Foreign Ministry, Ministry of Education and Culture, and the Ministry of National Development and Economy (EMN, 2010). The Department of Cooperation in Justice and Home Affairs and Migration and the Office of Immigration and Nationality were functioning within MOJLE. The Office for Immigration and Nationality (OIN) was created in 2000 and worked under the direction of the Ministry of Interior.

After the restructuring, the tasks and responsibilities in the field of migration are still being shared between two actors: the Ministry of Interior and the Ministry of National Resources (EMN, 2010). According to Act No. XLII. of 2010, the Ministry of Interior as an institution or the incumbent Minister of Interior have the following tasks and responsibilities with regards to migration management: protection of victims, crime prevention, penitentiary duties, border control, immigration and asylum, highway patrol, the regulation of the supervision of public spaces, fostering the integration of foreigners, regulation of overseas travel, law enforcement, regulation on offences, public safety, safety of life and property.

In terms of TCN admission, the recent changes to the legislation in January 2010 state that “the work permit shall be issued without the examination of the labour market situation when a third-country national after the expiry of the work permit’s validity period should take up employment at the same employer and in the same sphere of activity.”

There have been a number of further changes with regards to simplified employment in Hungary, regulated by Act No. LXXV of 2010 and previously by Act No. CLII of 2009 (which has since been repealed). According to the new Act which entered into force in August 2010, the simplified employment relationship can be established only for the purpose of seasonal work (agriculture and tourism) and temporary work. In addition, according to the new regulation, an employer with a tax debt of over (approximately) 1,000 EUR is not eligible to enter a simplified employment relationship with a migrant worker. The new Act now also sets a maximum number of employees that an employer is permitted to employ on a temporary basis and stipulates that the length of employment in agriculture and tourism on the simplified scheme cannot exceed 120 days per year.

## Institutional and Policy Framework for Integration

Although a national integration strategy is yet to be drafted, a number of attempts have been made in Hungary to work in this direction. In 2009, the Government Strategy of Republic of Hungary for Cooperation in the Area of Freedom, Security and Justice for 2009-2014 was adopted, and it contains a number of stipulations on labour migration. The Strategy stresses the importance of legal migration of highly skilled migrants and their benefits for both EU Member States and sending countries. Moreover, it supports circular migration and suggests that Hungary must work to promote the entry and stay of legal immigrants in line with the needs of the labour market and the economy (EMN, 2010).

The most important development in Hungary in the area of integration during the reporting period has been the passing of the new dual citizenship law. Following the elections held in April 2010, a draft amendment to the Hungarian Law on Nationality was submitted to the Parliament and subsequently adopted on May 26, 2010. The fast-paced passing of this legislation did not allow for comprehensive discussion and public consultation with relevant academic and civil society experts, as well as the general public (Kovacs and Toth in EUDO, 2010).

The new legislation came into force on 1 January 2011 although requests for dual citizenship were already being accepted after 20 August 2010. The new simplified naturalisation procedure has provided persons with Hungarian roots who are living abroad to acquire Hungarian citizenship with reduced administrative burden. According to this new regulation “every non-Hungarian citizen is eligible for preferential naturalisation if he [or she] or any of his [or her] ancestors was a Hungarian citizen or if he [or she] serves reason to believe his or her origin is from Hungary, he [or she] proves his knowledge of the Hungarian language, he [or she] has no criminal record and is not under prosecution, his [or her] naturalisation does not violate the public and national security of Hungary.”<sup>130</sup>

The Equal Treatment Authority (ETA), established by the Hungarian Government by Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities as set in the Government Decree No 362/2004 (XII.26.), came into existence in February 2005 and is the Hungarian equality body with a wide scope of authority that deals with both individual and public complaints on unequal treatment and discrimination in Hungary. However, as confirmed by Lilla Farkas, the President of the Advisory Board of the ETA, immigrants and their equality rights are not considered a priority by the Authority and this institution mostly deals with other categories and cases.<sup>131</sup> Additionally, it has been argued that there is little awareness among the foreigners living in Hungary on the range assistance available. It has also been remarked by the European Commission against Racism and Intolerance that a high proportion of cases (a total of 55% in 2006) lodged before the Authority were dismissed either as unfounded on the merits or because they fell outside the Authority’s remit. The latter fact may indicate that, for the moment at least, there remains a certain lack of understanding in Hungary of the concept of discrimination, as well as a certain lack

<sup>130</sup> Amendment of Act LV of 1993 on Hungarian Citizenship <http://www.allampolgarsag.gov.hu/images/angol.pdf>

<sup>131</sup> Presentation on the Equal Treatment Authority by Lilla Farkas at the Central European University, 14 April 2011.

of knowledge of the Authority's fields of competence. (ECRI, 2009 – Fourth Report on Hungary)

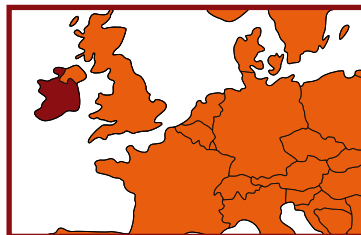
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# IRELAND

Sheena McLoughlin<sup>132</sup>



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## Migration Trends

Ireland's economy experienced significant contraction during the years 2009 and 2010. While the recession had already begun in 2008, GDP fell by 11.3 per cent in 2009 (FAS, 2010), which impacted immigration to Ireland in a number of ways.

As reported in the previous LINET policy report on Ireland, the proportion of non-Irish nationals living in Ireland had risen from 3 per cent of the population in 1999 to around 12 per cent in 2007. This peak accounted for just fewer than 500,000 non-Irish nationals in a total population of over 4.3 million (IOM, 2010). Data from 2010 indicate that the proportion of non-Irish nationals living in Ireland has dropped to 10.9 per cent of the overall population.<sup>133</sup> More exact data will not be available until the results of Ireland's most recent Census carried out in April 2011 is published in full in early 2012.

Trends of migration flows over the past couple of years are represented in Figure 1, clearly showing that the number of new immigrants to Ireland fell sharply in 2009 and 2010. Between April 2009 and April 2010, the number of immigrants entering the country each year went from 57,300 to 30,800. This compares to the peak number of 109,500 immigrants in 2007.<sup>134</sup>

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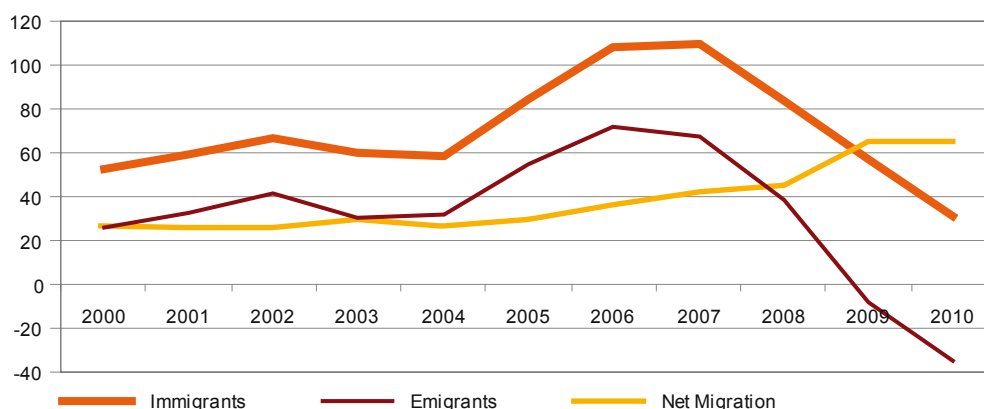
<sup>133</sup> This is the proportion estimated by the Quarterly National Household Survey (QNHS), which gathers data *inter-alia* on the numbers of working age non-nationals living in Ireland i.e. that are over age 15. The total number of persons above the age of 15 in Ireland was 3,512,200, of which 383,400 were non-Irish nationals (approximately 10.9%). The QNHS data is broadly indicative and could undercount the number of immigrants living in Ireland. Central Statistics Office (2011), *Quarterly National Household Survey – Quarter 4 2010*.

<sup>134</sup> Annual population estimates for mid-April are calculated each year and they estimate migration flows. CSO (2010), *Population and Migration Estimates*.

Meanwhile, emigration from Ireland has risen steadily and significantly since the onset of the recession. The number of emigrants was 45,300 in 2008, but the subsequent years of 2009 and 2010 recorded more people choosing to leave the country with approximately 65 thousand emigrants for each of those years. The proportion of Irish emigrants increased significantly from 18,400 in 2009 to 27,700 in 2010.

Significantly, 2009 was the first year to record negative net migration since 1995. The net outward migration went from 7,800 in 2009 to 34,500 in 2010, which is Ireland's highest level of net outward migration since 1989. (CSO, 2010)

**Figure 1: Components of population change, thousands, year ending in April, 2000-2010**



Source: CSO, *Population and Migration Estimates*, September 2010. 2007, 2008, 2009, 2010 – based on preliminary data

Much fewer nationals from the recent EU accession countries opted to move to Ireland in 2009 and 2010. In fact, an estimated 5,800 nationals from these countries came in the year ending April 2010, a major decline from the 52,700 that came in 2007.<sup>135</sup> Declining numbers are also true for migrants from the EU15 and third-country nationals.

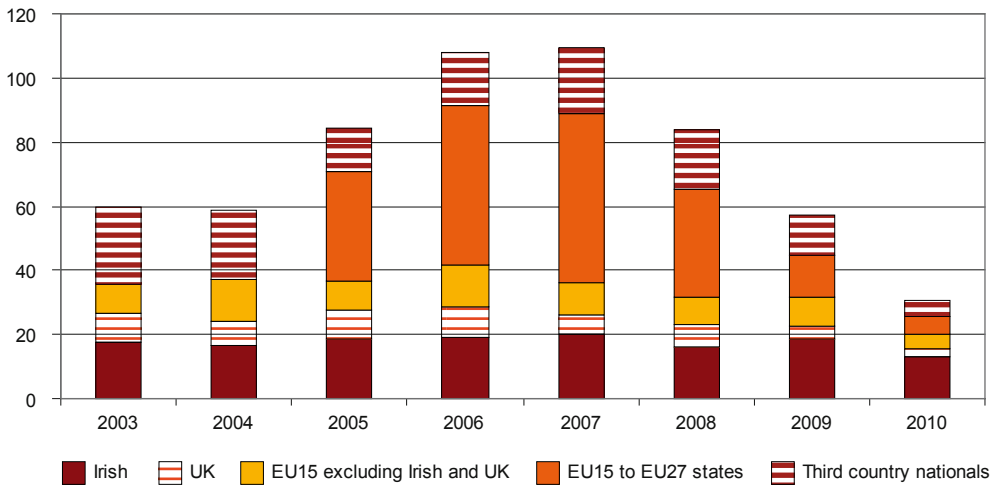
Establishing up-to-date figures on immigrant stocks in Ireland is not straightforward. Ireland's Census, carried out every five years, provides the most accurate picture of the number of immigrants living in Ireland and their countries of origin. The 2006 Census identified the main countries of origin of Ireland's immigrants as the United Kingdom, Poland, Lithuania, Nigeria, Latvia, the United States, China, Germany, the Philippines and France. (CSO, 2008) The results of the April 2011 Census, scheduled to be published early in 2012, will give a more accurate picture of the range of non-Irish nationals living in post-recession Ireland as well as their purpose for entry (e.g. studying, work, family, humanitarian and so on).<sup>136</sup>

<sup>135</sup> Based on annual population estimates for mid-April are calculated each year and they estimate migration flows. CSO (2010), *Population and Migration Estimates*.

<sup>136</sup> Incidentally, reduced numbers of asylum applicants - not quite 2,000 in 2010, the lowest number since 1996 – may impact on the diversity of countries of origin of Ireland's immigrants. OECD (2011) *SOPEMI: International Migration Outlook*.



**Figure 2: Estimated immigration, thousands, year ending in April by nationality and year**



Source: CSO, *Population and Migration Estimates, September 2010*.  
2007, 2008, 2009, 2010 – based on preliminary data

While the 2011 Census data is not yet available, immigration stamps issued in 2010 also give a close idea of “stock” figures of non-EEA migrant workers in Ireland.<sup>137</sup> In 2010, 159,591 non-EEA nationals were issued with stamps (Table I). Stamps 1,2 and 4 are the most relevant in the context of this report as they allow the holder to access the labour market under certain conditions.<sup>138</sup>

The Quarterly National Household Survey (QNHS) provides some data on the numbers of non-nationals - EEA and non-EEA - living in Ireland, albeit only for those over age 15.<sup>139</sup> The QNHS data is broadly indicative and could undercount the number

<sup>137</sup> When non-EEA nationals first arrive in Ireland with the intention of remaining for more than 3 months, they are obliged to register with the Garda National Immigration Bureau (GNIB) in order to be issued a certificate of registration, each with a certain category of stamp depending on the purpose of their stay and whether they have access to the labour market.

<sup>138</sup> Broad non-exhaustive description of what is encompassed by each stamp category:

- Stamp 1 - Employment permit holders; Business Permission holders
- Stamp 1A - Trainee professionals (generally accountancy trainees)
- Stamp 2 - Students
- Stamp 2A - Students (courses not on international register)
- Stamp 3 - Dependents of employment permit holders; volunteers/religious workers; retired person of independent means.
- Stamp 4 - Permission to remain and employment permit exempt (e.g. refugees/subsidiary protection, long term residents)
- Stamp 4 EUfam - Family members of EU citizens under Directive 2004/38/EC as transposed by the European Communities (Free Movement of Persons) Regulations 2006 and 2008.
- Stamp 5 - without condition as to time (persons with legal residence in the State of greater than 8 years)
- Stamp 6 - Holders of Irish citizenship and another nationality.

Source: Department of Justice and Equality

<sup>139</sup> The QNHS produces quarterly labour estimates and is based on requirements of Council regulation (EC) No. 577/98. The reference quarters for survey results are Q1 (Jan-Mar), Q2 (Apr-Jun), Q3 (Jul-Sep) and Q4 (Oct-Dec). Information is collected throughout the year from households surveyed each week to give a total sample of 39000 households in each quarter. Central Statistics Office (2011), *Quarterly National Household Survey – Quarter 4 2010*

of immigrants living in Ireland. Nonetheless, researchers believe that the survey data can give a reliable if not completely accurate picture of the current situation and recent trends. (Barrett, Kelly, 2008)

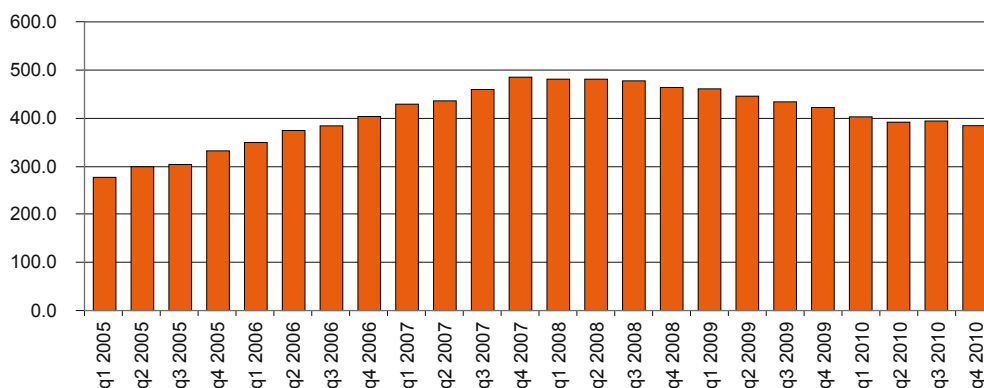
**Table 1: Registrations by Stamp, 2010**

Stamp 1	15,542
Stamp 1A	708
Stamp 2	41,415
Stamp 2A	4,045
Stamp 3	16,601
Stamp 4	73,297
Stamp 4 EUFam	6,794
Stamp 5	1,138
Stamp 6	51

Source: Department of Justice and Equality

In terms of stocks of immigrants in Ireland, the number of non-nationals aged above 15 years living in the country decreased during 2009 and 2010, having already begun to fall in 2008 (Figure 3). From a peak of 485,000 in the last quarter of 2007 when non-nationals represented 14 per cent of the total 15+ population, the number of non-nationals declined by more than 100,000 in three years to an estimated 383,400 by the last quarter of 2010, 10.9 per cent of the working age population.<sup>140</sup>

**Figure 3: Numbers of non-Irish nationals Aged 15+ (thousands)**

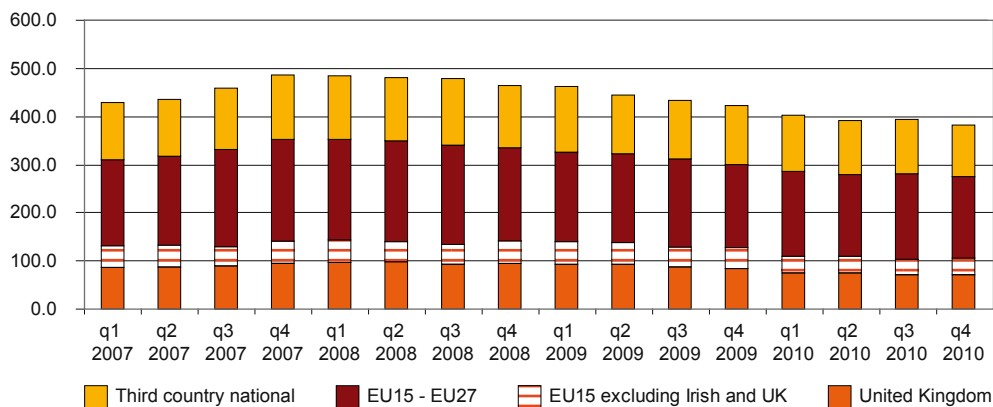


Source: CSO (2011) Quarterly National Household Survey – Quarter 4 2010.

<sup>140</sup> The QNHS produces quarterly labour estimates and is based on requirements of Council regulation (EC) No. 577/98. The reference quarters for survey results are Q1 (Jan-Mar), Q2 (Apr-Jun), Q3 (Jul-Sep) and Q4 (Oct-Dec). Information is collected throughout the year from households surveyed each week to give a total sample of 39000 households in each quarter. Central Statistics Office (2011), *Quarterly National Household Survey – Quarter 4 2010*

The decline is true for all categories of non-nationals captured in the survey, be it UK citizens, EU citizens from other newer and older EU member states or third-country nationals (Figure 4). Numbers of immigrants from EU10+EU2 countries fell by more than 20,000 from 191,400 in the last quarter of 2008 to 168,800 at the end of 2010. For the same period, there were declines of just over 20,000 for both immigrant stocks of UK nationals and of third-country nationals. Numbers of the EU15 citizens (excluding the UK and Ireland) fell from 47,400 to 33,800 over the same two years.

**Figure 4: Origin of non-Irish nationals Aged 15+ (thousands)**



Source: CSO (2011) Quarterly National Household Survey – Quarter 4 2010.

The Migrant Rights Centre of Ireland (MRCI) reported in 2009 that there were approximately 30,000 irregular immigrants in Ireland, a figure representing less than 0.67 per cent of the total population at the time.<sup>141</sup>

## Labour Market Impact

Falling by over a quarter of a million since the beginning of the recession in 2008, employment has been the major casualty of Ireland’s economic contraction. The unemployment rate had risen to 14.1 per cent by the end of 2010 while the employment rate for the wider population aged between 15 and 65 had fallen below 60 per cent (to 59.4%) for the first time since 1998. (CSO, 2011)

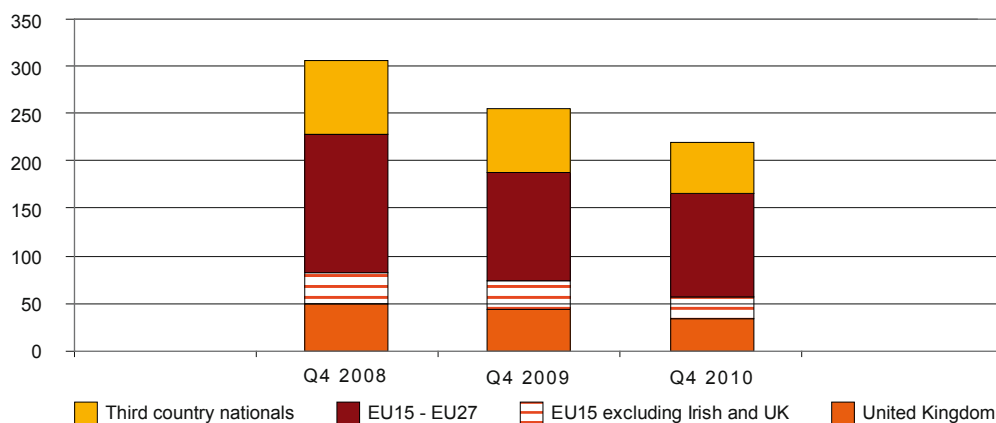
What is known about how Ireland’s immigrants fared in the labour market in the 2009 and 2010 period? The numbers of non-nationals in the labour force decreased from 303,100 at the end of 2009 to 269,700 by the fourth quarter of 2010. The emigration of non-Irish nationals explains somewhat the 33 per cent drop between 2009 and 2010.

Reflecting the trend for the wider population, the falls in employment were significant for non-Irish nationals in the 2009 and 2010 (Figure 5). Indeed, the year on year change

<sup>141</sup> The MRCI sourced this figure from data compiled by Department of Justice data and based on figures from ICMPD on regularisations in the EU in January 2009. Migrant Rights Centre of Ireland (2010), Regularisation of Undocumented Migrants

from the end of 2008 to 2009 was a drop of 50,000, and then a further 35,000 dropped out of employment by the end of 2010. At the end of 2010, the number of non-nationals in employment stood at 220,000, a 36.4 per cent drop since its peak of 345,800 at the end of 2007. By the end of 2010, the unemployment rate among non-Irish nationals at 18.4 per cent was higher than that of Irish nationals (13.5%), up from 15.8 per cent the previous year.

**Figure 5: Immigrants in employment, thousands**



Source: CSO (2011) *Quarterly National Household Survey – Quarter 4 2010*.

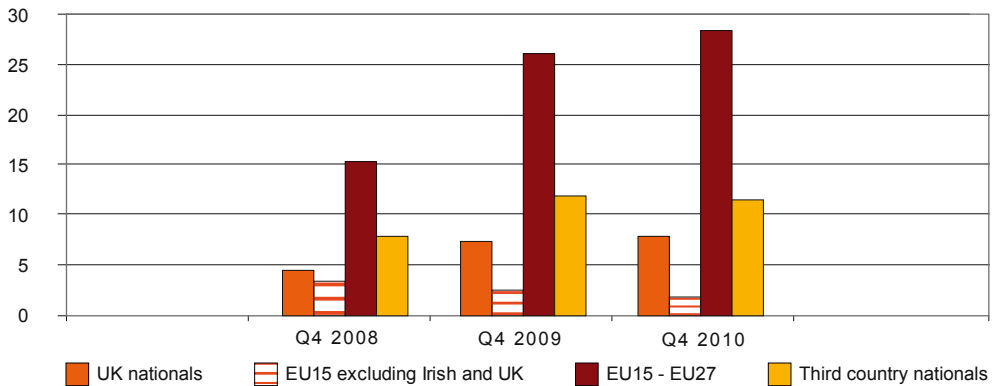
Immigrants from EU10+EU2 countries were most affected by unemployment (Figure 6). The numbers of unemployed persons from the EU's new Members States almost doubled from the end of 2008 (15,300) to the end of 2010 (28,300). Most of the growth in non-nationals declaring themselves unemployed happened in 2009 with only a modest subsequent increase in 2010. Emigration and becoming economically inactive seem to have been the preferred alternatives in 2010 as the drop in total active population of non-Irish nationals suggests. Outward migration has in this way tempered the rise in unemployment. (CSO, 2011)

Non-Irish nationals are entitled to unemployment benefit or assistance if they have contributed sufficiently to Pay-Related Social Insurance (PRSI) when in employment and satisfy the same contribution conditions which apply to Irish nationals. They must also satisfy a habitual residence condition, which usually means that they have been present in the State continuously for at least two years previous to the date when the request for assistance is made.<sup>142</sup>

Third-country nationals continue to make up a large share of the economically inactive immigrants in Ireland, which can be explained partly by the large number of students from outside the EU as well as difficulty for spouses and family members of non-EU workers to obtain work permits.

<sup>142</sup> See the Department of Social Protection for more details. <http://www.welfare.ie/en/pages/unemployed.aspx>

**Figure 6: Numbers of unemployed immigrants, thousands**



Source: CSO (2011) *Quarterly National Household Survey – Quarter 4 2010*.

Losses for both Irish and non-Irish nationals in the construction sector were particularly significant at the end of 2009 and of the 17,500 non-nationals that lost their jobs, 13,800 thousand were from EU10+EU2.(CSO, 2011a) Job losses in construction continued in 2010 but actual numbers were smaller than in 2009.

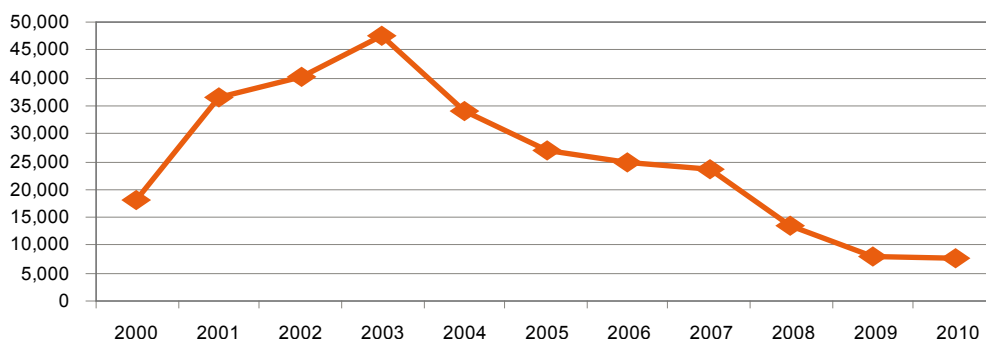
Where jobs occupied by non-Irish nationals disappeared most in 2010 was the accommodation and food service activity sector. Whereas there was growth of 2,800 in this sector from the previous year for Irish nationals, non-Irish nationals occupied over 10,000 less jobs than at the end of 2009, with third-country nationals and EU10+EU2 nationals losing out the most.

The health and social sector appears to be one of the few sectors to have experienced jobs growth in the 2009-2010 period, owing somewhat to the expansion of residential care and social work activities. (FAS, 2010b) These new jobs appear to be going mainly to Irish nationals, however, as employment of non-Irish nationals has fallen over the past couple of years. In fact, the general picture is that the rate of job losses in most sectors is higher for non-nationals in terms of their proportion to the wider population. The one sector where non-Irish nationals were more successful than Irish nationals is occupying new jobs in 2010 was agriculture, forestry and fishing.

The above analysis of the employment of non-Irish nationals reflects the reality in 2009 and 2010 of decreased demand for skills and labour in Ireland. The issuing and renewal of employment permits for non-EEA nationals as well as Romanians and Bulgarians also decreased in 2009 and 2010 (Figure 7), from 13,567 in 2008 to 7,714 permits in 2010,<sup>143</sup> 3,762 of which were new.<sup>144</sup>

<sup>143</sup> Department of Enterprise, Trade and Employment

<sup>144</sup> It should be noted that not all new employment permits are issued to first applicants – about a quarter received new permits instead of renewing old ones. This would happen in the case of a worker being made redundant, for instance, or for regularise the labour market status of some persons who had already been working in Ireland. FÁS (2011) *National Skills Bulletin 2011*

**Figure 7a: Employment permits issued and renewed, 2000-2010, numbers**

Source: Department of Enterprise, Trade and Employment.

**Figure 7b: New Employment Permits by Sector, 2010**

Sector*	Emp. Permit	Green Card	ICT	Spousal	Training	Total
Agriculture	124	1	3	28		156
Catering	377	2		98		477
Construction	43	3		2	1	49
Domestic	42		1	16		59
Education	46	13		21		80
Entertainment	21	3		1		25
Financial	24	78	55	16		173
Government						
Healthcare	372	151	8	277	1	809
IT	267	276	104	28	1	676
Legal	1	1				2
Manufacturing	76	39	93	25		233
Research	3	6	4	3		16
Retail	108	13		60		181
Services	401	48	23	145	1	618
Sport	43	1		1		45
Tourism	62	2	1	17		82
Transport	65	9	6	1		81
<b>Total</b>	<b>2,075</b>	<b>646</b>	<b>298</b>	<b>739</b>	<b>4</b>	<b>3,762</b>

Source: FÁS (2011) National Skills Bulletin 2011.

Permits are only exceptionally issued for jobs of a salary of less than 30,000 EUR meaning that they generally are awarded to highly-skilled workers and medium-skilled workers. Six per cent fewer new green cards (646 in total) were issued in 2009-2010,

one third of which were for positions of salaries above 60,000 euro, mostly in the IT and financial sectors. Nurses and software engineers received over 50 per cent of the new green cards. Nonetheless the green cards issued to nurses were fewer than in 2009 as were those issued to marketing managers. (FAS, 2011)

The largest share (55%) of new permits issued in 2010 were employment permits, which are issued to “shortage” occupations from within the national and EU labour market. The annual salary is generally between 30,000 and 60,000 and only exceptionally for lower salaries. In total, 2,075 new employment permits were issued in 2010, an increase of 7 per cent from the previous year. Interestingly, the number of employment permits issued for positions in catering and services sectors increased compared to 2009. The largest number of employment permits went for jobs in the healthcare sector. (FAS, 2011)

Data for the year 2010 on income of full-time employees suggests that that 12 per cent of migrants earn more over 732 EUR per week, compared to 25 per cent of Irish nationals who are in this top earner bracket. Amongst these non-Irish top earners, the proportion of EU15 migrants was greater than other migrants, with EU10 and EU2 nationals the least represented in this group. Nationals of the 2004 and 2007 EU accession countries were instead the most represented among migrants in the bottom-earners, less than 324 EUR per week. Analysts observed that non-Irish nationals in lower paid jobs were worse affected by lay-offs than non-Irish nationals in higher paid jobs. (FAS, 2011)

The National Employment Rights Authority (NERA), set up in 2008, is of particular relevance to immigrants as it provides information in 13 languages on employment rights and entitlements and has powers of enforcement and prosecution. It is interesting to examine the results of NERA’s inspections of sectors where the proportion of migrant workers is high. Between January and September 2010, for instance, agricultural sector had just a 27 per cent compliance rate (of 45 NERA inspections) and 8,472 EUR unpaid wages due to employees were recovered. In the catering sector, there was only a 40 per cent compliance rate (of the 357 inspections) and 109,147 EUR unpaid wages were recovered. In the hotel industry, 22 per cent of the 156 inspections were found to be compliant and 72,123 EUR in unpaid wages were recovered. Thirty-eight of the 50 inspections of Contract Cleaning companies were compliant and 14,338 EUR in unpaid wages was recovered. Finally, 54,497 EUR in unpaid wages went to security workers and 169,620 EUR unpaid wages to construction workers in the same period.<sup>145</sup>

## Institutional and Legal Framework for Admission and Employment

Prior to the job losses and high unemployment rates that accompanied the recession from 2008 onwards, the Irish government’s approach to migrant workers was one of light-touch regulation. The labour needs were to a large extent met from within

<sup>145</sup> These figures were taken from the NERA website: <http://www.employmentrights.ie/en/media/NERA%20Quarterly%20Update%20September%202010.pdf>

the EEA, particularly following the 2004 EU enlargement.<sup>146</sup> Labour migration policy included the development of an employer-led employment permits system for third-country nationals.<sup>147</sup> The Department of Jobs, Enterprise and Innovation is responsible for the permits system.

Given Ireland's labour market conditions in 2009 and 2010, the Department of Jobs, Enterprise and Innovation tweaked the employment permits system in favour of facilitating labour market access of highly skilled and 'hard-to-find' medium skilled workers. Meanwhile, recruitment of third-country nationals to low-skilled positions has become more restricted.

## Work permit

In response to rising unemployment, the government introduced significant restrictions to the issuing of work permits in April 2009.<sup>148</sup> First, the list of occupations ineligible for new work permit applications was extended. Second, processing fees for new work permit applications received after June 2009 were increased, as well as for subsequent renewals of such permits. Third, the length of the labour market test for work permit applications was doubled: it must now be advertised on the FÁS/EURES network for 8 weeks instead of 4 weeks and in the local and national newspapers for 6 days instead of 3. Fourth, renewals of work permits must undergo labour market tests and not just first applications.

An examination of the list of ineligible occupations emphasise that the restrictions are particularly notable for lower-paid and lower-skilled positions, which includes all Clerical and Administrative Positions, all General Operatives/Labourers and all Operator and Production Staff.

### *Green card permit*

Green card applicants were also subject to more restrictions from April 2009. For applicants with salaries below the 60,000 euro threshold, certain occupations were removed from the list of strategic skills shortages such as midwives, physiotherapists, psychologists, economists, underwriters, claims assessors and financial analysts.<sup>149</sup>

<sup>146</sup> Restrictions on access to the Irish labour market were put in place regarding Romanian and Bulgarian citizens following their countries accession to the EU in 2007. These restrictions are expected to be reviewed before the end of 2011. See here for more information on arrangements for Romanian and Bulgarian nationals: <http://www.djei.ie/labour/workpermits/bulgariaromania.htm>

<sup>147</sup> The system is essentially based on two main pieces of legislation: the Employment Permits Act 2003 and the Employment Permits Act 2006, the latter of which contains detailed provisions regarding the application and renewals processes.

<sup>148</sup> It should be noted that the new restrictions put on the employment permits system do not apply to Bulgarian and Romanian nationals.

<sup>149</sup> Here is the full list of the occupations removed from the eligible green card list for salary positions in the €30,000-€59,999 range certain for the reason that skills shortages no longer exist: Registered midwives; physiotherapists; psychologists; social workers; medical physicists; speech and language therapists; economists; statisticians; underwriters; claims assessors and analysts; securities specialists; fund and investment management specialists; common law jurisdiction lawyers; investment fund professionals; fund accountants; fund valuations professionals; fund administrators; custody specialists; transfer agents; hedge fund specialists; marketing managers and specialist managers. These occupations continue to be eligible for Green Cards



These occupations were removed as the relevant skills for these positions were deemed not in shortage in the national (and EU) labour market.

Revised immigration arrangements announced in August 2010 had relevance for the Green Card holders whose permit and immigration registration card (GNIB card) were due to expire. Applications for renewal are no longer to be made via the Department of Jobs, Enterprise and Innovation but, instead, via the Garda National Immigration Bureau or the Garda registration office in the area of residence. This policy change can be seen as an effort by the Department of Justice and Equality to keep control of immigration policy. The Garda (policeman/policewoman) now has the authority to ensure that a migrant has the correct immigration status as an employee and is entitled to refuse registration where there is a valid ground for doing so e.g. the person has come to the adverse attention of the Gardaí or there is evidence that the person lived outside the State for most or all of the previous period of immigration permission.<sup>150</sup>

## Intra-company transfer

Changes to the intra-company transfer scheme in the last couple of years relate only to the right of their spouse or dependents, which has been restricted.

## Spouses and dependents of employment permit holders

Prior to recent changes, spouses or dependants of work permit or green card holders were entitled to immediately apply for a work permit in any sector. Once in possession of the work permit, there was no labour market needs test, application fee or salary requirement.

Under the new arrangements introduced in 2009, however, spouses or dependants of new work permit applicants (those that did not have a work permit before 1 June 2009) cannot be considered for an employment permit under the spousal/dependant scheme. This includes spouses and dependents of intra-company transferees as well as work permit holders. In this scenario, the spouse or dependant is required to apply for a work permit in their own right according to the standard eligibility criteria, including a labour market needs test, restriction to vacancies in eligible job categories and payment of the standard application fee.<sup>151</sup>

However, a number of policy changes were made in autumn 2009 to ease the situation of employment permit holders that were already in Ireland, particularly those who fell out of employment through redundancy. First, changes were made to allow work permit holders who had been made redundant to remain in Ireland for up to six months to look for a new job, the offer of which would not be subject to a labour market needs test. Second, it was announced that migrants legally resident in the State for a continuous period of five years could apply for a five-year residency extension and apply

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where the salary is more than €60,000 per year. <http://www.djei.ie/publications/labour/2011/Guidelines-GreenCards-June11.pdf>

<sup>150</sup> See the Irish Naturalisation and Immigration Services, run by the Department and Equality for more information. [http://www.inis.gov.ie/en/INIS/Pages/Renewal\\_of\\_Green\\_Card\\_Work\\_Permit](http://www.inis.gov.ie/en/INIS/Pages/Renewal_of_Green_Card_Work_Permit)

<sup>151</sup> <http://www.djei.ie/publications/labour/2011/guidelines-spousals-june11.pdf>

to work without the need of an employment permit. This was also applicable to those migrants who had been made redundant after five years working on an employment permit.<sup>152</sup> Finally, a limited period scheme was introduced for migrants who became undocumented through no fault of their own after previously holding a work permit. The scheme allowed such people to apply for a temporary immigration permission, which would allow them four months to seek employment or apply for an employment permit. (Quinn, 2010) Just 185 applications were received into this scheme, however, and it is now closed. (OECD, 2011)

Public opinion on immigration in 2009-2010 has centred on the jobs crisis and the access of immigrants to welfare. A 2009 poll, organised and published by the Irish Times newspaper, found that a majority of the population wanted like to see immigrants leaving the country.<sup>153</sup>

Towards the end of 2010, political parties were vociferously preparing for an inevitable general election. Against this backdrop, the draft Immigration, Residence and Protection Bill in discussion for much of the past decade did not make much progress. The adoption of a new Immigration Bill is important for many reasons, not least in order to introduce a more direct path to long-term residence.<sup>154</sup> A new version of the Bill was published in 2010 to accommodate a number of suggested amendments made to the 2008 version but continued to be stalled at the close of 2010 when politicians were looking to the imminent general election rather than the legislative agenda.

## Institutional and Policy Framework for Integration

A new position of Minister of State with Special Responsibility for Integration Policy was created in 2007 with an Office of the Minister of State for Integration (OMI) established as the lead governmental body with responsibility for developing Ireland's overall integration policy approach. What followed was the publication in May 2008 of a strategy entitled *Migration Nation: Statement on Integration Strategy and Diversity Management*, which emphasised "whole-of-government" and mainstreaming approaches, meaning that future integration initiatives would form part of the government's overall social cohesion efforts.

As a consequence of recession, many of the initiatives outlined in the *Migration Nation* integration strategy were slow to come into fruition and, indeed, some of the new structures proposed - an Expert Commission on Migration and the Task Force on Integration - were axed altogether. The setting aside of such investments in future thinking raise alarm bells for Ireland's immigrant integration policy. (Collett, McLoughlin, 2010)

In addition, the position of Minister for Integration, which began as a junior ministry, went through some changes with each cabinet reshuffle over the 2009-2010 period. Following the general election in early 2011, the position of Minister for Integration

<sup>152</sup> <http://www.djei.ie/labour/workpermits/policyonpermitrequirementsafterfiveyears.htm>

<sup>153</sup> O'Brien, C., "Poll shows hardening of attitude towards immigrants". Irish Times, 11 November 2009. <http://www.irishtimes.com/newspaper/frontpage/2009/1124/1224259339934.html>

<sup>154</sup> Ireland opted out of the EU directive on Long-term Residents (2003/109/EC)

disappeared with the Minister of State with responsibility for Disability, Equality and Mental Health taking on a much-diluted role. The Office of the Minister of State for Integration soon after changed its name to the Office for the Promotion of Migrant Integration.

Not all of the ideas proposed in the 2008 *Migration Nation* strategy were scrapped. A Ministerial Council on Integration was eventually set up in 2010 with the purpose of gathering representatives of Ireland's immigrant population to advise the State on issues faced by immigrants and raise the level of public debate on issues of integration. The Council's regional forums are expected to meet four times each year in a different region each time, when the same 15 to 20 members who live in that region will come together over a period of five years.<sup>155</sup> Also in 2010, an Intercultural Education Strategy was published, the aims of which is to involved parents, schools and communities more in the integration process.<sup>156</sup> The outcomes of this five year strategy will have to be monitored over the next few years.

No governmental department has avoided cuts to its spending in the 2009-2010 period and the Office for the Promotion of Migrant Integration is no different. The budget allocation of the Office for the Promotion of Migrant Integration was 8 million euro when it first opened whereas its budget in 2011 was 4.179 million.<sup>157</sup> The recipients of this funding include major national sporting organisations, local authorities and, to a lesser extent, faith-based groups and various NGOs and civic participation initiatives.<sup>158</sup>

The funding channel to local authorities to promote integration at a local level through activities undertaken by the authorities themselves or local groups has remained significant throughout the crisis. Indeed some local authorities, such as those in the Dublin area but also urban areas around the country, saw their amounts increase from 2008 to 2010. Indeed, nine local authorities even received funding for the first time in 2010 and few saw their annual amounts decrease (e.g. Kildare, Mayo, Louth, Westmeath).

The Irish government has also targeted language support given to newcomer children in primary and secondary schools around the country for cuts over the last couple of years. Indeed, language support in schools is arguably the biggest victim of austerity measures vis-à-vis immigrant integration. The budget for employing special tutors to teach English as an additional language was reduced from 120 million euro to 98 million euro in the 2010 budget. The then government planned a phased reduction over four years of as many as 500 of the 1,400 language support teachers, most of which work in primary schools. This decision is understandably of much concern given the importance of education of the children of immigrants to their eventual integration in not only the labour market but in the overall society.

Funding for anti-discrimination initiatives was targeted early in the recession for cuts. In late 2008, the National Consultative Committee on Racism and Interculturalism

<sup>155</sup> <http://www.integration.ie/website/omi/omiwebv6.nsf/page/aboutus-ministerialcouncil-overview-en>

<sup>156</sup> See here for the Intercultural Education Strategy: [http://www.integration.ie/website/omi/omiwebv6.nsf/page/FCMY-89HDLC10522921-en/\\$File/mig\\_intercultural\\_education\\_strategy\[1\].pdf](http://www.integration.ie/website/omi/omiwebv6.nsf/page/FCMY-89HDLC10522921-en/$File/mig_intercultural_education_strategy[1].pdf)

<sup>157</sup> McGinnity, F. and Quinn, E. and O'Connell, P. and Donnelly N. (2011) *Annual Monitoring Report on Integration 2010*

<sup>158</sup> For a list of Office for the Promotion of Migrant Integration funding recipients, see: <http://www.integration.ie/website/omi/omiwebv6.nsf/page/funding-omiamounts-en>

was abolished. The Equality Authority had its budget slashed by 43 per cent in 2009, and the Irish Human Rights Commission's budget was reduced by 24 per cent. (Collett, McLoughlin, 2010) In addition, there was no follow-up strategy to 2005-2008 National Action Plan Against Racism.<sup>159</sup> Clearly, the capacity of Ireland's equality/anti discrimination bodies was reduced in the 2009-2010 period as a result of budget cuts.

There are few active labour market measures in Ireland that are directly relevant to the immigrant population. The Employment for People from Immigrant Communities (EPIC) programme, managed by the not-for-profit Business in the Community Ireland network, can be described as one such programme. Launched in 2007, the EPIC programme supports a limited number of immigrants in securing employment. The programme includes six weeks of classroom-based training, which focuses on English language, computer and other workplace skills as well as individual support on job searching (CV, cover letter, and interview techniques). In some cases, work placements between three and six months are arranged for immigrants on completion of the six weeks. Interestingly, the programme also includes elements on integrating into Irish society with some training on employment rights, volunteering, and access to education and healthcare. Both EU and non-EU migrants who are legally resident are eligible to participate in the EPIC programme, for which there is no fee, and the breakdown of participation of EU migrants as compared to non-EU migrants tends to be quite even. Indeed, EPIC participants to date have their origins in more than 60 countries.<sup>160</sup>

EPIC's potential is limited, however, both in a geographical sense – the courses run in Dublin only – and in numbers of places available - EPIC runs 15 courses each year with up to 17 places in each course, meaning that the annual capacity is for now limited to 255 participants. Given that the number of people referred to EPIC in 2010 was 490, there is a clear demand for the services provided. EPIC is viewed by the government as a successful initiative and, as a result, has received continued funding throughout the economic downturn from the Department of Justice and Equality's Office for the Promotion of Migrant Integration, which provides co-financing along with the European Social Fund Human Capital Operational Programme 2007-2013.<sup>161</sup> The success of the programme may lie in its ability to facilitate participants into work placements at the end of the course. While some of these placements are as volunteer, training or internship positions, a significant amount of people are placed in employment (104 of the 187 placed in 2010).

<sup>159</sup> A National Plan Against Racism 2005-2008 set out a strategy to build a more inclusive society free from racism, listing economic inclusion and equality of opportunities among its main objectives. The strategy inspired a number of local anti-racism and diversity strategies and a National Intercultural Health Strategy. Department of Justice, Equality and Law Reform, Planning for Diversity: National Action Plan Against Racism, 2005-2008 (Dublin: Department of Justice, Equality and Law Reform, 2005), [www.nccri.ie/pdf/ActionPlan.pdf](http://www.nccri.ie/pdf/ActionPlan.pdf)

<sup>160</sup> More information is available in the Business in the Community website: [http://www.bitc.ie/si\\_programmes/programme\\_profile.html?id=2](http://www.bitc.ie/si_programmes/programme_profile.html?id=2)

<sup>161</sup> Funded through the Office for the Promotion of Migrant Integration, activity funding for the EPIC programme amounted to €447,000 in 2008, €475,000 in 2009 and €447,000 in 2010. The decrease in the activity funding figure in 2010 is due to a reduction in administrative costs during that year, according to information received from EPIC management.

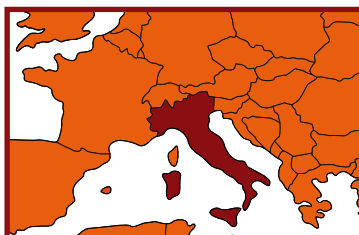
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# ITALY

Claudia Villosio and Ester Salis<sup>162</sup>



## Migration Trends

The legally resident foreign population in Italy at the beginning of 2011 has overtaken the threshold of 4.5 million.<sup>163</sup> It almost tripled during the last decade, and doubled over the last five years reaching 7.5 per cent of the total population. This remarkable trend has continued steadily in 2009 and 2010, despite the economic crisis (Table 1).

**Table 1: Resident population in Italy, thousands, 2005, 2008-2011 (1 January)**

Year	2005	2008	2009	2010	2011
Foreign resident population	2,402,157	3,432,651	3,891,295	4,235,059	4,563,000
Share of foreign population in total population	4.1	5.8	6.5	7.0	7.5
Males	1,227,502	1,701,817	1,913,602	2,063,407	2,207,701
Females	1,174,655	1,730,834	1,977,693	2,171,652	2,355,299
0-18	501,792	760,733	857,591	932,675	1,003,860
Male to female ratio	1.04	0.98	0.97	0.95	0.94
% 0-18	0.21	0.22	0.22	0.22	0.22

Source: Istat, 2005-2011.

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<sup>163</sup> Foreigners and Italians are differentiated on the basis of nationality. Unfortunately available data do not allow to further differentiate foreigners into EU nationals and third-country nationals.

One of the most recent features of the foreign population in Italy is its increasing feminization, with the female exceeding the male component from 2007 onwards. This trend has two main causes: a constantly expanding wave of family reunification (Table 3), and a substantial increase in female independent economic migration mostly to the domestic services and healthcare sectors (Table 5).

In 2010 the most numerous immigrant communities were Romanian (887,763), Albanian (466,684), Moroccan (431,529) and Chinese (188,352). The overall feminization trend does not affect all national communities: deep differences persist in the countries' gender balance reflecting their specialization in different sectors of employment (Table 2). Migration from North Africa is still male-dominated. Migrants from Eastern European countries, Latin America and the Philippines are mostly women. Feminization is particularly high for the Ukrainian community, three quarters of which are composed of women, for the Polish workers (60% women) and for the Moldovans (50% women).

**Table 2: Foreign resident population by gender and country of origin showing top 16 countries on 1 January 2010**

Country of origin	Foreigners	M/F*100
Romania	887,763	85.6
Albania	466,684	118.4
Morocco	431,529	131.6
China	188,352	107.3
Ukraine	174,129	25.9
Philippines	123,584	72.5
India	105,863	146.5
Poland	105,608	41.6
Moldova	105,600	52.1
Tunisia	103,678	176.3
F.Y.R.O.M	92,847	129.8
Peru	87,747	66.6
Ecuador	85,940	70.3
Egypt	82,064	225.3
Sri Lanka	75,343	125.4
Bangladesh	73,965	204.3
Total 16 countries (75% of total foreign population)	3,190,696	95.7
Total foreign population	4,235,059	95.0

Source: Istat, Population registers.

Data on residence permits showed in 2009 (the last available year) a 45 per cent annual increase that brought the number of permits issued up to the threshold of 3 million. Notwithstanding the economic crisis and the cut in the number of admissions for



working purposes set by the Italian government in 2009<sup>164</sup> (and in 2010), the number residence permits for employment purposes continued to moderately increase throughout 2009 (+12% from 2008). However, the number of permits for family reunification registered a dramatic increase in 2009, and doubled compared to 2008. For the first time, the number of permits for family reunification overcame those for work permits.

**Table 3a: Residence permits, absolute figures, 2008 and 2009**

2008	Labour	Family	Study	Other	Total
M	820,118	167,524	21,939	55,092	1,064,673
F	419,145	512,701	23,519	43,089	998,454
Total	1,239,263	680,225	45,458	98,181	2,063,127

2009	Labour	Family	Study	Other	Total
M	908,964	529,745	23,306	76,641	1,538,656
F	478,099	894,935	23,530	52,269	1,448,833
Total	1,387,063	1,424,680	46,836	128,910	2,987,489

Source: Istat estimates on Ministry of the Interior data

**Table 3b: Residence permits, relative figures (per cent), 2008 and 2009**

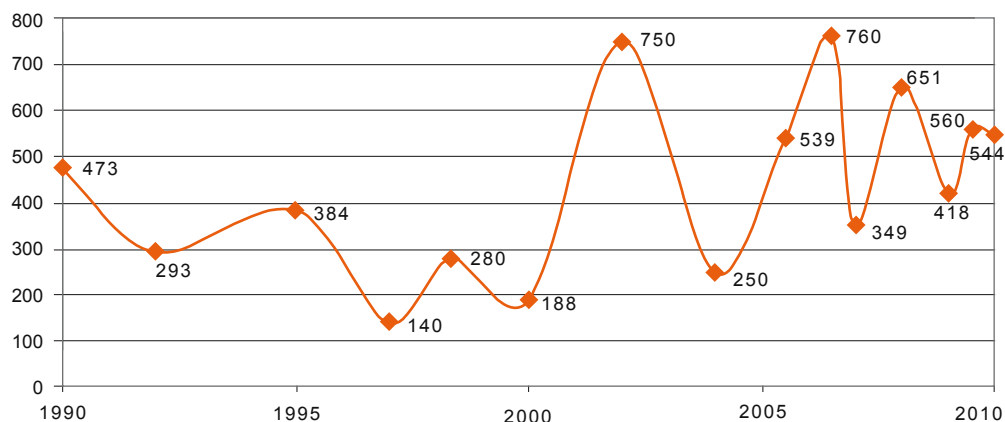
Year	Women	Work	Study	Family	Other
2008	48.4	60.1	2.2	33.0	4.8
2009	48.5	46.4	1.6	47.7	4.3

Source: Istat estimates on the Ministry of the Interior data.

The most accurate and reliable estimates on the irregular migrant population in Italy are those produced by the ISMU foundation.<sup>165</sup> They estimate the stock of undocumented immigrants to be around half million in 2010, only slightly larger than the value just before the first regularization campaign in 1990. These absolute values have to be assessed in relation to the total stock of migrant population, which is at present five times larger than it was in the beginning of the 1990s, implying that the current share of irregular migrant stock is relatively limited (ISMU, 2011).

<sup>164</sup> In Italy the annual ceilings for seasonal and non-seasonal admissions for working purposes are set through a regulatory tool called *decreto-flussi*. Since mid-2009 the government decided to freeze the entry planning for 2009.

<sup>165</sup> See [www.ismu.org](http://www.ismu.org). These estimates are obtained with the “Centre Sampling Technique” (Baio, Blangiardo et al. 2011). This is based on the fact that all (undocumented) migrants visit some local gathering points in their areas of residence. A sample of these gathering points is selected, and a random sample of regular attendees are interviewed. Attendees are also asked to list all the gathering points that they usually visit in order to determine appropriate weights and ensure representativeness of the centre sampling procedure.

**Figure I: Estimates of the irregular migrant population in Italy, 1990-2010, thousands**

Source: ISMU, 2011.

## Labour Market Impact

Since immigration to Italy is mainly for employment purposes, and also as immigrants are typically younger than the natives, the foreign population has a larger share of active people than among the nationals, including among immigrant females (Table 4).

**Table 4: Employment status of foreigners and nationals 2005, 2009 and 2010, shares of population aged 15-64**

	2010			2009			2005		
	Female	Male	Total	Female	Male	Total	Female	Male	Total
<b>Foreigners</b>									
Employed	50.9	76.2	63.1	52.1	77.8	64.6	49.2	81.6	65.6
Unemployed	7.8	8.9	8.3	7.8	8.5	8.1	8.9	6.0	7.4
Inactive	41.2	14.9	28.5	40.1	13.7	27.3	42.0	12.5	27.0
<b>Italian nationals</b>									
Employed	46.0	67.4	56.8	46.1	68.4	57.3	45.3	69.6	57.5
Unemployed	4.7	5.3	5.0	4.5	4.7	4.6	4.9	4.5	4.7
Inactive	49.3	27.3	38.2	49.4	26.8	38.0	49.8	25.9	37.8

Source: Istat Labour Force Survey.

However, in the course of the last five years, the share of the inactive among the foreign population has increased by 1.5 percentage points, including due to increased numbers of family reunifications. Thus, the Italian context is slowly becoming similar to that of countries with a longer immigration history, where participation of foreigners in the labour market is similar or lower than that of natives (Istat, 2011).

Additionally during the last five years the employment status of migrants saw an (limited) increase in unemployment which is undoubtedly linked to the recent economic downturn. However, the share of female unemployed migrants has actually declined since

2005, while that of male migrants has increased by almost three percentage points. This asymmetric effect is mainly due to the different specializations. Women are highly concentrated in the homecare and healthcare sectors, which were less affected by the economic cycle. Men are mainly employed in the manufacturing and construction sectors which were seriously stricken by the crisis (Pastore and Villosio, 2011).

While native employment has declined substantially since 2008, foreign employment has continued to grow, although at a slower pace contributing positively to the total employment growth. However, the increasing gap between the unemployment rates of immigrants and native workers shows that the economic crisis has reduced the capacity of the Italian labour market to absorb the flows of foreign job seekers with the same intensity as before.

Migrants continue to be highly concentrated in low qualified jobs in a limited number of sectors (Table 5). In the recent years there was a significant increase in the number of foreign domestic workers. It is estimated that the share of undocumented migrants in this sector is higher than the average. For instance, Pasquinelli and Rusmini (2008) report that about 43 per cent of foreign workers in the elderly care sector do not hold a regular residence permit.

**Table 5: Incidence of foreign employment by gender and sector 2005, 2009 and 2010, per cent**

Gender	Sectors	2005	2009	2010
Female	Total	4.9	8.5	9.4
	Agriculture	3.5	6.6	8.6
	Manufacturing	4.3	6.3	5.9
	Construction	4.1	2.3	3.2
	Commerce, hotels and restaurants	4.3	6.9	7.6
	Other services	5.4	9.8	10.9
Male	Total	5.4	8.1	8.9
	Agriculture	6.5	9.5	10.5
	Manufacturing	6.4	9.2	10.0
	Construction	9.9	16.9	18.9
	Commerce, hotels and restaurants	4.7	7.3	8.0
	Other services	3.2	4.4	4.9

Source: Istat Labour Force Survey.

In 2010 the net monthly wage for foreigners was on average 24 per cent lower (equal to EUR 313 less) than that of Italian nationals. This gap is much higher for women and in the last three years it has amplified for both full and part time workers. According to Istat (2011) the wage gap is higher among workers with temporary contracts and for workers with tertiary education: the wage gap against foreigners increases with their level of education. This is due to the high concentration of foreign workers, even those with higher education, in low-skilled jobs. The persisting wage gap is another clear signal of the difficulties faced by immigrants in improving their working conditions and their professional status.

According to ISTAT (2011) in 2010 more than 42 per cent of foreigners held an educational level higher than required by their job. The rate of overeducation is around 46 per cent among foreigners with tertiary education and about 75 per cent among immigrants with upper-secondary education. Differently from Italian nationals, the share of overeducated foreigners does not decrease when labour market experience increases (Istat, 2011).

## Institutional and Legal Framework for Admission and Employment

The Immigration Law n°286 of 1998 forms the basis of the Italian legal framework for admission and employment of foreign workers. Access of the third-country nationals to the Italian territory and labour market is regulated by establishing annual quantitative caps to new entries of seasonal or non-seasonal workers, and the self-employed. These quotas have to be determined on the basis of the Document of Migration Policy Planning adopted every three years following a consultation with the regional authorities, social partners, civil society and other stakeholders. Since the past several years no new Document has been produced and, according to some experts, this leaves room for arbitrary decisions on the annual quotas (Livi Bacci, 2011). In December 2010, the government has proposed a new law<sup>166</sup> that would eventually abolish the Document of Migration Policy Planning and ease the procedures for the adoption of the annual quotas planning decree. This draft law is currently under discussion in the Parliament.

In 2009-2010 this admission system was considerably affected by the negative impact of the economic crisis on the labour market. Yet at the end of 2008 a quota planning decree was issued, which allowed new entries of up to 150,000 non-seasonal foreign workers to be employed mostly in family and personal care services (around 70% of the total). Since then, the growing unemployment of migrants and natives was a major factor in the government decision to freeze new quota planning for non-seasonal workers in 2009 and until the end of 2010 (Pastore and Villosio, 2011).

Furthermore, requests for an increase from six to twelve months of the time limit for job-seeking for unemployed migrants were voiced by many stakeholders,<sup>167</sup> but so far were rejected by the government. Only in December 2010, these requests have been partially taken into account in the above mentioned draft law, which stipulates that the period granted to unemployed migrants for seeking a new job would be calculated only after they stop receiving due unemployment benefits or other forms of income support.

At the end of 2010 a new governmental planning decree allowed 98,080 new entries of non-seasonal workers.<sup>168</sup> Of these 30,000 permits were to be granted to workers in the domestic sector and around 4,000 to self-employed workers. This decree envisages that 16,000 holders of stay permits for non-employment purposes (study,

<sup>166</sup> Bill n° 2494/2010, *Nuove disposizioni in materia di sicurezza pubblica*, presented to the Senate of the Republic on 13 December 2010.

<sup>167</sup> In particular Trade Unions, NGOs supporting the rights of migrant workers and the Catholic Church. See the note prepared by Guglielmo Loy, Secretary of the trade union UIL: [http://www.purennoi.it/download/Permesso\\_%20soggiorno\\_Occupazione.pdf](http://www.purennoi.it/download/Permesso_%20soggiorno_Occupazione.pdf)

<sup>168</sup> 6,000 new entries were allowed in the Quotas decree for seasonal workers of 1 April 2010.

professional training or others) are granted the possibility to convert their permits into work permits. There is a growing share of privileged quotas<sup>169</sup> in this last decree: 50 per cent of the new work permits are granted to citizens of 20 countries. This element of preferentiality has been a feature of the Italian admission system since the 1998, but in recent years had been used ever more extensively.

Another major feature of the Italian regulatory framework of immigration is the recurrent implementation of massive regularization schemes that some have defined as an “ex-post admission channel” (Finotelli, 2009). Indeed, the stop to new entries imposed for 2009 did not prevent the Italian government to start a new regularization campaign in the summer of that same year. Differently from the past experiences, the 2009 regularization scheme was highly selective in its scope, only targeting irregular workers in the personal and homecare services (*Emersione dal lavoro irregolare di Colf e Badanti*). This sector was not particularly hit by the crisis and, employment continued to grow despite general negative trends.

Employers willing to regularize their position and that of their employees had to present applications between 1 and 30 September 2009. Slightly less than 300,000 applications were presented by this deadline, but the figure was largely below some official forecasts that expected between 500,000 and 750,000 applications (Colombo, 2009). This has led many observers to speak of failure of this last regularization process. Applications were processed with a very long time lag: only 65 per cent of requests were finalized by July 2010, and out of these only 60 per cent had a positive outcome.<sup>170</sup> By 14 March 2011 the share of processed applications rose to 87 per cent of the total (259,454 out of 295,126), with a 75 per cent approval rate.<sup>171</sup>

By mid-2010 the outcomes of the 2009 regularization campaign were the object of strong criticism and the origin of some public unrest, in particular among migrant organizations and other civil society groups because of the alleged discriminatory nature of the regularization procedures (Savio, 2010). The media started speaking of a “Cheating Amnesty” (“*Sanatoria-truffa*”) and the tension rose to the point that some small groups of irregular migrants staged protests (Castaldo, 2010).

## Institutional and Policy Framework for Integration

Several relevant changes took place in 2009-2010 with regard to the Italian integration policy. Many of these amendments were introduced by the Law No. 94 of 2009 (so-called “Security Package”) where, besides norms targeting organized crime and other domestic security issues, new provisions regarding immigration were included. One of the most controversial new norms was the introduction of criminal penalties for irregular entry and stay in Italy with a pecuniary sanction (between 5,000 and 10,000 EUR) and with immediate expulsion. These norms have been harshly criticized for

<sup>169</sup> Quotas granted to nationals of third countries with which Italian government has concluded (or is about to conclude) international agreements on the management of migration flows.

<sup>170</sup> [http://www.interno.it/mininterno/export/sites/default/it/assets/files/19/0406\\_Emersione\\_-\\_Avanzamento\\_lavori\\_SPI\\_per\\_provincia.pdf](http://www.interno.it/mininterno/export/sites/default/it/assets/files/19/0406_Emersione_-_Avanzamento_lavori_SPI_per_provincia.pdf)

<sup>171</sup> [http://www.interno.it/mininterno/export/sites/default/it/assets/files/20/0099\\_Emersione\\_colf\\_e\\_badanti-dati\\_al\\_14\\_marzo\\_2011.pdf](http://www.interno.it/mininterno/export/sites/default/it/assets/files/20/0099_Emersione_colf_e_badanti-dati_al_14_marzo_2011.pdf)

being allegedly contrary to the basic principles of the Italian Constitution and for jeopardizing human rights of irregular migrants<sup>172</sup>. The key issue is the impact of these norms on the many regular migrant workers. In case of unemployment, migrant workers have only six months to find a new job. With the introduction of the criminal penalties for irregular stay many migrant workers may face greater vulnerability to exploitative employment conditions since quitting their job might entail extremely serious consequences.

Furthermore, some have observed in recent years a clear orientation towards a model of integration focused on cultural and identity issues, rather than economic integration (Caponio and Zincone, mimeo). This new orientation is clearly expressed in the Programme for Integration and Security approved by the Council of Ministers in June 2010. The document sets a strong emphasis on the nexus between integration and security issues, and the “Italian model of Integration”, described by the label “Open Identity”. The first step of this model is the definition and transmission of national identity, without which no encounter with “the others” is deemed possible. The model is shaped along five main axes: education and learning; work; housing and territorial governance; access to essential services; young people and second generation migrants.

This shift was already noticeable in the abovementioned law n° 94 of 2009. Beside the norms targeting irregular entry and stay, other provisions included the enactment of a points-based system for the renewal of stay permits, more restrictive housing requirements for family reunion and the requirement to pass a language test for those requesting a long-term residence permit.

Article 6 of the law introduces new norms that make the renewal of residence permits subject to a so-called “Integration Agreement” (*Accordo di Integrazione*). The draft implementation rules were approved by the Council of Ministers in May 2010 but at present have not yet entered into force. They stipulate that newcomers applying for a residence permit in Italy are required to sign an agreement with the Italian authorities, in which they commit to acquire a sufficient knowledge of Italian language<sup>173</sup> and of the basic principles of Italy’s institutional and legal system. Acquisition of this knowledge is assessed by means of a credit system that includes such parameters as participation in teaching or training sessions in Italy, but also performing “virtuous” actions, such as opening a bank account, participating in voluntary organizations or signing a rent contract (Caponio and Zincone, mimeo). Credits can also be curtailed in some circumstances: conviction leading to imprisonment, other forms of personal restriction sentences or administrative fines for fiscal offences. With the signature of the agreement at the Immigration Offices each applicant is granted 16 credits and is expected to reach a minimum threshold of 30 credits within two years in order to be eligible for a permit renewal.

<sup>172</sup> For instance, an appeal was launched by a group of lawyers before the approval of the Security Package, in which they question the new amendments (See: [http://www.giuristidemocratici.it/post/20090625115421/post\\_html](http://www.giuristidemocratici.it/post/20090625115421/post_html)). The Italian Constitutional Court has stated in many occasions that these new norms do not violate the Constitution. However, the European Court of Justice has ruled these norms to be in contradiction with Directive 2008/115/EC 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (See Official Journal of the EU, C186, Vol. 54, 25 June 2011).

<sup>173</sup> The minimum standard required is the level A2 according to the Common European Framework of Reference (CEF) level.

Another important change introduced by the Law No. 94 of 2009 is the requirement to pass a language test for immigrants applying for a long-term residence permit. Implementation rules for these norms were approved in November 2010 and entered into force one month later.

Introduction of these requirements was subject to a strong criticism from many actors, in particular regional authorities. This is especially relevant in the light of the introduction of Integration Agreements since consultation with the regional authorities is compulsory and their advice is binding for the enforcement of the new rules. In particular the regions expressed concerns regarding the unclear attribution of competences for the implementation of necessary measures for the organization of language courses and training programmes, and recognition of formal qualifications acquired by the immigrants. The second critical element was the allocation of public resources: no additional funds were allocated by the government for the organization of these language or training courses.

Available public funding for integration measures is an issue of general concern, as in 2009-2010 it was drastically cut at both national<sup>174</sup> and local level. A complete and detailed overview of such cuts at regional and local level is unfortunately missing at present. As for the national level, in 2008 a decision was taken to suppress the Fund for the Social Inclusion of Immigrants (EUR 50 millions per year in 2007-2010) established by the previous government in 2007.

## Active Labour Market Programmes

Labour market integration of immigrants and their descendants has been indicated as one of the main axes of the new Programme for Integration and Security approved in 2010. The implementation of this programme is therefore largely focused on the measures aimed at fostering the positive inclusion of migrant workers in the Italian labour market. The implementation plan for the programme was presented in February 2011, and comprises the following objectives in this area:

- improvement of the planning capacities of regional and local authorities;
- enhancement of the monitoring systems of labour market integration of immigrants;
- development of the public-private partnerships for managing employment services;
- combating exploitation of migrant workers in formal and informal economies;
- improving of systems for labour matching in the personal and homecare service sector;
- promoting circular migration and assisted voluntary return programmes.

Funds allocated for the enforcement of these objectives amount to around EUR 30 million from the European Social Fund and the National Fund for Migratory Policies.

<sup>174</sup> For a detailed presentation of the dramatic cuts in public funds for social policies see Basile, 2011.

Some action has already been undertaken according to this implementation plan. An agreement signed by the Ministry of Labour with four southern regional governments<sup>175</sup> in October 2010 to develop specific measures for preventing irregular employment and enhancing employability of migrant workers in the sectors of agriculture, constructions, personal services and tourism. The technical agency of the Ministry of Labour, *Italia Lavoro*, is responsible for the management of the activities of the RE.LA.R project (*Rete dei servizi per la prevenzione del lavoro sommerso*) through which the agreement is put into effect. The adopted strategy will focus on the development of public-private partnerships for managing employment services, the implementation of information systems for assessing local labour market needs and monitoring labour market integration of immigrants, and activation of professional training activities and internships for 3,000 workers in selected areas. At least 60 per cent of the beneficiaries of the project have to be immigrants (with a regular stay permit) and each intern will receive gross remuneration of 550 EUR per month. This experimental project is currently in its initial phase and will end by mid-2012.

## Discrimination in Employment

For the period of 2009-2010, it is worth mentioning the reinforcement and expansion of the organizational network of the National Agency against Racial Discrimination (*Ufficio Nazionale Antidiscriminazioni Razziali, UNAR*) created in 2003. In 2010, the possibilities for citizens to access the Agency and to report cases of racial discrimination were considerably enhanced with the creation of a web platform through which victims and witnesses can communicate with the UNAR staff, follow up the progress of legal actions initiated by UNAR, be informed about NGOs active in the field of anti-discrimination, and so on. As a consequence of these developments the number of cases examined by UNAR in 2010 has almost doubled: from 373 cases in 2009 to 766 in 2010.

In addition, UNAR undertook the creation of a territorial network of local offices at the regional and provincial level, aimed at creating regional observatories of racial discrimination and a series of liaison officers at the local level. At present five agreements have been concluded with five regional<sup>176</sup> and some provincial administrations. This territorial network should allow to develop more effective anti-discrimination actions in line with the principle of subsidiarity.

Moreover, UNAR commissioned in 2009 a detailed survey on discrimination and xenophobia in Italy that was carried out by the National Institute of Statistics (ISTAT) in 2010. The results of this study are not yet available, except for those related to the monitoring action by UNAR made available in its annual report. According to the latest report (UNAR, 2010), the number of discrimination cases in the field of employment has been decreasing in comparison to previous years, at least in relative terms. This represented almost a third of all cases reported to UNAR in 2005, while comprising only 16 per cent of cases in 2010. Around 73 per cent of cases reported to UNAR pertain to foreigners or Italian citizens with foreign background: nearly a quarter of these (23.3%) cases concern persons with origins in Eastern Europe or the Western

<sup>175</sup> Sicily, Apulia, Campania and Calabria.

<sup>176</sup> Emilia-Romagna, Piedmont, Liguria, Sicily and Apulia regions



Balkans (among which Roma population probably represents the majority), 20.9 per cent concern persons coming from North Africa and 12.6 per cent those from Sub-Saharan Africa. In particular, foreign nationals face discrimination in access to housing and in employment in around a quarter of all cases.

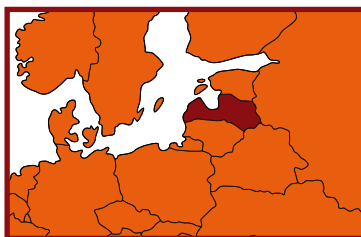
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# LATVIA

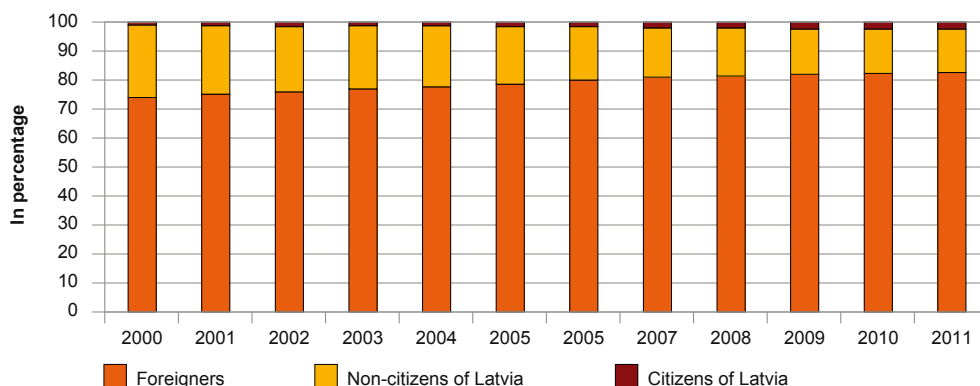
Ilmārs Mežs, Dace Akule<sup>177</sup>



## Migration Trends

According to the official data from the Latvian government (OCMA and CSB) the total population of Latvia was 2.2 million in the beginning of 2011. However the recent census conducted between March and May 2011 recorded only 1.9 million residents. The remaining difference of 0.3 million are unregistered emigrants, who have left in search of work abroad. Economic downturn hit Latvia very hard with 18 per cent GDP decrease in 2010 and 20 per cent unemployment rate.

**Figure 1: Latvian residents by nationality, 2000-2011.**



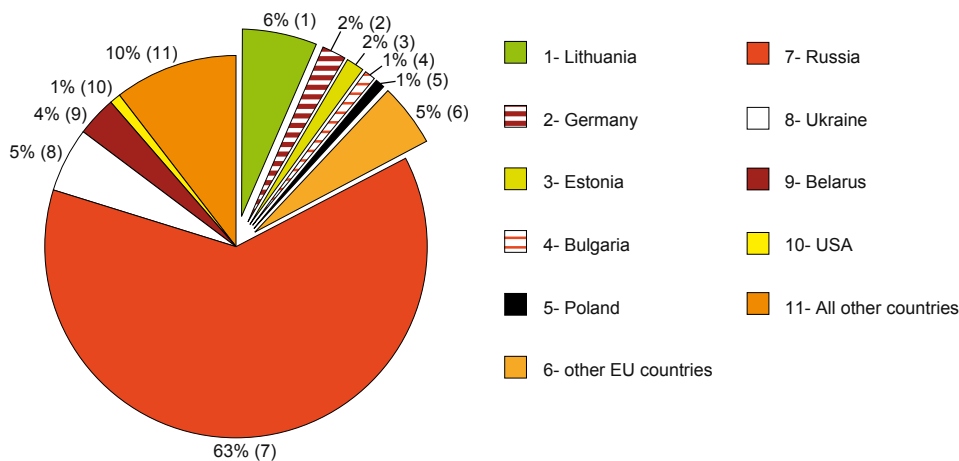
Source: OCMA data.

Latvia has a specific group of permanent residents – non-citizens of Latvia with a special legal status given to permanent residents of Latvia who have not become Latvian citizens, nor are citizens of another country. They or their parents have immigrated to Latvia in

<sup>177</sup> Ilmārs Mežs is Head of IOM Office in Riga, Dace Akule is a researcher at the Centre for Public Policy PROVIDUS.

1945-1990 from the rest of the Soviet Union. Although Latvia's non-citizens are treated as long-term resident third-country nationals in accordance with the provisions of Directive 2003/109/EC,<sup>178</sup> in the Latvian discourse they are usually not seen as migrants but instead as minorities (Akule et al., 2009). However, in 2011 the Latvian government started to apply the term "immigrant" or third-country national also to Latvia's non-citizens. According to the Ministry of Culture responsible for immigrant integration policy as of 1 April 2011, the term "immigrant" or third-country national applies to Latvia's non-citizens in line with the Lisbon Treaty that defines third-country nationals as persons not holding the citizenship of any EU Member State.<sup>179</sup> In this study, only persons who have a citizenship of another country (EU or third-country nationals) are considered foreigners to ensure compatibility with other LINET country studies.

**Figure 1: Foreign resident population of Latvia by nationality, 2011**



Graph 2. Data source: OCMA [http://www.pmlp.gov.lv/lv/statistika/lrd\\_arhivs.html](http://www.pmlp.gov.lv/lv/statistika/lrd_arhivs.html)

Altogether 2.5 per cent of the Latvian residents are citizens of other countries. Among them 17 per cent are EU nationals, but the majority of foreigners (63%) residing in Latvia are citizens of the Russian Federation, followed by nationals of Lithuania, Ukraine and Belarus. In 2010, the number of Latvian residents opting to become citizens of Russian Federation has doubled compared to previous years, reaching 5,763 persons in a single year. The majority of these persons are older than 50 years and easier retirement system for Russian citizens was the main reason for this trend.<sup>180</sup>

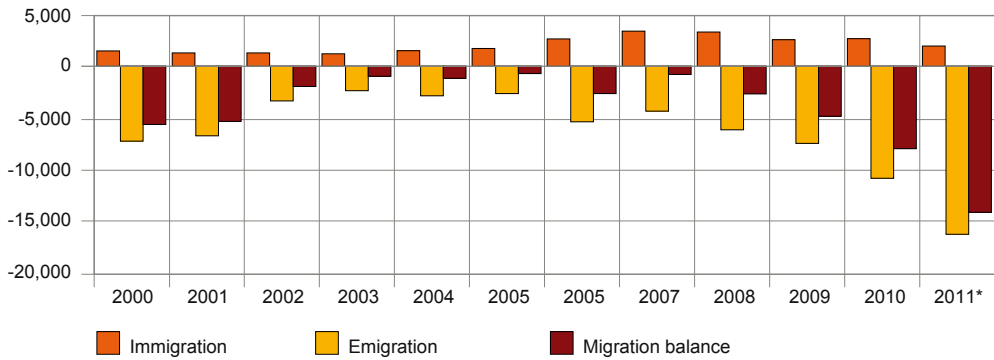
Latvia is not considered a popular immigration destination, especially for the last three years due to the economic downturn. Since Latvians started emigrating to UK, Ireland and Scandinavia, the need for migrant workers became apparent, particularly in 2005-2008. Since the second half of 2008, the economic downturn has significantly reduced the demand for migrant labour.

<sup>178</sup> Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents.

<sup>179</sup> Draft introduction of the policy document "National identity and social integration – problems and goals" [http://www.km.gov.lv/lv/jaunumi/?news\\_id=1846](http://www.km.gov.lv/lv/jaunumi/?news_id=1846) (Visited on 6 May 2011)

<sup>180</sup> [http://www.pmlp.gov.lv/lv/news/?news\\_id=630](http://www.pmlp.gov.lv/lv/news/?news_id=630)

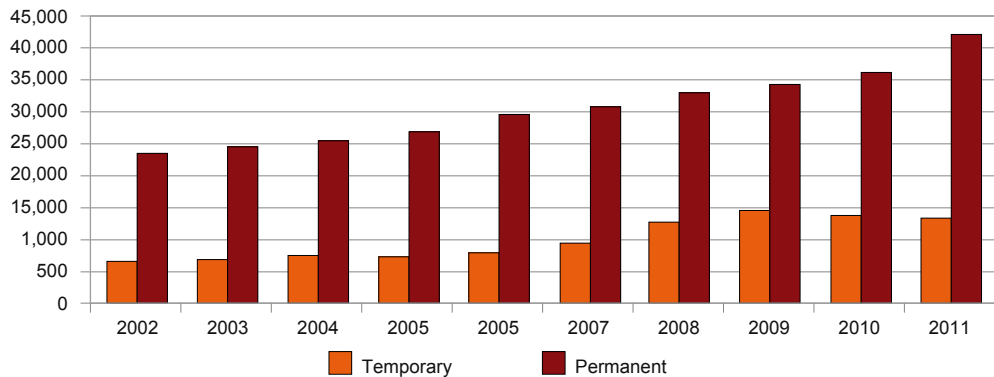
**Figure 2: Emigration and immigration in Latvia, 2000-2011**



Source: CSB.

Approximately three quarters of 55.6 thousand foreigners residing in Latvia have permanent residence permits. Most of them (78%) are Russian nationals. Among those with temporary residence permits, 42 per cent come from Lithuania, Germany, Bulgaria, and Romania and other EU countries. The number of persons with temporary residence permits slowly decreased from 2009 to 2011, at the same time the number of foreigners with permanent permits increased in 2011 compared with 2010 from 36 thousand to 42 thousand.

**Figure 3: Number of foreigners with residence permits, 2002-2011**



Source: OCMA

Latvia used to receive one of the lowest number of asylum-seekers among EU member states, but in 2011 this number suddenly increased five-fold. Since 1998, when the asylum procedure started, up to 2010 Latvia received on average 28 applications annually. However, in the first half of 2011 the number of asylum seekers reached 160 persons. In total, 29 persons were granted the refugee status in Latvia in the past twelve years (1998-2010). Two refugees decided to naturalize and obtained Latvian citizenship, but a significant number emigrate further on to other EU states.

From 2002 to 2010 alternative protection status was granted to 45 persons. During this period five persons lost their alternative status, because they returned to their

country of residence. Out of 74 persons with refugee or alternative protection status, only about one half are still residing in Latvia, and their integration is not highlighted as a governmental priority. However if the number of asylum seekers continues growing as fast as in 2011, it could soon attract more attention.

According to the Ministry of Education and Sciences in recent years foreign students constitute approximately two per cent of total university students. In the academic year 2010-2011, the majority of foreign students came from the Russian Federation (358), Lithuania (231), Ukraine (215), Germany (152) and Georgia (96). The Russian Federation and Lithuania remain the leading countries of foreign student origin, but in the last few years the number of students from Ukraine tripled, and doubled for Georgia and Uzbekistan. Students from the EU countries comprise almost half (46%) of the total number of foreign students in Latvia.

The total number of arriving migrants decreased significantly from 3,465 in 2008 to 2,688 in 2009, but slightly picked up by 4 per cent in 2010. However, data from the first half of 2011 suggests that the total number of immigrants is again decreasing and will hardly exceed two thousand in 2011. The leading country of origin for Latvia remains the Russian Federation. From 2008 to 2010 the number of Russian immigrants has doubled, and their percentage among the annual immigration flow has grown from 13 to 30 per cent respectively.

As to the purpose of stay in Latvia, most foreigners with temporary residence permits have listed employment followed by family ties and studies. Family reunification was the main purpose of immigration some 5-6 years ago, but each subsequent year it decreased. In the last years, the main reason for entering Latvia was employment (40-45%), leaving family reunification in second place with only 27 per cent of entrants. Approximately 8-12 per cent of immigrants arrive to study in Latvia, and this number has a tendency to increase. Similar numbers indicate parents and private visits. Relatively few women come for work to Latvia – only 21 per cent of temporary foreign workers are women (OCMA data cited in Zepa, Supule, 2009).

## Labour Market Impact

In 2010 there were 5.4 thousand persons residing in Latvia with temporary residence permits, who have indicated employment as their purpose of arrival. Three quarters of them are males and 64 per cent come from the EU Member States. Leading nationalities are Lithuania (747), the Russian Federation (675), Bulgaria (538), Ukraine (351) and Germany (329). Some of the persons are listed as highly qualified specialists (1,355 persons), but the majority are listed simply as salaried workers.

In 2010, 216 foreigners were residing in Latvia as self-employed, mostly originating from Poland (41), Germany (27), Romania (18), Lithuania (18) and Finland (18). Just 28 per cent of them are females.

The impact of migration on the local labor market has diminished even further since 2009, due to recession and increase of unemployment. If at the end of 2007 the ratio of unemployed per one vacancy was 4, by 2008 it increased to 9, and in 2010 there were over 108 unemployed per single vacancy (CSB). Recession is the driving force behind the

significant drop in issued work permits between 2009 (1,156 in total) and in the first half of 2010 (420) (State Employment Agency).

Despite the economic crisis, many entrepreneurs are certain that Latvia will soon need migrant labour again, and the demand will be even higher than in 2007 as in 2009-2011 large numbers of Latvian residents emigrated abroad.

State Employment Agency reported cases when migrant workers were not paid full salaries as agreed with the employer. The law stipulates that migrant workers must receive at least the average national gross monthly salary.<sup>181</sup> This condition was introduced to protect the position of the local workers on the labour market.

**Table 1: Minimum monthly salary for migrant worker, 2006**

	LVL	EUR
2006	246	340
2007	302	420
2008	398	555
2009	480	685
2010	461	656

Source: Central Bureau of Statistics

Some employers consider this norm ungrounded, as this requirement is artificial and leads to situations when a local worker in the same position receives a lower salary than the migrant worker.<sup>182</sup> Because of this requirement, many employers (for instance, in cargo transportation) also choose to employ migrant workers on work visas that allow a migrant to reside and work in the EU for no longer than 180 days in a year.<sup>183</sup>

High proportions of employers and the self-employed has been observed among migrants: 16 per cent of all migrants or 30 per cent of employed migrants, which is an almost three times higher rate than among local employed persons.

Foreigners with permanent resident permits are eligible to receive unemployment benefits if unemployment insurance was paid or was required to have been paid in Latvia for no less than 12 months out of the 18 months prior to the day of gaining unemployment status.<sup>184</sup> Other groups of third-country nationals with a temporary residence permit have no right to receive unemployment benefit and employment seekers benefits.

Data from SEA is available only about this group of migrants, which is estimated as one third of the total migrant population. The statistics reveal an increase in the number of registered unemployed migrants in 2008-2009, and a slight decrease in 2010. Data also show that slightly more female migrants are registered as unemployed, which is due to the

<sup>181</sup> Cabinet of Ministers regulation No 515. "Regulations regarding the Amount of Necessary Financial Means of Aliens and Procedures for the Determination of the Existence of Financial Means", adopted in 12 June, 2005.

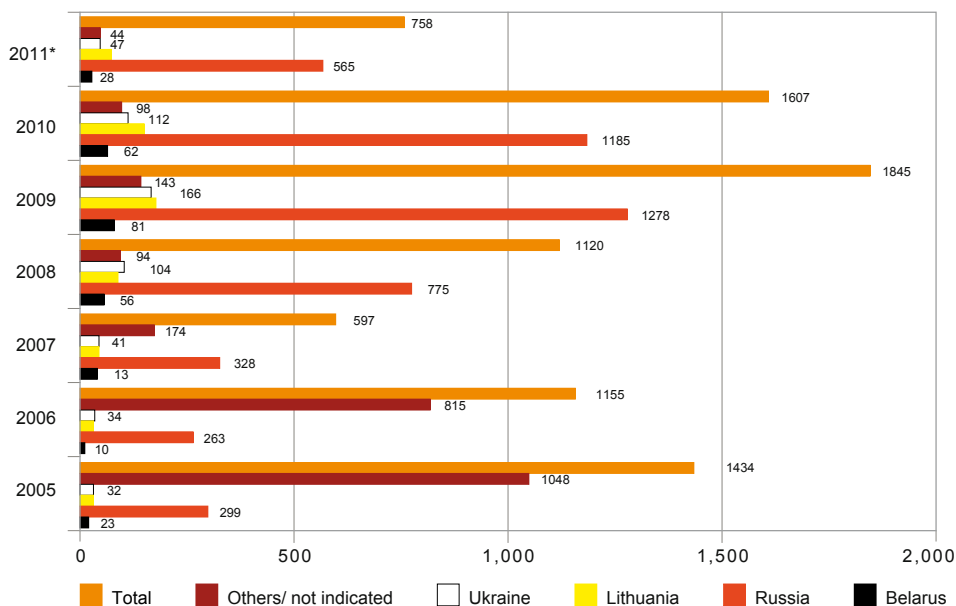
<sup>182</sup> Zepa, B., Šūpule, I. (ed.) (2009) "Imigranti Latvijā: Iekļaušanās iespējas un nosacījumi" (Immigrants in Latvia: Possibilities and Conditions for Inclusion), Riga: Baltic Institute of Social Sciences

<sup>183</sup> Zepa, B., Šūpule, I. (ed.) (2009) "Imigranti Latvijā: Iekļaušanās iespējas un nosacījumi" (Immigrants in Latvia: Possibilities and Conditions for Inclusion), Riga: Baltic Institute of Social Sciences

<sup>184</sup> [http://www.vsa.gov.lv/vsaa/images/modules/documents/document\\_630\\_bezdarbnieku\\_un\\_darba\\_mekletaju\\_atbalsta\\_likums.doc](http://www.vsa.gov.lv/vsaa/images/modules/documents/document_630_bezdarbnieku_un_darba_mekletaju_atbalsta_likums.doc)

fact that there are more female foreigner spouses. Most unemployed permanent residents come from the Russian Federation, followed by Lithuania, Ukraine and Belarus.

**Figure 4: Registered unemployed persons with permanent resident permits, by citizenship, 2005-2011**



Graph 21. Source: Unpublished SEA data

## Institutional and Legal Framework for Admission and Employment

There is no consistent long-term, mid-term or short-term conception of immigration policy, thus reflecting the marginal status of immigration and integration policy in Latvia.

Changes to admission procedure were introduced in July 2010. A one-stop-shop agency for work permits has been established for employers.<sup>185</sup> Furthermore, since July 2010 the fee for issuing a work permit (35 LVL or 50 EUR per year) is waived, thus further decreasing the costs for recruiting third-country nationals.<sup>186</sup>

Since July 2010, third-country students can (during the validity of their residence permit for the purpose of studies) apply for another residence (for family reunification or employment) while still residing in the country. Prior to this amendment in the Immigration Law, they could only apply for a new residence permit in a Latvian embassy outside of the Schengen area. Now they can apply to the Office of Citizenship and Migration Affairs in Latvia. This amendment is aimed at facilitating the recruitment of highly-skilled workers, removing bureaucratic obstacles for university graduates to stay in the country.

<sup>185</sup> Until July 2010, the procedure involved two state institutions (OCMA and SEA), and the documents must be submitted to each of them separately. Cabinet of Ministers Regulation No 553 (21 June, 2010).

<sup>186</sup> Cabinet of Ministers Regulation No 571 (21 June, 2010).



Since July 2010 there are no restrictions on the categories of workers who are allowed to work in Latvia on the basis of a work permit issued with a visa, if their employment is no longer than 90 days within half a year.<sup>187</sup>

According to the amendments in the Immigration law in force since July 2010, temporary residence permits and work permits are granted to persons who have invested in Latvia:

- no less than 25,000 LVL (~35,570 EUR) in a company employing no more than 50 workers, with a turnover of no more than 7 million LVL (~10 million EUR), and during one year the amount of taxes paid in the state budget or the budget of the municipality by this company is no less than 20,000 LVL (~28,570 EUR),
- no less than 100,000 LVL (~140,000 EUR) in a company,
- no less than 200,000 LVL (~285,000 EUR) in a credit institution in Latvia in the form of subordinated capital,
- or purchased a house or apartment with the transaction value of at least 100,000 LVL (~140,000 EUR) in Riga, its surroundings or 50,000 LVL (~71,000 EUR) in the rest of the country.

According to statistics from OCMA, 121 persons received residence permits on these grounds by 1 January 2011 and another 270 persons applied for residence based on their investment.<sup>188</sup> The majority of these persons are wealthy citizens of the Russian Federation. It is important to stress that these legislative changes also give the right to work for any employer to the family members of these foreign nationals.<sup>189</sup>

Since July 2011 Latvian legislation includes stricter duties and penalties for employers employing illegally residing third-country nationals, which is done in line with EU directive 2009/52/EC.<sup>190</sup>

## Institutional and Policy Framework for Integration

In line with the requirements of the European Commission, Latvia started the implementation of the European Integration Fund for Third-Country Nationals in 2008 with consideration view of creating integration infrastructure for newly arriving migrants. However the responsible ministries delay the calls for proposals, so that the call for 2009 funds was announced only in December 2010, leaving only three months for the implementation of these projects instead of two years. Unfortunately, migrant integration activities in Latvia continue to be project-based and limited in time and scope. Thus migrant support is not provided on a regular basis.<sup>191</sup>

<sup>187</sup> Cabinet of Ministers regulation No. 533.

<sup>188</sup> [http://www.financenet.lv/zinas/375058-arvalstu\\_investoriem\\_nieciga\\_interese\\_par\\_ipasumiem\\_arpus\\_rigascomments](http://www.financenet.lv/zinas/375058-arvalstu_investoriem_nieciga_interese_par_ipasumiem_arpus_rigascomments)

<sup>189</sup> Cabinet of Ministers regulation No. 553 on Work permits for foreigners, with amendments of 29 July 2011 <http://www.likumi.lv/doc.php?id=212363>

<sup>190</sup> Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.

<sup>191</sup> There are no specific data available on the numbers, profiles etc. of migrants participating in Latvian language courses.

In 2010 the Latvian Parliament started to work on amendments to the Citizenship Law with an aim to allow dual citizenship with other EU, NATO or EFTA countries. The exception would also apply for countries that have concluded bilateral agreements with Latvia on mutual recognition of dual citizenship.<sup>192</sup>

Several international reports indicate that, in comparison to other countries, Latvia has one of the most hostile public attitudes in the EU against immigrants (see Nielsen, Huddleston et al., 2007). While emigration is perceived with understanding, immigration is viewed with dislike and denial (Karnīte, Karnītis, 2009). The results of the “DnB NORD Latvian Barometer” carried out in January 2010 evidence that already 90 per cent of population are against labour immigration.<sup>193</sup> The main reasons for such negative and denying attitude towards migrants are fears that immigration endangers Latvian culture and language, increases criminality, reduces salaries for local workers, takes the jobs of the local workforce, increases social problems and so on. According to the public opinion data of November 2009, 65 per cent of respondents said that the possibility of increased labour immigration in Latvia was “completely unacceptable”, while for 24 per cent it was “rather unacceptable”. Only 2 per cent of respondents said it was “very acceptable”, with another 4 per cent considering it as “rather acceptable”.<sup>194</sup>

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## State institutions

Central Statistical Bureau (CSB): <http://www.csb.gov.lv/en/category/tagi/Migration>

Office for Citizenship and Migration Affairs (OCMA): <http://www.pmlp.gov.lv/en/statistics/>

State Employment Agency (SEA): <http://www.nva.lv/index.php?cid=6>

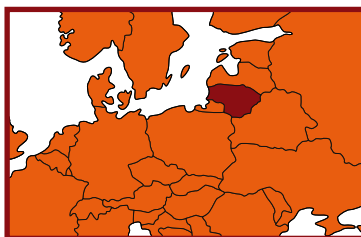
<sup>192</sup> Second reading of the amendments were planned for early September, 2011. But the future of these amendments is unclear as the Parliament was dissolved in a referendum on 23 July.

<sup>193</sup> <http://www.dnb nord.lv/files/dnb%20nord%20latvijas%20barometers.%20nr.22,%20darba%20tirgus.pdf>

<sup>194</sup> Public opinion data from SKDS, November 2009. Source: Ķīlis, R. (2009) Presentation „Why is in migration inevitable?” at the conference „Inclusion Unaffordable? The Uncertain Fate of Integration Policies and the Demonization of Minorities and Migrants in Central and Eastern Europe”, 16-17 November, 2009, Riga.

# LITHUANIA

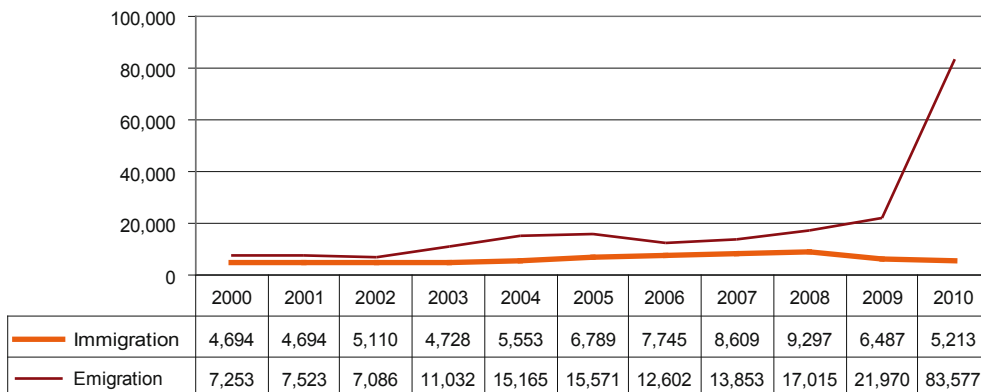
Rasa Erentaite and Mantas Jersovas<sup>195</sup>



## Migration Trends

Lithuania has been a country of net emigration since its 1990 independence. According to Eurostat, Lithuania has the biggest negative migration rates (e.g. in 2010 -23.7 emigrants per 1000 residents). Even during the period of the economic growth, net migration remained negative.

**Figure I: Emigration and immigration in Lithuania, 2000-2010**



Source: Department of Statistics.

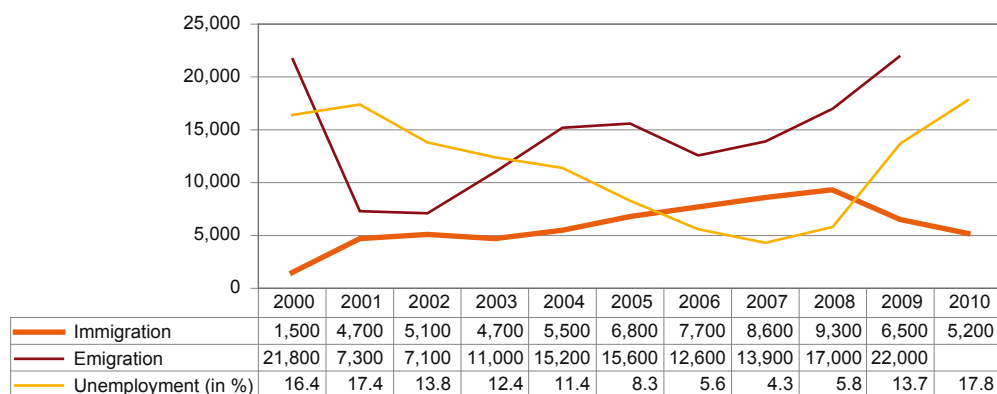
These negative net migration trends persisted in Lithuania for the last decade and had an impact on the demographic and labour market situation in Lithuania. The so-called social burden is increasing, as a fewer number of workers are required to support more

<sup>195</sup> Rasa Erentaite and Mantas Jersovas are researchers at IOM Vilnius.

people who do not work. Furthermore, certain sectors have experienced long-term labour shortages that became evident in 2007-2008. On the other hand, immigration remains insignificant in numbers.

During the economic slowdown in 2009-2010, the emigration rate, which was already high by 2009, increased more than fourfold in 2010. Immigration, which was slowly increasing in the previous years, rapidly declined. Overall unemployment rate rose to a level observed during the 1990s with 17.8 percent (Statistics Lithuania).

**Figure 2: Immigration, emigration and unemployment in Lithuania, 2000-2010\***



Source: Statistics Lithuania, Lithuanian Labour Exchange.

\* Emigration data for 2010 is 83,577 and is not included because of its magnitude which would affect the clarity of the graph.

In 2009-2010 immigration<sup>196</sup> of TCNs to Lithuania fell by almost three times in comparison to 2008: from 2,571 in 2008 to 1,398 in 2009 and only 910 in 2010. Immigration of the Lithuanian citizens (return migration) during the same period decreased 1.5 times from 6,337 in 2008 to 4,153 in 2010.

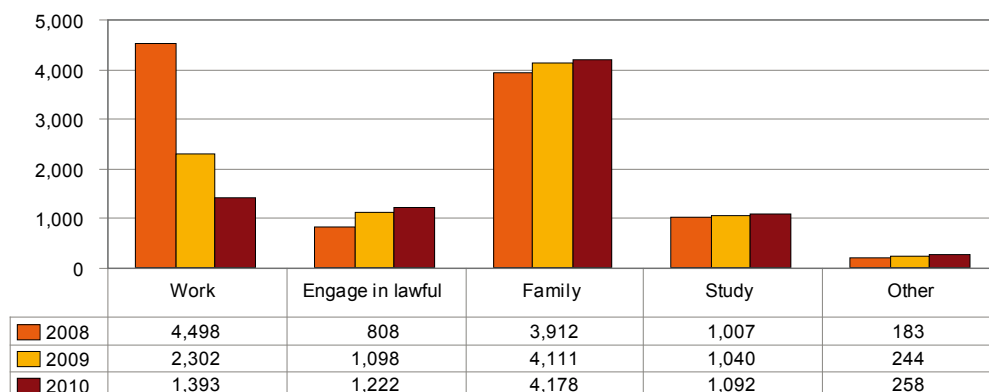
The number of foreigners in Lithuania remains relatively stable. Foreigners constitute approximately one percent of the total population in Lithuania. However, between 2010 and 2011 there was a decrease in the stock of foreigners by 7.7 per cent due to job loss. There were 2.5 thousand foreign residents less at the beginning of 2011 (30,000) compared to the beginning of 2010 (32,500). (Statistics Lithuania and Migration Department data)

Nationals of the neighbouring countries such as Belarus and the Russian Federation make up the biggest share of the Lithuanian foreign population (77 per cent). The majority of this population lived prior the independence of 1990 on the territory of Lithuania and stayed after 1990 without applying for the Lithuanian citizenship, and have permanent residence permits in Lithuania. Thirty-five percent of foreigners have temporary resident permits (valid for one year and renewable); most of them are citizens of Belarus, the Russian Federation and Ukraine.

<sup>196</sup> According to the definition used by the Department of Statistics immigrants are persons who intend to stay in Lithuania longer than 12 months.

By the end of 2008 there were 4,498 valid residence permits for work purposes, while by the end of 2010 the number decreased to 1,393 permits (Figure 3). The numbers of TCNs coming for educational purposes were increasing between 2008 and 2009 mostly due to the opening of the European Humanitarian University, which was relocated from Minsk to Vilnius to avoid closing by the Belarusian authorities.

**Figure 3: Purpose of stay, stock, 2008-2010**



Source: Migration Department.

\*Valid residence permits in the end of the year.

While labour immigration in 2009-2010 was decreasing, the total number of residence permits for engagement in lawful activities (which mainly includes company heads and (co)-owners of enterprises registered in Lithuania) was increasing. However, further analysis shows that the total number increases due to the fact that absolute majority of company heads and (co)-owners extend their residence permits. In 2009, there were 429 residence permits issued for the first time and the rest were renewed, while in 2010 there were only 373 first-time residence permits issued. Therefore, actually new arrivals for this ground decreased by 13 per cent between 2009 and 2010.

## Labour Market Impact

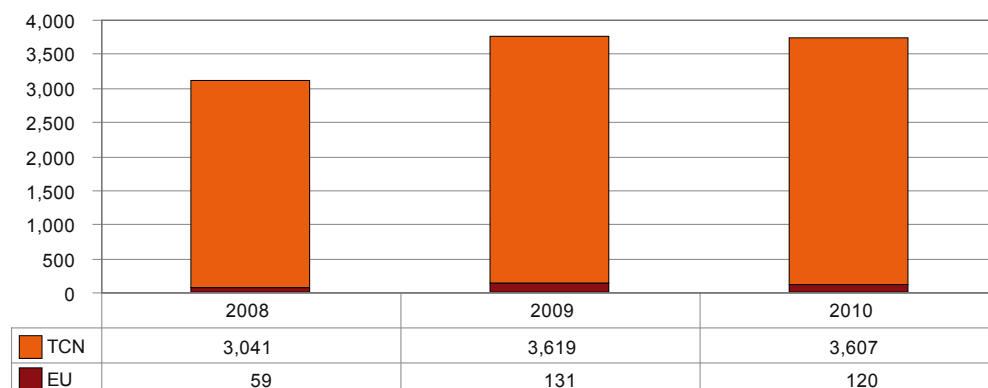
It can be argued that emigration rather than immigration has the biggest impact on the labour market. Foreigners in 2010 constitute a small share of population (1 per cent) and of the total labour force (0.5 per cent). (Department of Statistics, Lithuanian Labour Exchange) Hence, the influence of foreigners on the national labour force still remains insignificant. Nevertheless, immigration can have a small impact, although confined to sectors, such as transport and construction where the highest number of immigrants is employed.

The unemployment rate in the national labour market increased by 12 percentage point in recent years, from 5.8 per cent in 2008 to 17.8 per cent in 2010. However, in the first quarter of 2011, the unemployment rate was slowly decreasing and by the second quarter of the year slightly fell to 17.1 per cent.

The estimates from the Labour Force Survey demonstrate that the unemployment rate is considerably higher for people who do not have the Lithuanian citizenship. According to the LFS, only about the one third of all foreigners in Lithuania were employed in 2010. However, this data should be used with caution due to its small sample.

Another method to assess the unemployment rate of the foreign population is to look at officially registered unemployed foreigners in Lithuania. Lithuanian Labour Exchange collects data on unemployed foreigners (EU and TCNs) who register at the Labour Exchange offices.

**Figure 4: Unemployed foreigners (EU and TCN) registered at the Lithuanian Labour Exchange, 2008-2010**



Source: Lithuanian Labour Exchange.

The data from the Lithuanian Labour Exchange show that approximately 9-12 percent of the TCNs were unemployed during 2008-2010. The unemployment rate of TCNs is slightly higher than the unemployment rate of the natives. However, this data does not cover all of the unemployed TCNs. Only certain categories of foreigners can register with the Labour Exchange office, namely, foreigners who have a long-term residence permit. For example, foreigners who came to Lithuania for the purpose of work cannot register, since they need to leave the country immediately after work contact is terminated. Therefore, the real unemployment figure is not captured. If the numbers of foreigners who lost their jobs and had to subsequently leave Lithuania were included, the unemployment rate would rise by several percent.

Another approach to evaluate the impact of crisis on TCN workers is to look at revoked work permits. The majority of work permits between 2008 and 2010 were revoked because employers terminated work contracts with TCN workers due to decreased business opportunities.

In 2008-2010, 8.5 thousand work permits were issued for TCN workers coming on a work contract were issued, and some 3.5 TCN work permits were revoked due to terminated work contract. (Lithuanian Labour Exchange)

However, with the first signs of economic recovery the need for foreign workers became immediately evident and the number of issued work permits in the first half of 2011 is higher than in the same period in 2010, even with the overall unemployment rate being still high.

Data on discrimination cases of TCNs in the labour market are not collected. However, in a survey carried out by the Institute for Social Research in 2010, 20 percent of interviewed TCNs stated that they had experienced discrimination in the Lithuanian labour market. No further details on the nature of discrimination were provided in the survey report. (Work and Social Research Institute, 2010)

## Institutional and Legal Framework for Admission and Employment

In 2011, the general admission procedure for TCNs workers was simplified. All TCN workers who possess a work permit can now be issued with the national D visa and come to Lithuania immediately without the need to wait for the temporary residence permit. The permit can be issued while in the country. It allows needed flexibility to meet urgent labour market needs through migration compared to the previous longer procedure when TCNs had to receive work and residence permits in the country of origin.

Lithuania has rather flexible admission conditions for TCNs who are heads and (co)-owners<sup>197</sup> of business enterprises registered in Lithuania. They only need to prove that their main purpose of entry is related to employment at the enterprise and its management. In August 2009, the requirements for their entry were tightened. The current Law indicates that a residence permit can be issued to a TCN if the nominal value of his/her proportion of the authorized capital held in the enterprise is not less than 50,000 LTL (~14,480 EUR), and this person's stay in Lithuania is necessary for the operations of the enterprise. Under the previous wording of this provision, in order to apply for a residence permit it was sufficient for a TCN to register an enterprise as the owner or co-owner and to hold at least 10 percent of the share capital or voting rights. Currently, authorized capital of a private limited liability company must amount to no less than 10,000 LTL. The right to obtain a residence permit could be granted to up to ten foreigners, each of which contributed at least 1,000 LTL, i.e. 10 percent of the share capital.<sup>198</sup> The number of residence permits issued on these grounds decreased between 2009 (135 heads and 826 co-owners) and 2010 (177 and 383 respectively).

Family reunification procedures were changed in 2009 to facilitate the conditions for family reunification for researchers, highly skilled foreign workers, foreigners teaching at higher educational institutions, as well as foreign investors. These TCNs can now bring their family members to Lithuania immediately. However, those third-country who wish to reunite with their family must perform highly skilled work and receive a monthly salary three times higher than the recently published national average

<sup>197</sup> Owner's of co-owner's authorized capital in the company must be no less than 50,000 LTL (14,500 EUR).

<sup>198</sup> Law on Companies of the Republic of Lithuania, Official Gazette, 2000, No 64-1914.

monthly salaries. For other third-country workers the requirements are very high<sup>199</sup> which makes it very unlikely for them to reunite with their families during their stay in Lithuania.

Currently, Lithuania is in a process to change its main Law on the Legal Status of Aliens. The new draft was prepared and submitted to the Parliament in 2011. The draft Law along with other amendments proposes changes which should improve the conditions of TCNs, including:

- Facilitating family reunification conditions to owners, co-owners and heads of at least medium-size enterprises;
- Shortening examination time for residence permits from six to four months;
- Allowing a TCN who has appealed against the decision refusing extension or revoking resident permit to be granted a temporary residence permit allowing to stay and engage in lawful activities (if s(he) was previously engaged in them) during the hearing;
- Allowing a TCN who is a victim of illegal employment or exploitation to stay in Lithuania if s(he) cooperates with a pre-trial investigation institution;
- Tightening control of enterprises (co)-owned by foreigners and introducing a requirement to prove their economic activity if requested when issuing/extending the residence permit;
- Lowering the current requirement for highly-skilled TCN workers of receiving salary in the amount at least three times higher than the national average to be eligible to bring family members;
- Issuing residence permits without a requirement to receive a work permit to TCN workers with particular shortage occupations.

## Institutional and Policy Framework for Integration

Lithuania does not have a national programme for the integration of foreigners (except those under international protection). In 2010, a discussion on the need for integration programme took place at the ministerial level, and a decision was adopted by an interdepartmental commission on development of integration strategy for foreigners in Lithuania. However, no concrete measures were introduced in 2010 and in the first half of 2011.

Existing integration measures are funded by EU funds (the European Integration Fund). The EIF currently supports two migrant centres that provide various activities (information, advice, language classes, and so on) for TCNs with temporary and permanent residence permits. However, there are no long-term programmes/strategies at the moment, since most of the programmes operate on a short-term project basis.

<sup>199</sup> A migrant must have resided in Lithuania for the last two years, hold a temporary residence permit valid for at least one year and have reasonable prospects of obtaining the right to permanently reside in Lithuania.



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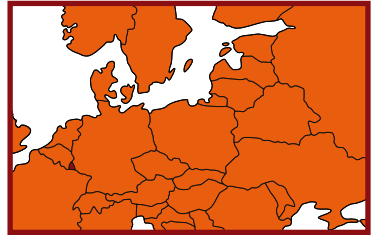
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# LUXEMBOURG

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## Migration Trends

Luxembourg is the second smallest member of the EU with 511,800 inhabitants in 2011, of which 43.2 percent are foreigners. However, TCNs comprised only 6.1 per cent of the population in 2011. Portuguese nationals represent the biggest share of foreigners with 15.9 percent. Furthermore, international officials currently present 2.9 percent of the domestic labour market and approximately six percent of the resident population. (STATEC, 1 January 2011)

For years, Luxembourg has registered a significant demographic increase which is mainly due to immigration. Even with the economic downturn of the last 2 years in 2010, there was an annual demographic increase of 1.9 percent (1.7 in 2009 and 2.0 percent in 2008) and the net total of immigrants increased to 7,500 persons (= 1.5 percent of the stock of the resident population) (STATEC, 2011).

Internal EU mobility constitutes the overwhelming majority of the foreign population. In 2010, the proportion of TCN among migrants remained low: Among 216,400 (215,500 in 2009) migrants, 30,100 (13.9%) were TCN (30,200 - 14% in 2009). Luxembourg's TCNs are divided into highly skilled immigrants coming from the Northern hemisphere (Japan, Canada, Norway, US, and so on; cf. Hartmann-Hirsch, 2008), as well as a group of less qualified migrants, predominantly coming from Southern countries (former Yugoslavia, Cape Verde, Africa).

A significant inflow of asylum seekers took place in 2010 and even more so in 2011. Authorities explained this as resulting from the abolition of visas for citizens of some countries in the Western Balkans. In 2010, 365 out of 786 arrivals came from the Western Balkans. (Direction de l'Immigration, Ministère des Affaires étrangères et de l'immigration)

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**Table 1: Foreigners by nationality in resident population (2001-2010), per cent**

Year	EU nationals	TCNs	All foreigners
2001*	31.8	5.1	36.9
2002	32.2	5.3	37.5
2003	32.6	5.5	38.1
2004	33.3	5.8	39.1
2005	34.2	5.6	39.8
2006	35.0	5.7	40.7
2007	35.9	5.7	41.6
2008	36.6	6.0	42.6
2009	37.5	6.1	43.7
2010	37.1	6.0	43.1

Source: Statec, 2010.

\*2001: population census, the following years are estimations

## Labour Market Impact

The quantitative impact of foreigners – migrants and even more so cross-border commuters - on the economy is higher than its impact on the demography of the resident population. Furthermore, highly qualified migrants are more numerous and better educated than highly qualified nationals.

Certain sectors are predominantly run by nationals, cross border commuters or migrants. The following table provides the necessary information for 2010:

**Table 2: Shares of nationals, migrants and cross border commuters in Nace sectors, 2010, Code NACE, total 100% by row**

	Residents %		Cross border commuters %		
	LU	migrant	DE	FR	BE
A Agriculture, forestry	34.0	43.7	8.2	5.0	9.2
B Mining and quarrying	28.1	27.4	15.1	25.6	3.8
C Manufacturing	20.5	18.0	15.5	32.9	13.0
D Electricity, gas, steam	78.1	7.5	6.5	6.1	1.7
E Water supply, etc.	35.5	14.5	9.7	35.2	5.2
F Construction	9.7	39.9	18.4	20.3	11.6
G Whole sale and retail trade	23.3	24.2	10.6	27.0	14.9
H Transporting and storage	25.0	23.3	18.2	18.2	15.2
I Accommodation	11.0	53.2	3.7	26.5	5.6
J Information, communication	29.1	19.9	6.6	27.9	16.6
K Financial and insurance activities	21.7	27.4	14.1	21.7	15.0
L Real estate activities	28.5	35.9	8.6	17.4	9.7

M	Professional, scientific and technical activities	18.2	28.3	11.6	22.7	19.1
N	Administrative and support service activities	7.9	34.6	4.0	45.6	7.9
O	Public administration and defence	88.5	8.1	1.7	1.0	0.8
P	Education	34.9	36.4	9.4	13.1	6.2
Q	Human health and social work activities	46.0	21.5	11.6	13.9	7.0
R	Arts, entertainment and recreation	37.1	30.1	9.3	17.7	5.8
S	Other services activities	36.9	31.4	6.3	18.8	6.6
T	Activities of households as employers	12.8	57.8	2.1	19.8	7.5
U	Activities of extraterritorial organisations and bodies	9.9	37.9	18.3	19.8	14.1
	Non-defined	29.5	26.8	11.0	21.6	11.1
	<b>Total</b>	100,104	90,912	37,311	73,428	37,802

Source: ADEM/IGSS.

The highly diversified labour market presents a clear concentration / segmentation of certain components in certain sectors: with the NACE sectors N, F, I, M, C, K, G being occupied to an extent of 92 to 77 percent by foreigners (migrants and cross border commuters). At the other side of the scale, the public sector is occupied to an extent of 88 percent by nationals: (ADEM, 2010). There have been no significant changes due to the financial crisis.

The employment increase rate in 2009-2010 remained significantly below averages for cross border commuters (+0.8 p.p. in 2010 compared to 2009) and was even negative for the TCNs (-1.4 p.p.). (IGSS, 2010)

Those who suffered most, but do not appear in general statistics were the temporary workers. Seventy-six per cent of this group was composed of cross-border commuters. They are the most fragile group of employees. Their numbers increased steadily in recent years before the crisis, but strongly decreased in 2008 and to an even greater extent in 2009 with a loss of 25 per cent, dropping from 7922 (2008) to 5938 (2009) contracts.<sup>201</sup>

For years, cross border commuters received two-thirds of the new contracts in Luxembourg. In 2009, this proportion fell to 37 and 41 per cent in 2009 and 2010 respectively (ADEM, 2010). However, the employment growth was and still is higher for foreign residents and more so for cross-border commuters than for the nationals.

In the national and in particular the domestic labour force, Luxembourg has always had a very modest proportion of TCNs, as migrants mostly came from the growing EU. There was an increase of 26 percent of AST (temporary residence permits) issued to TCNs between 2009 and 2010. However, a decrease of the employment growth of -1.4 per cent for TCN is observed in 2009-2010. Sixty-two per cent of permits

<sup>201</sup> Note de conjoncture 2011 (vol.1).

were allocated to labour migrants in 2009, compared to 57 per cent in 2010. The following data provide information on the first two years of implementation of the new admission law (adopted on 29 August 2008, entered into force on 1 October 2008) but do not allow for accurate comparison with the previous year given the different definition of categories:

**Table 3: Authorizations delivered to TCN in 2009 and 2010, numbers** <sup>202</sup>

Category	"Autorisation de séjour temporaire" (AST)		"titre de séjour" (including AST)		"Autorisation de travail"	
	2009	2010	2009	2010	2009	2010
1. Ordinary employee	116	136	1815	1306	471	303
2. Detached employee	12	16	23	18	1	2
3. Transferred employee	129	154	167	226	12	11
4. Highly qualified employee	107	125	195	128	13	16
5. Independent	7	9	87	70	-	-
6. Sportsperson	7	36	15	28	1	6
7. Pupil, student, internship, volunteer	437	436	421	527	11	1
8. Researcher	15	35	15	36	6	14
9. Family member	394	520	3,391	2,999	12	10
10. Private life	101	160	386	504	-	-
11. Long-term residents	13	-	1,091	770	-	-
12. UE services	-	5	1	3	-	3
13. International protection	1	52	296	225	-	-
14. Retired workers	-	-	195	105	-	-
<b>Total</b>	<b>1,339</b>	<b>1,684</b>	<b>8,098</b>	<b>6,945</b>	<b>527</b>	<b>366</b>

Source: *Rapports d'activité du Ministère des affaires étrangères et de l'immigration, 2010*

<sup>202</sup> **"Autorisation de séjour temporaire"** (AST): has been delivered once authorities have controlled for the signed work contract, the European priority and the expected minimum wage. TCN receive the AST *before* they arrive in Luxembourg; AST allows TCNs to arrive in Luxembourg (with or without visa), to register at the municipality, to take up work and to ask for a "titre de séjour" within the following 3 months.

**"Titre de séjour"**: ID for TCNs delivered after the three months period they are allowed to stay with the AST (see above).

**"Autorisation de travail"**: for TCN family members who have a 'titre de séjour' via their partner and who want to work, but have not a fulltime contract with a wage higher than the minimum wage; for TCN who have a residence permit in another MS; also for Bulgarians and Romanians who are not yet accorded free movement.

**Family members**: nuclear-family members as well as dependent ascendants and descendants in the direct line.

**Long term residence**: TCN who obtained a long term status.

**UE services**: for TCNs who work in Luxembourg for more than 3 months and have a "titre de séjour" of another MS: they need a "titre de séjour" or an "autorisation de travail".

**International protection**: rejected asylum applicants who award a tolerance status receive also an AST or a "titre de séjour" in order to register with a municipality, to search employment and housing.

**Table 4: Share of resident and non-resident employees in Luxembourg by migration status, 2000, 2005, 2008, 2010**

	2000	2005	2008	2010
Employed	241,948	288,285	328,776	339,557
Employed residents	157,546	171,904	185,060	191,016
%	65.1	59.6	56.3	56.6
Out of them:				
LU	90,630	94,007	96,333	100,104
%	37.5	32.6	29.3	29.8
EU	59,996	69,828	79,201	81,330
%	24.8	24.2	23.9	24.0
Non-EU	6,920	8,069	9,526	9,582
%	2.9	2.8	2.9	2.8
Cross-borders commuters	34.9	40.4	143,716 43.7 %	148,541 43.4 %

Source: IGSS, *Rapport général sur la sécurité sociale, 2010*.

Generally speaking, foreigners present higher employment rates than nationals; this is valid for men and women as well as for elderly and younger workers.

**Table 5: Employment rate by nationals and migrants (male, female), 2008-2010, %**

		2008	2009	2010
<b>Women</b>	Migrants	59.1	59.5	60.3
	Nationals	51.9	54.8	54.5
	Total	55.1	57.0	57.2
<b>Men</b>	Migrants	74.0	76.1	76.6
	Nationals	69.4	70.7	70.2
	Total	71.5	73.2	73.1
<b>All</b>	Migrants	66.6	67.9	68.4
	Nationals	60.8	62.8	62.5
	Total	63.4	65.2	65.2

Source: STATEC, *labour Force Survey, 2010*.

The share of nationals amongst the unemployed reached 30.9 per cent in 2010. However, further 30 percent of nationals are civil servants and hence protected against unemployment.

With regard to cross border commuters, their unemployment figures do not appear in Luxembourg's statistics as according to the regulation 1408/71 they register as unemployed and receive the benefits of their country of residence. According to the regulation 883/2004 which came into force in May 2010, cross-border commuters register and receive the benefits during the first three months in the country of work. This is not yet in force in Luxembourg due to a transition agreement prolonging the entrance into force of this disposal for Luxembourg up to May 2012.

Among the unemployed, TCN are overrepresented in 2010 with 12.6 percent out of the unemployed (ADEM, 2010). As unemployment is not observed among the

highest qualified TCNs, it is the less skilled TCNs who are the most hit. However the data are not fully comparable with previous years as the legal framework has been reshaped.

## Institutional and Legal Framework for Admission and Employment

There have been no changes in legislation since 2009 as the recently drafted new immigration and integration policies<sup>203</sup> have been adopted only in 2008.

## Institutional and Policy Framework for Integration

Two laws concern integration policies: the law of 16 December 2008 on integration and the law of 23 October 2008 on Luxembourgish (dual) nationality should be mentioned in the context of this sub-section.

The recent integration law of 16 December 2008 foresees amongst other elements the following two new measures which have been launched or will be launched in the near future:

- Article 6 presents the compulsory launching of a National Multiannual Action Plan. The first Action Plan was prepared with as a result of a comprehensive brain storming session gathering social partners and the civil society at the end of 2009. Draft Action Plan was subsequently approved by the government at the end of 2010 and is valid for 5 years (2010 to 2014). Its main points are the following:
  - a. Fostering dialogue on integration measures between the state, the municipalities and the civil society.
  - b. The principle of reciprocity and shared responsibility between the migrant and the society has been stipulated. An example of this idea is the “*contrat d'accueil et d'integration*”.
  - c. OLAI (the public body for welcoming and integration: Office Luxembourgeois pour l'accueil et l'intégration)<sup>204</sup> is responsible for the welcoming of newcomers, the integration of foreigners, the combating of discrimination and the monitoring of immigration; the last two items are new.
- Articles 8 to 13 of the law stipulate that those, who *want* to sign a “*contrat d'accueil et d'intégration*” (welcoming and integration contract), can do so from the second semester of 2011 onwards. Currently, OLAI is preparing the last draft of the grand-ducal decree which will provide the legal framework for this contract in fall 2011. It foresees language and civil instruction classes which will be funded

<sup>203</sup> Law of 29 August 2008: free movement and immigration and law of October 2008: dual nationality; law of 16 December 2008: integration. Also LINET 2010 report.

<sup>204</sup> The previous “Commissariat du Gouvernement aux Etrangers” has been renamed OLAI, its competences and its staff have been enlarged.



by the State and run by NGOs. The voluntary approach had been chosen by national authorities due to the fact that :

- a. The overwhelming majority of immigrants are EU-citizens and cannot be subject to compulsory integration measures;
- b. Amongst the very modest share of TCN, a quarter of these migrants are highly qualified immigrants and economic leaders to whom authorities did not want to *impose* such a contract.

Up to 2008, Luxembourg had no explicit integration policy. In its absence NGOs as well as the former “*Centre de langue*” (a public institution offering language classes for different languages, foreign ones and those used in Luxembourg) provided integration support without a specific legal framework for the integration of newcomers.

The recently adopted dual nationality law (16 October 2008) introduces the following key changes: recognition of dual nationality is the main driving force in naturalization, control of language skills (requirement for oral Luxembourgish and one of the two official languages), participation in at least three civic instruction classes, waiting period has been increased from 5 to 7 years, and the procedure became an administrative one (previously it was a parliamentary procedure). The effects of the dual nationality law (16 October 2008) are twofold:

- There was a considerable increase of applications and approvals in 2009 as well as in 2010. TCN are logically overrepresented, followed by the Portuguese.
- The first slight decrease of the share of migrants since the 1960s can be observed in 2010 (43.7 percent in 2009 versus 43.1 percent in 2010). (STATEC, 2010) This is due to the administrative practice, registering all those with a dual nationality including the Luxembourgish nationality as *Luxembourgers only*. Thus the 8,000 new Luxembourgers and their children increased the share of nationals.

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# MALTA

Jean-Pierre Gauci<sup>205</sup>



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## Migration Trends

The year 2010 in Malta is marked by a drop in boat arrivals<sup>206</sup> when compared to previous years. This consequently led to a drop in the number of asylum applications. The year is also highlighted by the number of EU nationals moving to Malta especially when contrasted with third-country nationals.

While some research and initiatives have been undertaken to study and support the employment of humanitarian migrants, no studies have looked into the situation of third-country nationals more broadly. Indeed, migration beyond asylum is rarely discussed in Malta and there is also very little civil society interest in these issues. It is however positive to note that government authorities compile data on employment allowing for its analysis by categories. Demographic data is compiled from various sources from the National Statistics Office. Employment data is extracted from the statistics provided by the Employment and Training Corporation of Malta.

The vast majority of new immigrants in 2010 were EU nationals (77%, 6285 persons) with third-country nationals making up only 8 per cent (689 persons) of the total inward migration. Of the latter figure, 47 arrived irregularly via the maritime border (compared to 2,775 in 2008). This new trend contradicts the commonly held belief that most migrants into Malta are “boat people”. This shift is partly due to agreements that were put in place between Italy and Libya for the prevention of departures of boat people from Libyan shores.

In 2010, emigration of third-country nationals (1,271) significantly exceeded their immigration (689). On the contrary, immigration of EU nationals (6,265) was more

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<sup>205</sup> Jean-Pierre Gauci is Director of the People for Change Foundation.

<sup>206</sup> The arrival of asylum seekers and migrants in wrecked boats fleeing from Libya has become synonymous with any discussion of migration in Malta. Indeed, dealing with the issue has also been considered as one of the priorities by the Maltese population is highlighted in various Eurobarometer surveys.

than double the emigration (2,821). This could reflect the openness of Malta's labour market and immigration policy to EU nationals as opposed to the stringent migration policy applied to third country nationals. The turnover of migrant workers also reflects the perception of Malta as a transit country, as well as the country's own approach of viewing TCN nationals as temporary. With regards to beneficiaries of protection, the emigration reflects also the implementation of resettlement schemes to the USA and various European countries including France and Germany. In aggregate terms, the total number of migrants in Malta in 2009-2010 continued to increase with a slight dip in 2009 (-0.4%) and recovery in 2010 (+5.4%). The share of migrants in the total population increased from 3.0 per cent in 2005 to 4.4 in 2009.

## Labour Market Impact

At the end of December 2010, the number of third-country nationals working in Malta (including BOPs) stood at 3,511 individuals or 2.2 per cent of the total working age population. This can be contrasted with the number of EU workers in Malta which stood at 5,443 or 3.3 per cent of the total working age population. Furthermore, TCNs comprise 2.2 per cent (3,511 persons) of the total foreign working population in Malta. Of the TCNs 755 persons are beneficiaries of protection.

The total foreigner employment rate in 2010 was 62.0 per cent which is a significant increase over 2000 and 2005 where the rate stood at 32.4 and 43.2 per cent respectively.

Statistics by the ETC indicate that the percentage of migrant workers in self-employment is low. Only 1.6 per cent of all employed TCNs were self-employed, with only 0.9 per cent of the BOPs choosing this labour market inclusion strategy compared to 15.5 per cent of EU nationals.

## Institutional and Legal Framework for Admission and Employment

Admission and employment regulations remained largely unchanged over the period under review. Malta continued to apply a restrictive policy regarding labour migration.

A key development in migration/asylum policy relating to admission and integration in 2010 was the creation of the so called "new temporary humanitarian protection." This status targets persons who have had their asylum claim finally rejected,<sup>207</sup> have been in Malta for some time and show that they already have or are likely to achieve some form of integration in Malta.<sup>208</sup> The status is issued for a period of one year and

<sup>207</sup> Included at appeal stage.

<sup>208</sup> The indicators against which this is assessed remain unclear at time of writing. Since the status is a new development, one will have to wait for a number of test cases to identify the exact criteria which are being applied. It is however understood that employment is considered as one of the important indicators of integration in this, as well as other, contexts.

is generally renewed unless problems arise. The status carries the same entitlements as beneficiaries of subsidiary protection.<sup>209</sup>

The creation of this new system was seen as a remedy to the situation of migrants who whilst having their asylum claims rejected were in practice not deported due to a variety of reasons. The granting of the status is done by the Office of the Refugee Commissioner, even if done *ex gratia* of protection. In some ways the system is similar to a regularization scheme which seeks to bring this particular subset of migrants within the legal parameters. It also implies that this category of individuals is now entitled to a work permit being issued in own name rather than in the name of their employer. The system also acts as an incentive for integration and recognizes that, irrespective of status, integration may be achieved and individuals could be contributing to the national labour market and economy. At the time of writing, there was no indication of plans to extend the scope of this status to cover other irregularly staying TCNs who have not entered through the asylum system.

## Institutional and Policy Framework for Integration

Malta has yet to adopt an integration strategy/policy even if some initiatives have been undertaken to promote the integration of beneficiaries of international protection. NGOs working on asylum issues have consistently highlighted the need for an integration policy/strategy.

Overcoming discrimination and promoting the integration of immigrations and ethnic minorities as well as promoting inclusive labour markets were set as national objectives of European Year 2010 on poverty and social exclusion.<sup>210</sup> Malta's National Programme for the year identifies addressing the social aspects of migration and promoting equality and diversity as well as increasing the overall employment rate, particularly through the inclusion of older workers, women and vulnerable groups<sup>211</sup> within the labour market, and making work pay as some of the key challenges in combating poverty and exclusion. The promotion of inclusive labour markets is, moreover, the key point in the implementation of the European Social Fund in Malta. Ten per cent of Maltese respondents to the Eurobarometer survey on poverty and exclusion included "immigrants"<sup>212</sup> as one of the categories of persons most at risk of poverty.

As highlighted elsewhere, attention in the implementation of these initiatives is given almost exclusively to beneficiaries of international protection and other third-country nationals are not included. This reflects the way the national debate around migration is focused on this particular subset, as well as the reality that key source of funding for most projects is the European Refugee Fund.

<sup>209</sup> This information is based on an email exchange between the author and Mr. Mario Friggieri, Refugee Commissioner.

<sup>210</sup> [https://secure2.gov.mt/socialpolicy/SocProt/others/policy\\_dev\\_eu\\_affairs/ey2010/objectives.aspx](https://secure2.gov.mt/socialpolicy/SocProt/others/policy_dev_eu_affairs/ey2010/objectives.aspx)

<sup>211</sup> Persons who are going through or have gone through the asylum system are generally considered as members of a vulnerable group in this context. This is not to be confused with the assessment of vulnerability which applies to issues such as the release from detention or eligibility of specific care.

<sup>212</sup> Whilst the term applied is general "immigrants" the public conception of the term generally refers to boat people namely those who are going or have been through the asylum system.

A key project aimed to foster the integration of asylum seekers was launched by AWAS over the course of the reporting period. The project entitled: 'Supporting Open and Closed Reception Systems in Malta by Profiling, Action Research and Knowledge Transfer' (Sparklet) is lead by AWAS and in partnership with the University of Malta, the Foundation for Educational Services, Detention Services, the International Organization for Migration and the Dutch Central Organization for the Reception of Asylum. Sparklet is an 18-month long project which was designed to work with individuals in closed centres<sup>213</sup> in order to make use of their time in detention to prepare for integration and life in the community. The project aims to achieve this by providing welfare services and training session that increase the understanding and knowledge of life in Malta and Europe. The overall objective of the project is the promotion of common measures to address specific needs of vulnerable groups. It intends to reach out to 2,200 beneficiaries and has a working budget of 504,000 EUR.<sup>214</sup>

In August 2011 two pieces of research were presented by SOS Malta and UNCHR Malta respectively. Both delved into the integration of beneficiaries of protection in Malta. SOS Malta survey reached 70 BOPs and 75 members of the local population. The sample was random and "the study was not carried out in a representative scientific/quantitative way." From the BOP respondents, 39 were living in open centres, 25 living in private accommodation and six persons who declared not having a place to sleep.<sup>215</sup> The authors refer to a reluctance to participate in the research which they read "as a clear signal of distrust in institutional and non-institutional actors that over the years have not been able to provide the migrants with real opportunities for integration".

The research found, inter alia, that "beneficiaries of international protection in Malta are well aware that it is not easy for them to have fair access in the labour market, as a result of the few oppotunities of employment that the island offers and the barriers that they encounter to obtain an employment". Whilst "all the participants expressed that access to work is the only way to start a new life in a new country" they highlighted the following as key barriers faced:

- Small capacity of the Maltese labour market;
- Discrimination;
- Exploitation;
- Lack of recognition of qualifications.

Interestingly the research also found that "the majority of the Maltese are aware about the situation in which the beneficiaries of protection are living." Moreover, "the majority of the participants declared that attending vocational training/training was not a priority for them". This, as with other educational endeavours is partly linked to the perception of Malta as a transit country.

<sup>213</sup> Malta adopts a policy of automatic detention for irregularly arriving TCNs including asylum seekers. Vulnerable persons are released as soon as possible, asylum seekers (those still pending a final determination of their asylum claim) are detained for a maximum of 12 months whilst rejected asylum seekers are detained up to a maximum of 18 months.

<sup>214</sup> For more information contact the Project Leader at AWAS.

<sup>215</sup> The UNCHR estimated that there are at least 1,000 BOPs living in the community with around 2,500 living in Open Centres.



The UNHCR on the other hand set out to determine, inter alia, “the current situation of refugees and migrants living in Malta”. It found that “about half of interviewees had a steady job at the moment of the survey, and that the most common jobs for men include construction, farming, factory work and other manual labour, while women commonly work as housecleaners in hotels or as cooks.” Moreover, the research highlights that refugees have never visited a local council, heard of the Housing Authority and in the most part, and never formed meaningful and close friendships with Maltese people.

2010 saw the launch of one program addressing the needs of BOP whilst a number of generic programs initiated by ETC might also leave an impact on migrant employment.

In 2010 AWAS launched the Employment Support Initiative for Refugees and Beneficiaries of Protection. The project aimed to address a long-standing issue with migrants waiting around the open centre in the hope of being picked up by a potential employer. The project is funded by the European Refugee Fund. The lead partner in the project is the Agency of the Welfare of Asylum Seekers. Also in the partnership are the Employment and Training Corporation and the Foundation for Shelter and Support to Migrants (FSSM) which currently administers the Marsa Open Centre. It is based on the premise that legal employment is one of the three pillars of integration.<sup>216</sup> As part of the project, two offices have been set up near to the two open centers, in Marsa and at the Hal Far Tent Village. They seek to create alternatives to migrants going to wait for work at the side of the road. The primary aim of the officers is to provide guidance on the best ways to seek and find legal employment. While at the time of writing, the project was at early stages of implementation AWAS noted that the project had exceeded expectations in terms of interest expressed both by migrants and employers. The services are available to refugees and those who have received subsidiary protection. Other categories of humanitarian migrants are excluded as these are deemed to be on the return path and therefore integration is not considered a priority.<sup>217</sup> Moreover, AWAS keeps a database outlining the skills and qualifications of all the eligible migrants enrolled in the scheme, their qualifications and skills which allows for job matching as AWAS remains a constant reference point.

Furthermore, the Employment and Training Corporation (ETC) has set up Skills Assessment service as to assess and certify the knowledge, skills and competences acquired by individuals through non-formal learning. This service is available to TCNs and BOPs and can continue to address the issue of lack of recognition of qualifications of migrants. This, in turn, is likely to support access and promotion within employment.

Information gathered from the Department of Employment and Industrial Relations indicates that two cases on discrimination in employment were filed in 2009 and one in 2010. All three cases involved foreign nationals. Sixty-three per cent of respondents to the EU Midis research (African immigrants) had experiences discrimination in the 12 months immediately preceding the research. Forty-two per cent of respondents said they had faced discrimination when looking for work whilst 27 per cent claimed to have faced discrimination in employment. There is very little if any data on the situation of other migrants in the labour market.

<sup>216</sup> This premise is the one held by the Agency for the Welfare of Asylum Seekers and does not necessarily reflect the definition of integration promoted by the People for Change Foundation.

<sup>217</sup> It is to be noted however that rejected asylum seekers received work permits in Malta.

In 2010, within the context of the EU Funded Strengthening Equality Beyond Legislation project, the National Commission for the Promotion of Equality commissioned the drafting of a National Action Plan Against Racism for Malta.<sup>218</sup> The Action Plan, which at time of writing had not yet been duly adopted by the relevant government entities, dedicated a section to employment, including discrimination in employment, promoting diversity management in the public and private spheres, and awareness-raising of all relevant entities.

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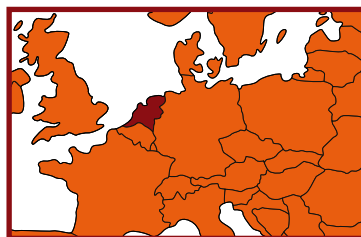
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<sup>218</sup> The plan was drafted by The People for Change Foundation as part of the Equality Research Consortium.

# NETHERLANDS

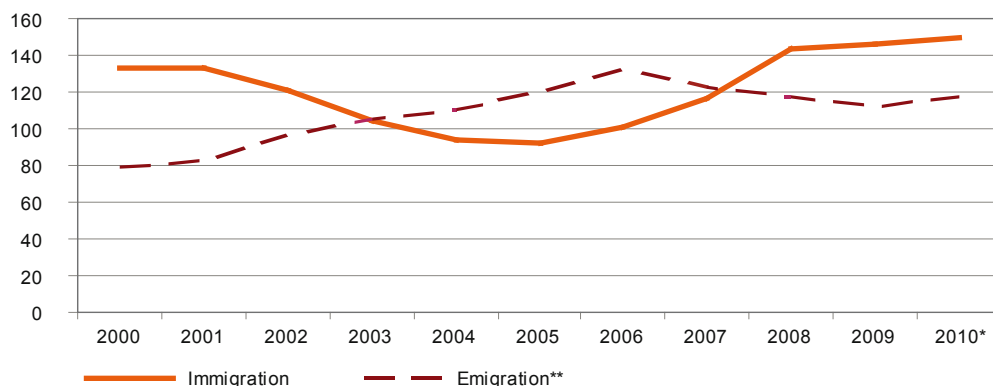
Inge van der Welle<sup>219</sup>



## Migration Trends

Immigration to the Netherlands continued to increase in 2010 and reached a historic high of almost 150,000 people. After a several years of declining immigration, it started to increase considerably from 2006. This trend continued, though less pronounced, over the last years. The growth of immigration can be attributed mainly to immigration from other EU-countries.<sup>220</sup> The net migration rate for 2010 is lower compared to 2009, due to a stronger increase in emigration than in immigration. Together with a lower natural growth rate of the population, the total population increase was less than in 2009.<sup>221</sup>

**Figure I: Emigration and immigration in the Netherlands, 2000-2010**



Source: CBS 2011

\* Provisional \*\* Including administrative corrections

<sup>219</sup> Inge van der Welle is a researcher at Regioplan, Netherlands.

<sup>220</sup> CBS (2010), Record aantal immigranten 2010. Press release, PBI I-007, 9 February 2011.

<sup>221</sup> Ibid.

In 2009 around 36 per cent of the immigrants were EU-nationals, mostly from Poland (13,288), Germany (8,723), Bulgaria (4,308) and the United Kingdom (4,165). The immigration of third-country nationals mainly consisted of entrants from Somalia (5,321), Turkey (4,859) and China (4,791). The large share of immigrants from Somalia may be the result of the categorical protection policy<sup>222</sup> (*Categoriaal Beschermings-beleid*) from June 2005 to May 2009, although a substantial share of the immigration from Somalia consisted of family reunification and not asylum. (IND, 2010; Nicolaas, 2010) The main migration motives of the Turkish immigrants were family reunification and family formation. For the Chinese the main motive was study, followed by labour migration. One of the explanations for the large share of Chinese labour migrants could be the growing number of Chinese companies operating in the Netherlands. (INDIAC, 2010a)

A substantial increase in immigration from Poland, Bulgaria, Hungary, and Romania took place following the EU enlargement. Immigration from the Dutch Antilles dropped sharply compared with 2000. Immigration from India increased considerably over the last ten years. This was caused by labour demand, especially for highly qualified jobs in the ICT-sector in the Netherlands. (WODC and University of Maastricht, 2009)

**Table 1: Inflow of significant migrant groups by country of origin, 2000-2009**

	2000	2005	2009
Poland	1,900	6,781	13,288
Germany	5,483	5,564	8,723
Somalia	2,340	590	5,321
Turkey	5,799	3,704	4,859
China	2,722	3,226	4,791
Netherlands-Antilles & Aruba	10,550	2,667	4,508
Former Soviet Union	6,301	2,820	4,400
Bulgaria	302	435	4,308
United Kingdom	5,664	3,023	4,165
Iraq	4,547	1,091	3,871
United States of America	3,511	2,652	3,413
India	799	1,331	3,252
Morocco	4,776	2,658	3,037
France	2,049	1,725	2,753
Surinam	3,953	2,471	2,715
Spain	1,301	1,289	2,413
Italy	1,454	1,275	2,372
Belgium	2,314	1,768	2,299
Indonesia	2,741	2,038	2,257
Romania	647	583	2,249
Hungary	507	611	2,178
Portugal	1,028	839	2,015

Source: CBS Statline, 2011.

<sup>222</sup> Article 29, paragraph 1 of the Aliens Act 2000 provides the possibility of offering protection to persons who are unable to demonstrate that they have grounds to fear persecution, cruelty or inhuman treatment due to their individual situation, but who are nevertheless at risk due to the overall situation in their country of origin.

In 2005-2008 labour migration to the Netherlands increased from 22,342 to 41,690. Labour migration amounted to more than 40 per cent of the immigration of foreigners. In 2009 labour migration decreased to 37,757; 37 per cent of the total immigration of foreigners. Asylum migration increased sharply from 6 per cent in 2008 to 9 per cent in 2009. Family reunification increased slightly and accounted for about a third of the total immigration in 2009. The share of immigrants coming to the Netherlands for study has decreased since 2005 and accounted for 13 per cent of immigration in 2009. Around 40 per cent of third-country immigrants moved to the Netherlands in order to reunite with their families.

**Table 2: Migration inflow of foreigners by reason of entry (permit based)<sup>223</sup> and nationality, 2000-2009**

	2000	2005	2006	2007	2008	2009
<b>Total foreign immigrants</b>	91,379	63,416	67,652	80,257	102,872	104,411
Labour	19,039	17,454	22,342	31,970	41,690	37,757
Asylum	27,070	2,216	2,648	3,772	6,021	9,601
Family reunification	33,673	25,041	25,960	25,121	32,095	33,859
Study	6,707	11,113	10,519	11,704	14,652	14,070
Au pair / internship	1,234	1,102	1,341	1,729	2,151	2,043
Other	3,646	6,502	4,819	5,988	6,274	7,093
<b>Total EU-immigrants</b>	21,607	25,067	28,792	41,087	52,069	50,301
Labour	12,146	12,243	15,626	23,841	31,495	30,274
Asylum	0	0	0	10	3	65
Family reunification	6,574	5,890	7,079	9,451	11,127	11,956
Study	1,564	3,866	3,348	3,961	5,533	4,140
Au pair / internship	79	168	165	368	364	225
Other	1,243	2,899	2,576	3,451	3,544	3,640
<b>Total third-country immigrants</b>	69,772	38,349	38,860	39,170	50,803	54,110
Labour	6,893	5,211	6,716	8,129	10,195	7,483
Asylum	27,070	2,216	2,648	3,762	6,018	9,536
Family reunification	27,099	19,151	18,881	15,670	20,968	21,903
Study	5,143	7,247	7,171	7,743	9,119	9,930
Au pair / internship	1,155	934	1,176	1,361	1,787	1,818
Other	2,403	3,603	2,243	2,537	2,730	3,453

Source: CBS Statline 2011.

<sup>223</sup> The statistics are based on the type of permits, this, however only reveals a part of the labour migration. Not all labour migrants need a work permit. For example Polish labour migrants do not need a work permit.

In 2009 about 1,700,000 foreign born (first generation) immigrants resided in the Netherlands. They account for about 10 per cent of the total population. The native population accounts for 80 per cent of the population, and children of immigrants (the so-called second generation) account for the remaining 10 per cent.

The main immigrant groups are from Turkey, Surinam and Morocco as a result of labour migration in the 1960s and 1970s, followed by family reunification and family formation since the 1980s. Immigration from Surinam began as an elite migration during the colonial period. The independence of Surinam in 1975 caused a big influx of Surinamese in the Netherlands. Nowadays the main motive for immigration from Surinam, like the immigration from Morocco and Turkey, is family reunification or family formation. The Moroccan, Turkish and Surinamese population has been relatively stable over the last years. The new influx of immigrants mainly comes from the European countries.

In 2006 an estimate was made of the number of illegal aliens in the Netherlands, indicating that between April 2005 and April 2006 about 88,000 non-EU and 41,000 EU nationals illegally resided in the Netherlands (Van der Heijden, 2006). Currently a new estimate is being made for 2010, by the Research and Documentation Centre of the Ministry of Security and Justice (WODC), and data is expected in the second half of 2011. Since the last estimate there have been significant changes in Dutch/EU legislation that probably affected the number of irregular migrants. Firstly, in 2006 about 25,000 former asylum seekers were granted general amnesty. Secondly, because of Romania and Bulgaria joining the EU in 2007, Bulgarian and Romanian nationals can no longer be regarded as irregular foreigners. Due to these developments the number of illegal aliens is expected to have declined considerably over the last five years.<sup>224</sup>

## Labour Market Impact<sup>225</sup>

In 2009 the Dutch economy declined considerably. Unemployment increased and the number of unfilled vacancies decreased to 60 per cent of the available vacancies in 2008. Especially the number of vacancies for low-skilled jobs declined sharply. The number of unfilled vacancies further declined in 2010. The reduction in employment occurs mainly in business activities and the construction sector. The unemployment rate continued to increase, and 5.4 per cent of the 15-65 year old population was unemployed in 2010. This rate is nevertheless comparable to the respective figure in 2006. The economy started to recover slightly in 2010. (RWI, 2010)

The economic crisis has affected labour migration to the Netherlands. The number of issued work permits continues to decrease. Work permits (*tewerkstellingsvergunning – TWV*) are required for foreign workers from third countries, as well as for workers from Romania and Bulgaria, and issued following a labour market test to check the availability of Dutch and EU nationals for the job.

<sup>224</sup> WODC, *Illegalenschattig 2010*, information: <http://www.wodc.nl/>

<sup>225</sup> Dutch statistics on the labour market position of migrant groups are presented by country of birth. This means if a person was born in e.g. Morocco or at least one of the parents was born in Morocco, the person is considered Moroccan.

The number of issued TWVs decreased sharply between 2006 and 2008. In 2006 75,051 permits were issued compared to 15,374 in 2008. The number gradually decreased after 2008 due to the economic crisis. Around 13,700 permits were issued annually in 2009 and 2010. This significant drop in issued work permits between 2006 and 2008 was due to the fact that the work permit requirement for EU8 nationals was abandoned in 2007. However, for Bulgaria and Romania which joined the EU in 2007, transitional measures apply. Bulgarian and Romanian workers still need a work permit.

In 2010, most work permits were granted to Romanians (2,734), followed by Chinese (2,380), Indians (1,343), Bulgarians (866) and US nationals (742). Compared to 2009, fewer temporary work permits were issued for Romanians and Bulgarians in 2010. They are mainly employed for short-term seasonal work in the horticulture industry. Explanations for the decrease in the number of issued permits could be the usage of an online data bank for agricultural seasonal work for EU-workers to improve the connection between labour demand and supply and disappointing harvests. (UWV, 2010) Noteworthy is the sharp increase in issued TWVs for Indians. They work mainly in the ICT sector. The number of TWVs issued for Indians decreased sharply in 2009, during the economic crisis, but picked up again in 2010. Most TWVs were granted for jobs in the agriculture and horticulture industry (3,047), business activities (3,002), the hotel and catering industry (2,117), and the cultural sector (1,202).

Despite the economic decline, there are still labour shortages. Especially in health care employment continues to grow. Due to the ageing population, considerable return migration of labour migrants and asylum seekers<sup>226</sup>, and challenges in labour market inclusion for migrants residing in the Netherlands, labour shortages are expected to persist in the long term. (Nicolaas, 2010; RWI, 2010; INDIAC, 2010a). In the manufacturing sector shortages of technically skilled workers are likely and, especially in larger cities, shortages in health care and education will occur. (RWI, 2010; INDIAC, 2010a).

Considerable differences are continuously observed between the socio-economic position of the native-born Dutch and the non-native population in terms of labour market participation, unemployment and wage levels.

**Table 3: Labour market participation by origin, % working of labour force, 2005 - 2010**

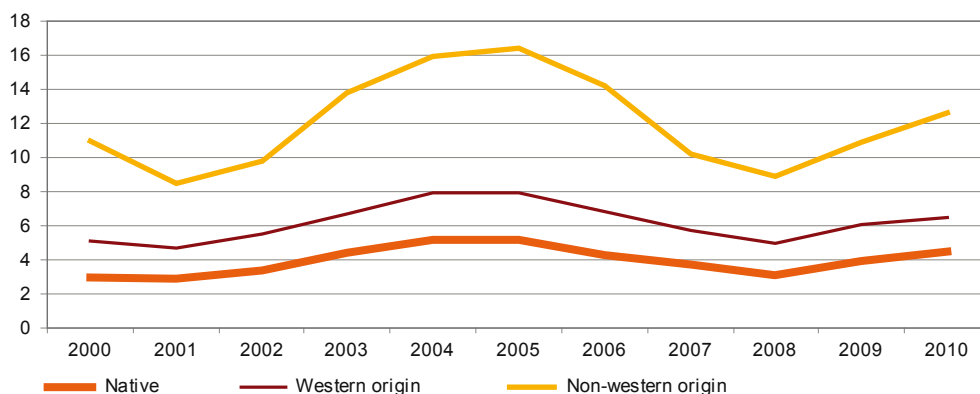
	2005	2006	2007	2008	2009	2010
Native	65.8	67.0	68.7	70.0	69.9	69.4
Western origin	62.6	63.3	64.7	66.9	66.1	64.7
Non-Western origin	49.3	49.7	53.6	56.9	55.2	52.8

Source: CBS Statline.

<sup>226</sup> For example: between about 50 per cent and 60 per cent of the EU-nationals who immigrated to the Netherlands in the period 1996-2002 returned to their country of origin within 7 years after immigration (Nicolaas 2011). Return migration rates are considerably lower amongst migrants from Turkey, Morocco and Suriname (who mainly came for family reunification or family formation) (about 25%). (De Jong and Nicolaas 2005)

The non-native population has a significantly higher unemployment rate, which increased in 2010. In that year, 12.6 per cent of the labour force of non-Western origin was unemployed, compared to 6.5 per cent of the labour force of Western origin and 4.5 per cent of the native labour force. The non-native population is also overrepresented in long-term unemployment (12 months or longer) (Bierings et al., 2011).

**Figure 2: Unemployment rate by origin, 2000-2010**



Source: CBS Statline.

Additional explanations for the huge differences in labour participation between the native and the migrant population are manifold, including social networks, discrimination, cultural differences, employment type and health. Bouma et al. (2011) conclude that especially low-skilled first generation migrants have to deal with an accumulation of problems. Such challenges include among others insufficient language skills, limited knowledge of the Dutch education system and labour market, a passive stand in job interviews and traditional sex roles. Besides, they are more often employed in sectors vulnerable to economic recessions. Furthermore, external factors play a part. Several studies suggest that discrimination is still a factor (Andriessen e.a. 2010, Van Geffen 2007).

Apart from these general numbers on unemployment and activity rates, it is important to emphasise large differences in the socio-economic position by country of origin. Of the four largest groups of non-Western origin in 2010, unemployment continued to be highest among Moroccans (14,6%), followed by Antilleans (12,5%), Turks (11,3%) and the Surinamese (10,4%). Unemployment rates were the highest among refugees. In 2009, a third of the labour force of Somali origin, 28 per cent of the labour force of Afghani and Iraqi origin, and a fifth of the labour force of Iranian origin were unemployed. Besides, the activity rate of these groups is also low. (Dourlein and Dagevos, 2009) These four refugee groups account for about eight per cent of the population of non-Western origin in the Netherlands.

In 2009 and 2010 most work permits were issued for jobs in horticulture, followed by cooking/preparing food and ICT development and consulting. The demand for seasonal labour in the horticulture industry primarily attracts unskilled or low-skilled workers. The influx of seasonal labourers in these industries has been dominated by Romanian and Bulgarian workers over the last three years. Third-country nationals only make



up a small share of these seasonal workers, and in 2009 these workers mainly came from the Ukraine and Russia. Third-country nationals have a larger share in the other positions. Labour migrants who work as cooks are mainly Chinese, and the ICT labour migrants are mainly Indians. (INDIAC, 2010b)

Highly skilled labour migrants do not have to apply for a TWV since 2004, and are therefore not included in the permit statistics. Highly skilled migrants are third-country nationals who earn a gross annual income in excess of 50,619 EUR (or 37,121 EUR if under the age of 30),<sup>227</sup> or who are employed in scientific research, or foreign doctors studying in the Netherlands to become a specialist. Furthermore, foreign students who attained a masters or doctorate degree in the Netherlands, have an opportunity to find a job as knowledge worker within a year after finishing their studies.

In 2009, 4,470 people applied for an entry visa (provisional residence permit, *machtiging tot voorlopig verblijf*, MVV) under the “Knowledge Migrant Scheme” (*Kennismigrantenregeling*), and 5,410 people applied for a regular residence permit. Because of the economic decline the applications decreased considerably, by 35 per cent and 25 per cent respectively, compared to 2008. The majority highly skilled migrants in 2009 came from India, followed by the US. (INDIAC, 2010b)

## Institutional and Legal Framework for Admission and Employment

For the last decade the Dutch government has taken a reluctant stance toward immigration and labour migration in particular. The current government has formulated four main goals for the Dutch labour migration policy:<sup>228</sup>

- Admit labour migrants of whom a contribution to prosperity can be expected.
- Protect the domestic labour market by only admitting workers if no job-seekers from the prioritised labour force are available (not applicable for highly skilled migrants).
- Make sure labour migrants have an income in accordance with market rates and not lower than the minimum wage in order to protect national labour relations and prevent unfair competition.
- Prevent and combat illegal employment.

The Act on Modern Migration Policy (MoMi) is expected to enter into force into 2011, as soon as a new computer system of the Immigration and Naturalisation Service (IND) is successfully implemented. This new computer system is a prerequisite for the introduction of MoMi. The Act will change the current Aliens Act and has significant consequences for labour migration to the Netherlands. The MoMi applies to third-country nationals who intend to reside in the Netherlands for more than three months. The aim of the proposed changes is to simplify the procedures for companies

<sup>227</sup> [www.wetarbeidvreemdelingen.nl](http://www.wetarbeidvreemdelingen.nl)

<sup>228</sup> Tweede Kamer, vergaderjaar 2010-2011, nr. 32 144, Herziening Wet Arbeid Vreemdelingen; Arbeidsmigratie van buiten de EU, April 2011.

and organisations to employ foreign workers with specialist knowledge or talents. The starting point of the modern migration policy is selectiveness: welcoming talented and highly skilled persons and restricting access to the Dutch labour market for others.

## Work permits

Since July 2011 efforts will be made to make better use of the available prioritised labour force, for example by imposing fines and by facilitating (online) vacancy sections where (EU) job seekers and employers meet. By intensifying initiatives by job agencies and an online job data bank to bring together domestic labour demand and job-seekers from the prioritised work force, the government's ambition is to fill almost all available vacancies. According to the authors of the Act, the temporality of labour migration should be better warranted and the cabinet suggested three changes to achieve this goal:

- Extending the period after which foreign workers with a work permit are “free” on the Dutch labour market. At the moment foreign workers who have worked in the Netherlands with a valid work permit for three years, can apply for a permanent (residence) permit. This period will be extended to five years.
- Only extending the work permit if the worker receives the minimum monthly wage. At the moment, work permit renewals are accepted even if the foreign worker no longer receives the minimum monthly wage.
- A labour market test will also apply for work permit renewals. Currently no labour market test is necessary for work permit renewals.<sup>229</sup>

## Highly skilled migrants

The current cabinet emphasised in the coalition agreement the importance of the current Knowledge Migrant Scheme for the Dutch information society. Over the last years the scheme has repeatedly been criticised. Concerns were raised about the improper use of the scheme. Knowledge migrants would be employed in low or unskilled work for a disproportionate salary (far above market rates for the job) or received a salary below the income requirements to qualify as knowledge worker. Research into possible misuse of the scheme brought to the fore some abuse, but large-scale abuse does not occur. The most common breach of the rules is that knowledge workers start working before the permit is issued or that they continue working after the permit has ended. Recently, fraud by means of fake Chinese companies was uncovered. The government announced to take a few additional measures to ensure knowledge workers actually receive the salary that the employer has stated and to control the continuity and stability of (new) companies to prevent fraud. However, the accessibility of the scheme and the attractiveness of the Netherlands for innovative businesses must be maintained by all means, according to the government.<sup>230</sup>

The main changes under the MoMi concern the position of sponsors (person or organisation that benefits from the immigrant's arrival) and the procedures for work and residence permits.

<sup>229</sup> Ibid.

<sup>230</sup> Ibid.

## Sponsors

Currently, in Dutch migration policy third-country nationals have to apply for a residence permit themselves. Under the MoMi this will change and sponsors (the employer) will be able to apply for a residence permit for a third-country national whom they would like to employ. The sponsors have four legal obligations: to provide information, to administer relevant information, the responsibility to provide for the immigrant and the responsibility for the return of the immigrant. Sponsors who did not administer the relevant information will be fined and costs for the return of the immigrant will be passed on to the sponsor up until a year after the sponsorship has ended.<sup>231</sup>

## Simplified and efficient procedures

Under the current act, third-country nationals first have to apply for a provisional residence permit (MVV) before they enter the Netherlands. After arrival in the Netherlands they have to apply for a residence permit. Under the MoMi, third-country nationals will automatically receive a residence permit if they have obtained an MVV. Furthermore, the duration of the residence permit will be linked to the expected stay in the Netherlands. An annual renewal of the residence permit will no longer be necessary.

To make procedures more efficient, documents will be standardised for eight types of applicants: (1) exchange, (2) studies, (3) temporary labour, (4) regular labour, (5) knowledge and talent, (6) family, (7) temporary humanitarian, and (8) special stay.

## Institutional and Policy Framework for Integration

Integration policies in the Netherlands mainly focus on the immigrant population of non-Western origin. However, in 2007-2011 special concerns were raised about the integration of immigrants from EU8 countries as well.<sup>232</sup> The new outline of Dutch integration policies emphasizes migrants' responsibilities to integrate in the Netherlands. It favours general policies above target group policies. Current policies focusing on the problems of specific ethnic groups will be embedded in general policies.<sup>233</sup>

## Civic Integration Courses

Obligatory integration courses are the corner stone of the Dutch integration policies. All third-country nationals between the ages of 18 and 65 intending to remain in the Netherlands permanently must first of all take a civic integration test at the Dutch embassy or consulate-general in their country of origin before travelling to the Netherlands. The test consists of two parts: knowledge of the Dutch language and knowledge about Dutch society. Furthermore, since 2007, with the introduction of a

<sup>231</sup> IND, Presentatie handhaving onder Momi: <http://www.euraxess.nl/>

<sup>232</sup> Ministerie van VROM, *Wonen Wijken en Integratie* (2007).

<sup>233</sup> Tweede Kamer, vergaderjaar 2010-2011 I, 32 824, nr. 1: *Integratie, binding en burgerschap*, 16 juni 2011

new Civic Integration Act all persons in the Netherlands without a Dutch passport and between the ages of 18-65 are obliged to pass the municipal civic integration exam. This obligation is directed at permanent migrants and is not obligatory for temporary labour migrants or migrants who qualify under the Knowledge Migrant Scheme.

A qualitative study concerning the effects of the civic integration courses reveals different opinions amongst the immigrants. They stated that they were 'better able to manage in daily life'. However, a settled immigrant who had been obliged to take the course after years in the Netherlands, stressed that she had learned everything she needed in daily practice. Non-immigrant respondents (teachers, public officials, NGOs) 'were reluctant to claim that the integration requirements for permanent residence contributed to the integration process of those who have to meet them.' Besides, the respondents noted that language proficiency level A2 was not sufficient for successful participation in the labour market. (Böcker, 2010)

With the instalment of the new government in 2010 a new course in integration policy was taken, based on the migrant's own responsibility for integrating at their own expenses. The current government suggested (higher) education and language requirements crucial for successful integration of immigrants in the future. Therefore the obligation to pass the integration exam will continue to exist. The responsibility to integrate, including the costs of integration courses, becomes the full responsibility of an individual immigrant.<sup>234</sup> Up until now, the national government provided budget to the municipalities to pay for the integration courses for immigrants.

The emphasis on skills and the migrant's individual responsibility for integration is underlined by several recently introduced policy measures:

- Since April 2011 the pass score for the civic integration test abroad has been raised and expanded to include a new Reading and Comprehension Skills test.
- The budget for civic integration courses will be reduced enormously. As of 2014 all third-country nationals wishing to remain in the Netherlands have to pay for their civic integration course themselves.

## Free movement within the EU: a sensitive issue

The free movement of European nationals and the European migration policies are sensitive issues and have been topics for discussion over the past years. The Minister for Immigration and Asylum Policy wrote a position paper to clarify the Dutch political standpoint on EU migration policy and to propose changes. The proposal focuses among others, on stricter requirements for family reunification, socio-economic requirements for long-term resident status, the exclusion of third-country nationals from free movement within the EU at their first admission. The latter point refers to the risk of family reunification migrants from third countries side-stepping national immigration regulations by invoking the right to free movement of persons. Even though research did not find evidence for large-scale misuse of the free movement of persons, it remains a point of particular concern for the Dutch government.

<sup>234</sup> Costs are estimated between 2,000 EUR and 5,000 EUR. At the moment the maximum loan for an integration course is 5,000 EUR.

## Concerns about the integration of migrants from EU8+EU2 countries

Recently, concerns have been raised about the growing number of low-skilled labour migrants from EU8+EU2 countries, especially from Bulgaria. In particular Bulgarians have a weak position on the Dutch labour market. They are considerably less-educated than Polish or Romanian workers and more likely to be informally employed. One out of five Bulgarian respondents lived with at least five others in the same apartment, and one out of ten even with seven or more co-residents. (Snel et al., 2010)

EU nationals are currently not obliged to take integration courses and pass the civic integration exam. They can, however, participate in the courses offered by the municipality on a voluntary basis. In 2010, about 9,000 EU labour migrants participated in a municipal civic integration course. The current cabinet investigates how the integration of EU labour migrants could be further facilitated in the coming years.<sup>235</sup>

## Discrimination in employment

There are several antidiscrimination bureaus (ADB's) registering complaints about discrimination on the labour market based on their race, nationality or religion. Besides, the Dutch Equal Treatment Commission (CGB) registers requests asking for advice in specific situation concerning unequal treatment. Together, the complaints and requests give some insight into the extent and grounds of discrimination on the labour market. These records of complaints and requests are obviously just a tip of the iceberg, as most discrimination on the labour market is not reported. (Van den Berg and Evers, 2006)

In 2004-2008, the ADB's received on average 405 complaints annually from non-Western migrants about discrimination on the labour market. Most complaints were submitted by persons of Moroccan origin. Complaints mainly were submitted about discrimination in the workplace (39%), followed by recruitment and selection (27%) and (threatened) dismissal (11%). In 2005-2008, about 119 requests received by the CGB from non-Western migrants relating to labour market discrimination led to a ruling. In 48 cases the CGB ruled that the complaint was justified. The requests primarily involved complaints about the recruitment and selection procedures, or a combination of discrimination in the workplace and discriminatory terms of employment. (Nievers and Andriessen, 2010)

One of the problems with registering discrimination was insufficient coverage of ADP network in the country. Therefore, the "Municipal Antidiscrimination Services Act" (ADV) was introduced in July 2009 to ensure access to ADB's (or other complaints office) for everyone living in the Netherlands. Providing access to antidiscrimination services is the responsibility of municipalities. These services have to be independent and all discrimination complaints have to be registered. To support the Act, the government launched a national campaign to increase people's readiness to report discrimination. The first evaluation of the ADV showed that in 2010, 99 per cent of the population had access to an ADB branch.<sup>236</sup> (Partners and Propper, 2010) Besides, the national campaign caused a sharp rise in the registered discrimination complaints,

<sup>235</sup> Tweede Kamer, vergaderjaar 2010-2011, 29407, nr. 18, 14 April 2011.

<sup>236</sup> The evaluation of the Act is planned for 2012.

from 1,123 in 2008 to 5,931 in 2009. Just a small share of these complaints, however, concerns discrimination on the labour market.

Finally, in the coalition agreement the government parties agreed to end the preferential treatment policies based on gender and ethnic origin. This statement refers to the usage of target figures or quota for positions in government, for example a target of 30 per cent women in the government workforce. This is line with the general policy focus to abandon target group policies<sup>237</sup>

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<sup>237</sup> Tweede Kamer, vergaderjaar 2010-2011, 325 01, nr. 10.

# NORWAY

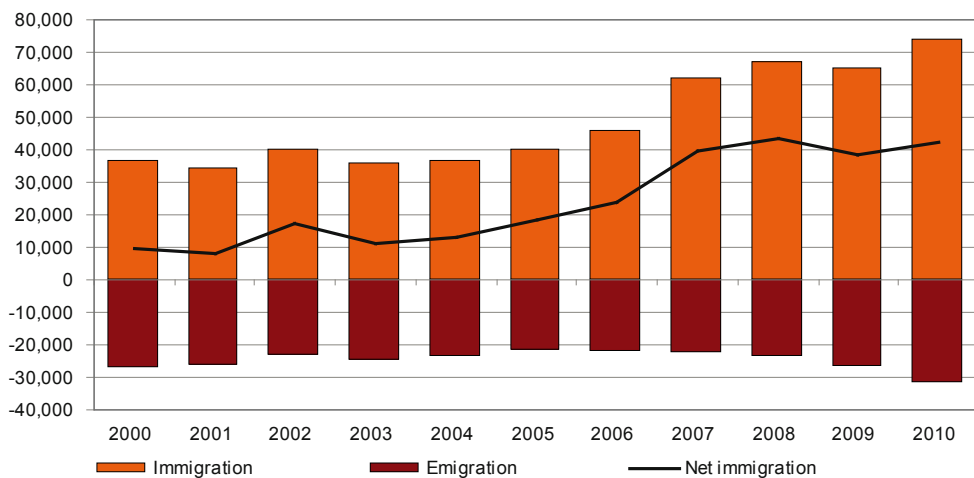
Kristian Rose Tronstad<sup>238</sup>



## Migration Trends

The inflow of immigrants reached an all-time high in Norway in 2010, amounting to some 74,000 persons and adding almost one per cent to the total population in a single year. By the end of 2010 Norway had more than half a million immigrants, accounting for 11 per cent of the population (Statistics Norway, 2011). The financial crisis had only a minor impact on the Norwegian labour market in general and on the integration of immigrants in particular. In 2010 Norway was home to immigrants from more than 200 different states and self-governing regions (Statistics Norway, 2011).

**Figure 1: Migration, emigration and net migration in Norway, 2000-2010**



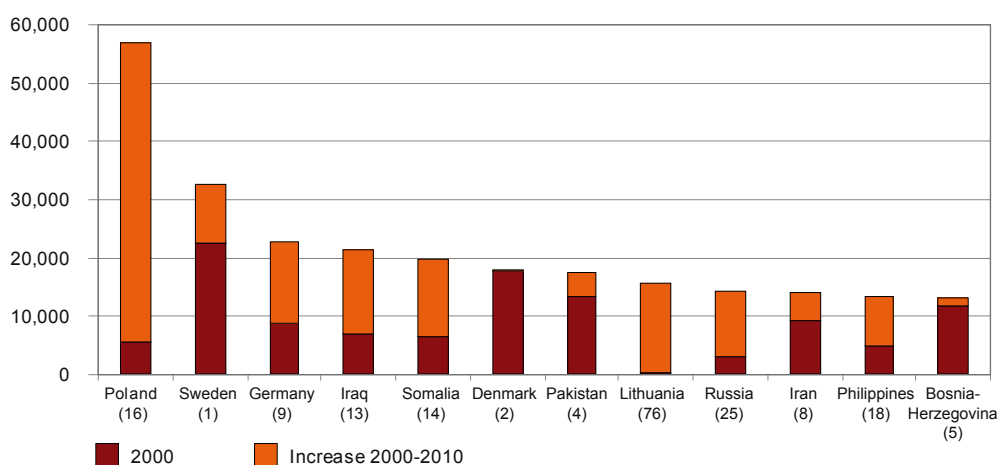
Source: Population Statistics, Statistics Norway.

<sup>238</sup> Kristian Rose Tronstad is researcher at the independent research foundation FAFO, Oslo, Norway.

The number of immigrants and Norwegian-born to immigrant parents amounts to 600,922 persons or 12.2 per cent of Norway's population. Broken down by region, around 287,000 have a European background, some 210,000 persons have a background from Asia, 74,000 from Africa, 19,000 from Latin America and 11,000 from North America and Oceania.<sup>239</sup> Since 2005 the number of immigrants stemming from EU/EEA countries has doubled from approximately 100,000 to 220,000 in 2010. EU/EEA immigrants accounted for 43 per cent of the total immigrant population in 2010.

The majority of immigrants in Norway are from Poland (10 per cent), Sweden (6 per cent), Germany (4 per cent) and Iraq (4 per cent). Over the last ten years, however, the composition of immigrants has changed significantly. Polish and Lithuanian migrant communities were both small in Norway at the turn of the millennium. Since 2000, Poles have outnumbered other groups and are currently the largest immigrant group in Norway. Immigrants from Lithuania made up the seventy-sixth largest immigrant group in Norway in 2000, though today they are the eighth largest. Both increases can be explained by high labour mobility from Poland and the Baltic states after EU's enlargement in 2004. Many Polish male workers have brought their spouses and children to Norway on family reunification permits.

**Figure 2: Stock of immigrants by country of origin, 2000 and 2010. Ranked by ten largest in 2010; rank in 2000 in parentheses.**



Source: Statistics Norway, own calculation.

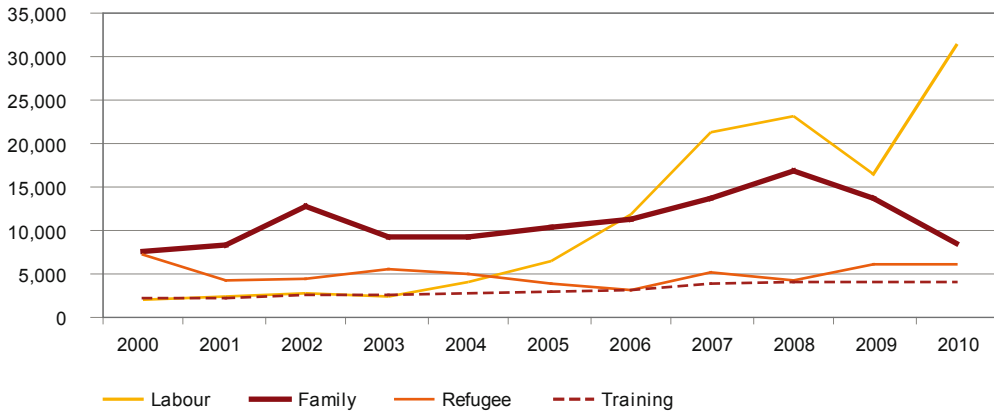
There has been a shift in migration trends to Norway, both in terms of size, but also in composition. During the financial crises of 2008 and 2009, labour migration and family migration dropped but still outnumbered asylum-seeking as the main reason for settling in Norway. In 2010, labour migration to Norway reached the highest level ever, with more than 30,000 foreign citizens migrating to Norway on a work permit. The number of refugees migrating to Norway annually in the last decade has tended to stay just below 5,000. In 2010, the number of migrants offered refugee status in Norway leaped to 6,200. Immigrants coming to Norway on various educational (training) permits has

<sup>239</sup> Norwegian statistics are organized by country of birth.



increased slowly over the years; in 2010 around 4,000 people came to Norway to study or take part in education and training programmes.

**Figure 3: Immigration by reason of entry, 2000-2010.**



Source: Population Statistics, Statistics Norway.

The data on both flows and stocks of immigrants in Norway come from population registers. Registration criterion is an expected stay of six months in Norway. Many countries, such as Sweden and Finland, follow the UN definition of 12 months; Denmark, however, uses the criterion of only three months. These differences in registration can make comparison between countries challenging, especially considering the temporary and circular nature of labour migration from the Central and Eastern European countries. In Norway, only residents get a person identification number (PIN); many temporary workers are therefore given a so-called d-number.<sup>240</sup> In 2009 and 2010, approximately 75,000 foreigners employed in Norway were not registered as residents. Most of them stemmed from one of the Nordic countries or Poland (Statistics Norway, Q4 2010).

In 2006, estimates put the number of irregular immigrants in Norway at 18,000. The point estimate had broad confidence intervals, meaning that the number of irregulars most likely was somewhere between 10,500 or 32,000 (Zhang, 2008). No new estimate has been made since then.

## Labour Market Impact

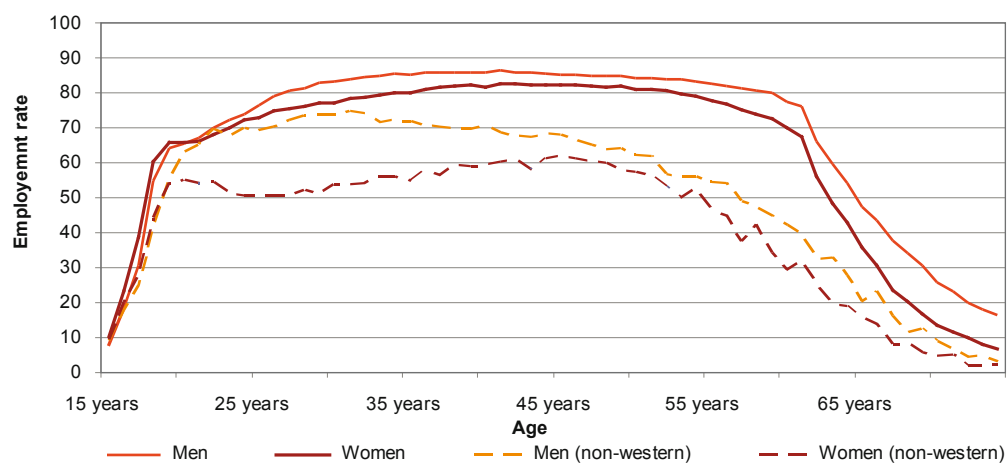
The impact of the global financial crisis on the Norwegian economy and labour market was less severe and protracted than in most other developed countries. Banks and other institutions in the financial sector were only mildly affected. Public finances remained sound and unemployment stayed low.

<sup>240</sup> The D-number is assigned to persons who do not qualify for a PIN (personal identification number), but nevertheless have economic relations with the Norwegian authorities. The Tax Administration is responsible for this number, and the D-number register is part of the Central Population Register database.

In 2010, more than 2.5 million people were employed, approximately the same number as before the financial crisis and a ten per cent increase in the labour force since 2003. About 125,000 jobs, or 50 per cent of the increase can be put down to integration of immigrants into the Norwegian labour market. (Djuve and Tronstad, 2011).

The social contract on which the Norwegian welfare state is built requires both men and women to perform income-generating work. This is why the employment rate in Norway is among the highest in Europe and equivalent to the other Nordic countries. For immigrants in Norway, however, and especially for women from some non-Western countries, participation in the labour market is considerably lower than for the natives.

**Figure 4: Employment by age (16–74), gender and country of origin. 4q 2010.**



Source: *Labour Market Statistics, Statistics Norway.*

For immigrant men of non-Western background<sup>241</sup>, the level of employment is lower than of women; employment levels peak at the age of 30, and decline from then on with increasing age. The gender gap between non-Western immigrants is much wider compared to the majority population. On average we find a 20 percentage point difference in employment rates between non-Western men and women in the age group 25–35. Between majority women and non-Western immigrant women the employment gap is even wider.

Immigrants' challenges in the Norwegian labour market are linked to problems with getting into the workforce and remaining there, and to little upward mobility (Djuve and Hagen, 1995; Blom, 1998; Barth, Bratsberg and Raaum, 2002; Blom and Henriksen, 2008). Immigrants' labour market participation varies widely according to reason for immigration and length of residence and gender (Aalandslid and Tronstad, 2010). While labour force participation is naturally high among the newly arrived labour migrants, participation of newly arrived refugees and reunited families is much lower, especially

<sup>241</sup> Non-Western immigrants include immigrants from Asia (incl. Turkey), Africa, Latin-America, Oceania excluding Australia and New Zealand, and Europe outside the EU/EEA. European countries outside the EU/EEA comprise: Albania, Belarus, Bosnia-Herzegovina, Croatia, Kosovo/UNSC 1244, F.Y.R.O.M., Moldova, Montenegro, Russian Federation, Serbia and Ukraine.

during the first few years after settling in the country. Although employment and income rise during this period for most immigrant groups, income levels hardly ever converge completely with those of native born even after a lengthy period of residence. (Blom, 2004; Djuve and Hagen, 1995; Djuve, 2002; Blom and Henriksen, 2007). A recent longitudinal study actually found declining participation in the labour market among most immigrant groups with more than 10–15 years of residence (Bratsberg, Røed and Raaum, 2010).

Narrow wage dispersion associated with centralized wage bargaining may create barriers for the less productive job applicants. In a regulated labour market, such as the Norwegian, offering to work for a lower wage is hardly an option. Strong employment regulations means that both hiring and dismissing workers are costly, and employers are less willing to take risks. Under these conditions, information on an applicant's productivity is important to recruiters. If immigrants are less productive, or perceived to be less productive, employers will be reluctant to hire them (Tronstad, 2010).

While number of immigrants in work rose by 23,700 from 2009 to 2010, the immigrant population also increased, leaving the proportion of immigrant employees almost unchanged at 61.6 per cent. In the total population, the employment rate fell, from 69.7 in 2009 to 69.1 per cent in 2010. (Statistics Norway)

Immigrants from the Nordic countries have the highest workforce participation level at 74.6 per cent, followed by immigrants from EU countries outside the Nordic region with an employment rate of about 71 per cent in 2010. For immigrant groups from the wider world, employment figures are as follows (by area of origin): North America and Oceania, 64.1 per cent; South and Central America, 62.9 per cent; Eastern Europe outside the EU, 61.5 per cent; Asia, 53.3 per cent; and Africa, 43.9 per cent. These differences, between groups of countries have remained stable for several years regardless of economic conditions.

The low level of employment in the African and, to some extent, Asian groups should be viewed in the context of the higher proportion of refugees staying in Norway for shorter periods. Many of the refugees and their reunited families take part in the compulsory introductory programme that lasts for two years after settlement in Norway. The length of residence in Norway has therefore a bigger impact on employment levels in these groups than for those from EEA countries, many of whom are migrant workers who get a job shortly after arrival.

Another factor that explains immigrants' lower labour market participation is the wide gender gap observed in some immigrant groups. Broken down by country of origin, the largest gender gap is found among immigrant groups from Pakistan, Turkey, India, Iraq and Somalia. Other groups like Swedes, Lithuanians, Bosnians, Ethiopians and immigrants from Eritrea have hardly any gender gaps in their employment levels.

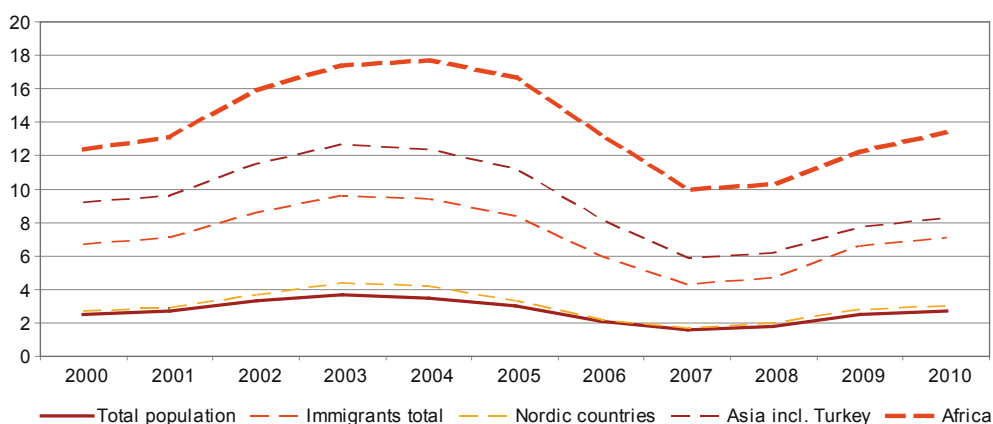
In general, the effect of duration of residence is greater for immigrant women than for immigrant men. During the first few years after arriving in Norway, immigrant women have lower labour market participation than their spouses. After a few more years, there is some convergence between men and women in the immigrant population, but the gender gap still persists after many years of residence. (Tronstad, 2010). High fertility after settlement can be one factor that explains why immigrant women need more time to enter the labour market. However, women from Turkey and Pakistan

with long duration of residence still have low levels of participation. A study by Kavli and Nadim (2008) shows that immigrants from Pakistan are less likely to approve of women and in particular mothers doing paid work.

There are immigrants in every one of Norway's 435 municipalities and they work in all industries and occupations. However, there are some types of work in which immigrants are strongly overrepresented. Overall, immigrants accounted for 11 per cent of the total workforce in Norway in 2010, but in the cleaning sector more than half the people employed are of immigrant background. (Statistics Norway) In 2010, it was six times more likely for a non-Western immigrant to be employed as a cleaner than a native. Since 2008, the number of Europeans, especially Baltic and Polish migrants, working in this industry, has grown too. Other trades like accommodation, restaurants and transport also have a high share of an immigrant workforce. The biggest change is in the personnel recruitment sector where the number of employees has grown rapidly in recent years, with immigrants now accounting for half of all employed in the industry if non-settled immigrants are added.

A foreign-born individual in Norway is three times more likely to be unemployed than a native-born; this ratio has been stable throughout economic fluctuations (Figure 5).

**Figure 5: Registered unemployment among 15-74 year-olds, by country background and percentage of labour force. End of November 2000-2010.**



Source: Statistics Norway.

Registered unemployment among immigrants decreased from 7.2 per cent in May 2010 to 6.5 per cent in May 2011. In the rest of the population, the fall was from 2.2 to 1.9 per cent.

Immigrants from Africa have the highest level of unemployment in 2011, at 12.4 per cent, followed by Asians with an unemployment rate of 8.2 per cent. Immigrants from the new EU Member States had a rate of 7.4 per cent, those from non-EU Eastern Europe – 6.6 per cent, and migrants from Latin America – 6.3 per cent. As usual, there is a gap between the groups from the Nordic countries and Western Europe, which have considerably lower unemployment rates, 2.5 and 2.9 per cent respectively.

The high level of unemployment among Africans is partly due to the dominance of refugees in the group. African immigrants have had highest registered unemployment rate irrespective of the economic cycles for several years now. Unemployment among immigrants from the recently acceded EU Member States is a result of the poor economic climate and loss of jobs by many migrant workers in the construction industry and some manufacturing industries in 2009. However, the outlook for these industries is improving, and unemployment is falling as a consequence.

## Institutional and Legal Framework for Admission and Employment

The Immigration Act and Immigration Regulations are in force since 1 January 2010.<sup>242</sup> Two of the main changes in the Act were 1) to award refugee status to persons already granted residence permits on humanitarian grounds, and 2) to award the same status as refugees under the Act to persons who had earlier been granted asylum in accordance with the Geneva Convention and to persons who are protected from refoulement according to other conventions.

The new Act also entails several conceptual changes. For example, the word *asylum* has been replaced by *protection*, as used in the international refugee law. Second, children's rights will be strengthened. The Regulations include a new main provision stating that children over and under the age of seven and younger children who are capable of forming their own opinion must be heard before decisions are made in cases that concern them. In asylum and family immigration cases, special rules have been introduced on carrying out interviews with children.

The new Act conflated the old residence and work permits into a single residence permit; all permits are now called residence permits. In principle, a residence permit entitles the holder to work in Norway. Permanent residence permits have replaced the old settlement permits under the new Act. A permanent residence permit is granted to persons who have had a permit for at least three consecutive years that can form the basis for a permanent residence permit in Norway.

The new legislation allows labour migrants to start working in Norway already before their application for residence permit has been processed and granted.

The new Act simplifies procedures for EEA nationals who find work in Norway. EEA nationals who receive an offer of employment in Norway are no longer required to submit an application, only to register at a police station and submit documentation of employment. However, an exemption is made in the Act for nationals of Bulgaria and Romania who receive an offer of employment in Norway for the first time. They must continue to submit standard applications before they can be granted residence permits in Norway, and are thus covered by the so-called transitional rules. The new regulations also mean that family members of EEA nationals are only required to register, and can thus promptly follow their immediate family member to Norway. The EEA Regulations also grant right of residence to family members of EEA nationals

<sup>242</sup> Immigration Act and Regulations <http://www.udi.no/newact>

who are not themselves nationals of an EEA/EFTA/EU country, and for employees who work in enterprises that are established in the EEA area (service providers and entrepreneurs). These persons must apply for a so-called residence card.

The new Act introduces new criteria for granting family immigration permits. These are stricter requirements relating to assured subsistence (financial support) and a requirement of four years of work experience and/or education in Norway in order to be granted family immigration permits. In family immigration cases, the main rule is that the person living in Norway must be able to document a sufficient income the year before he or she wishes to bring his/her family to Norway, and he/she must also be able to prove that he/she will have sufficient income the following year. A further requirement was introduced under which the reference person in Norway, as a main rule, must not have received social security benefits in the past year.

## Institutional and Policy Framework for Integration

The government appointed a committee to explore issues associated with immigration and welfare. Grethe Brochmann, who chaired the committee, presented its final report at the end of May 2011.

Describing the current situation in Norway, the committee recommended action to boost labour market participation of certain immigrant groups to maintain the sustainability of the Norwegian welfare state. Migration, the committee says, has created particular challenges for the Norwegian welfare model. The model depends on high participation in working life and a relatively equal income distribution if a generous and universal welfare state is to be maintained. On the other hand, however, the committee said, a compressed wage structure could well heighten the threshold for admittance to working life, and wide-ranging welfare programmes could undermine people's incentives to take paid employment.

Norway, with its high welfare level and strong economy, is an attractive country for prospective immigrants. Indeed, immigration also represents an opportunity for the Norwegian economy to increase the labour force and add skills that are in short supply domestically. It is also an opportunity to improve flexibility by increasing workforce mobility across national borders. The Brochmann Committee emphasized the importance of further opening of Norway for immigration.

In 2008 and 2009, at the time of the financial crisis, demand for labour decreased and the number of unemployed increased in Norway. One of many measures implemented to reduce the impact of the crisis was to expand the capacity of active labour market programmes. In the last quarter of 2008 and in 2009 the number of unemployed persons participating in any labour market programme, such as work practice, training or wage subsidies, doubled compared to the pre-crisis figures. Immigrants and especially immigrants with non-Western background are overrepresented in the labour market programmes (Djuve and Tronstad, 2011).

Given the availability of register data in Norway, the impact of labour market measures on participants' labour market outcomes has been relatively well studied. A recent study on the effect of labour market programmes by Zhang and Hardoy (2011) confirms previous studies on the beneficial outcome of wage subsidies for non-

Western immigrants likelihood of getting a job. They found no effect of *work practice*. More generally, the recent Nordic evaluation literature shows that wage subsidy programmes targeted at immigrants and other disfavoured groups in the labour market consistently yield positive results, improving labour market outcomes (Nekby, 2008).

**Table 1: Persons registered in active labour market measures, by type of measure and country of origin. Mean stock of persons 201**

	Non-Western immigrants	Western immigrants	Immigrants total	Proportion of immigrants (of total), %
Training	1,876	496	2,372	51
Work practise	1,594	443	2,037	38
Wage subsidy	409	162	571	26
Follow up	413	117	530	31
Job creation		20	20	14
Clarification measures	15	4	19	14
Total	4,310	1,242	5,552	39

Source: Djuve and Tronstad, 2011.

In 2009 the government presented an action plan for 2009-2012 on prevention of ethnic discrimination. The plan included many anti-discrimination measures across different spheres of Norwegian society. One of the plan's innovative aspects was the government's involvement as a social partner, aimed at strengthening collaboration with employer and employee organisations. The government agreed with these organisations to pursue a common goal and combat discrimination in the workplace and promote recruitment of minorities to positions in both public and private sector. During the period covered by the plan, 2009-2012, the government and social partners will be working in concert on several measures.

From 1 January 2009, employers, public authorities and employer/employee organisations came under a legal obligation to promote equality and prevent the discrimination of persons on the basis of their disability, ethnicity, religion and so on, and report on their efforts and results. A similar positive duty to promote gender equality has long been in place. A recent study on the positive duty to promote equality on different grounds among employers and trade union representatives revealed that after one year only 50 per cent of employers followed their legal duty and had adopted a plan to promote equality (Tronstad, 2010).

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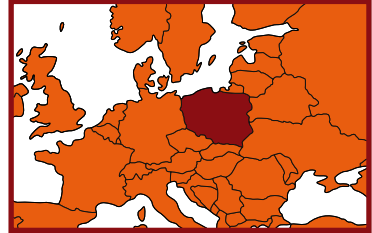
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# POLAND

Marta Biernath<sup>243</sup>



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## Migration Trends

Despite the fact that Poland remains a net emigration country, researchers anticipate – on the condition of sustained economic growth and successful labour market reforms – that the migration balance of Poland will be reversed in the future (cf. Wojakowski, 2007; Grzymała-Kazłowska, 2008). Indeed, there are several indicators that already reveal that Poland is gradually but increasingly becoming a destination country for a growing number of immigrants. For instance, statistical data for 2009 and 2010 suggest a marked increase in the number of issued residence and work permits in comparison to the previous periods described in LINET 2010 country report.

Due to the diversity in categories of migrants and fluidity of migration flows, the official statistics fail to capture the overall stock of immigrants in Poland. One of the attempts was undertaken by the population census carried out in 2002 (Table I). Data on the composition of the foreign population by country of origin revealed that immigration to Poland was dominated by Ukrainians, Germans,<sup>244</sup> Russians, Belarusians, Americans and Vietnamese. The census revealed that the stock of foreign nationals residing in Poland both permanently and temporary amounted to 74,257 migrants, what constituted less than 0.2 per cent of the total population (Jaźwińska, 2006; Okólski, 2010). The subsequent years seemingly did not produce significant changes. According to Eurostat, in 2010 the share of foreign citizens in the population of Poland was calculated to be less than one per cent.<sup>245</sup> It is anticipated that those figures will be

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<sup>244</sup> A high position of Germans does not – for the most part – owe to immigration but to the presence of an indigenous German ethnic minority in Poland, representatives of whom frequently possess double citizenship.

<sup>245</sup> Such official data certainly raises the question of the clandestine immigration to Poland. Throughout years, according to some estimates irregular migrants were assumed to be the largest category of immigrants to Poland (cf Okólski, 2000; Grzymała-Kazłowska, Okólski 2003; Łodziński 2003; Iglicka, 2005), however recently Marek Okólski, who examined the data obtained via regularisation programmes carried out in 2003 and 2007 claimed that irregular immigration to Poland “is not as high as it is generally believed” (2010: 42).

verified by the General Population and Housing Census held April-June 2011; its first results will be available in 2012.

**Table 1: Foreign nationals in Poland listed by residence status according to their own declarations; top 10 nationalities as of May 2002**

Citizenship	Temporary (from 3 to 12 months)	Temporary (more than one year)	Permanent (no time limit)	Total
Total	11,362	22,710	40,185 <sup>a</sup>	74,257
<b>Per cent in total stock</b>				
Ukraine	22	23	16	12,683
Germany	17	12	23	12,293
Russian Federation	7	6	9	5,244
Belarus	6	6	5	3,607
USA	7	5	4	3,354
VietNam	2	3	4	2,363
Armenia	2	5	2	1,933
France	3	3	2	1,718
United Kingdom	4	3	2	1,698
Italy	2	2	2	1,405

Source: Central Statistical Office, *National Census 2002* (Okólski, 2010).

<sup>a</sup> Excluding persons and foreigners whose citizenship was not established (376 persons).

Despite the relatively small stock of migrants, the number of foreigners residing in Poland has been steadily growing. One of the indicators of this trend is the number of issued residence permits. Indeed, in 2000 15,039 fixed-time and 858 permanent residence permits were issued, whereas in 2010 these numbers grew to 30,726 and 3,363 respectively.<sup>246</sup> This new wave of immigration is conditioned by economic reasons (cf. Górný, Kępińska, 2004; Halik, Nowicka, 2002; Grabowska-Lusińska, 2010), but other categories foreigners enter Poland as well, such as spouses of the Polish nationals,<sup>247</sup> international students and ethnic Poles who return to their homeland (Okólski, 2010). On 31 December 2009, 92,574 foreigners had valid residency permits (14,808 more than in 2008).

Throughout the last two decades, short-term migration predominated in Poland, and it seems that this component is currently the most statistically significant. In 2010, out of 207,331 national visas issued by the Polish consulates, more than half (108,426) constituted visas with a right to take up employment and 33,400 (16.1%) visas were issued with a right to conduct economic activity. Over 96 per cent of national visas with a right to take up short-term employment, which mostly entitle foreigners for up to six-month residence in Poland,<sup>248</sup> were issued to citizens of Ukraine, Belarus and

<sup>246</sup> Source: Office for Foreigners [www.udsc.gov.pl](http://www.udsc.gov.pl)

<sup>247</sup> There are approximately 4,000 mixed marriages in Poland annually. A marriage model that more often results in settlement of a foreigner in Poland regards marriages between Polish men and foreign women. Nevertheless, these are marriages between Polish women and foreign men that currently predominate in Poland.

<sup>248</sup> That constituted 12 per cent of all visas and over half of all national visas.

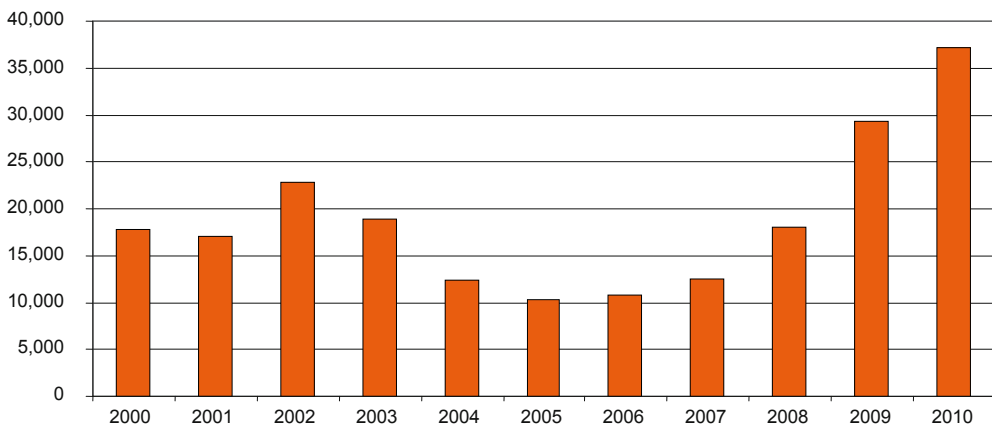
Russian Federation. Among the non-European countries, the largest number of visas with a right to work was issued to citizens of China (2%) and India (1%).

## Labour Market Impact

The economic growth in Poland in the first half of the 2000s, combined with its accession to the European Union that resulted in a noticeable outflow of Poles, by and large, contributed to a decline in unemployment in Poland. In September 2008, the registered unemployment rate fell to the relatively low level of 9.1 per cent.<sup>249</sup> Such conditions resulted in an increased demand for foreign work force in the secondary sector. Despite the economic crisis that occurred in the subsequent years, which among others manifested in a growing unemployment rate<sup>250</sup> and fewer vacancies, the official statistics did not indicate a decreasing demand for foreign labour in 2009 and 2010.

In fact, the number of work permits issued in 2009 increased by over 60 per cent (29,340 permits) compared to 2008. Permits were mostly granted to the nationals of Ukraine (33%), China (16%), VietNam (9%), Belarus (6%), Turkey (5%) and India (4%). This trend also continued in 2010, when 37,121 work permits were granted (a further increase of over 30% compared to 2009), mostly to the nationals of Ukraine (35%), China (17%), VietNam (6%), as well as Nepal (6%), Belarus (5%) and Turkey (4%).<sup>251</sup> In 2010 the number of work permits issued to foreigners is three times higher than in 2004 – the year of Poland’s accession to the EU (Figure 1).

**Figure 1: Issued work permits, 2000-2010**



Source: Ministry of Labour and Social Policy.

Despite these trends, it should be noted that the share of foreigners in the Polish labour market amounts to mere 0.3 per cent.<sup>252</sup> The analysis of the sectors for which the

<sup>249</sup> As compared, for instance, to (approximately) 20% circa 2000.

<sup>250</sup> In March 2011 the registered unemployment rate reached the level of 13,1%. Source: Ministry of Labour and Social Affairs.

<sup>251</sup> Source: Ministry of Labour and Social Affairs.

<sup>252</sup> Data refer to all migrant workers in Poland aged 15-64.

work permits were issued, indicates that employment of foreigners is complementary to the native labour force. (Grabowska-Lusińska, Żylicz, 2008). The non-EU nationals are predominantly engaged in trade (16% of work permits in 2010; out of those 36% for Chinese nationals), construction (16%; Ukraine - 34%), manufacturing (11%; Ukraine - 33%), household services (7%; Ukraine - 87%) and agriculture (3%; Ukraine - 78%). Foreigners are also employed in positions requiring high level of qualifications. In 2010, the non-EU nationals filling this type of posts were mostly employed in professional, scientific and technical jobs (9% of work permits; Nepal – 33%), insurance and information (0.4%; China - 44%) and communications (0.4%; India - 36%).

Getting hold of the data on the actual stock of temporary migrants is particularly challenging. For example, in 2008 the Central Statistical Office in line with Eurostat guidelines<sup>253</sup> attempted to determine the actual size of immigration in Poland, as well as to capture the demographic, social and economic profile of, particularly, temporary immigrant population active on the labour market. However, only 1.1 per cent of surveyed persons stated that they considered themselves as migrants. Furthermore, 96 per cent of those persons resided in Poland on a permanent basis, and almost half of them were 70 years of age or older, and – not surprisingly in this case – about 81 per cent of them were economically inactive (CSO, 2008). Thus, one of the fundamental objections to the reliability of this study relates to the definition of a migrant that was adopted. A migrant was defined - in addition to a foreigner who has a right to reside in Poland, as a Pole who was born abroad and after birth lived there for at least a year. This could have resulted in overrepresentation of elderly people who were born before the Second World War in the territory of present-day Ukraine or Belarus. Furthermore, additional objection refers to the fact that, as for now, most studies (as well as primary data) have indicated that immigrants to Poland, are mostly persons of working age who come to Poland seeking economic opportunities (cf. Fihel, 2008; Górny et al., 2010).

Similar shortcomings plague data on refugees – although statistics do record the number of refugee statuses granted in Poland annually, there are no official figures that would allow for the analysis of data on their economic attainment. Hence, the current knowledge on the overall structure of the foreign work force employment in Poland should be regarded only as partial. At the end of November 2009, only 0.1 per cent of all registered unemployed persons were foreigners.

This raises the question on the scope of irregular migration and irregular migrant employment in Poland. In 2009, the National Labour Inspectorate conducted 1.7 thousand controls of legality of employment that, in effect, reached 1,617 institutions (mostly small companies) employing more than 10.3 thousand foreigners. Infringements were revealed in 43 per cent of companies under scrutiny, but the irregular employment of foreigners – defined as employment without a work permit (or any other document that would authorise foreigners' employment) or working in another position than indicated in the work permit – was disclosed in nearly 13 per cent of the inspected institutions. This means that in 2009 the number of disclosed cases of illegal employment of foreigners doubled compared to 2008. The largest group of foreigners working irregularly were Eastern Europeans (including 59% of nationals

<sup>253</sup> The study was conducted in all European Union countries and adopted the specifications of the 2008 ad hoc module on the situation of migrants and their immediate descendants in the labour market.

of Ukraine), followed by the nationals of various countries in East and South-East Asia (21% altogether, mostly Chinese workers).

One of the key immigration channels that facilitated labour immigration into Poland in the recent years is the 2006 ordinance of the Minister of Labour and Social Policy that allowed citizens of Belarus, the Russian Federation and Ukraine to take up employment in agriculture and horticulture without a work permit for a maximum period of three months within a six-month period. The document was issued for this purpose – a declaration of intention to entrust job to a foreigner. After three months spent working in Poland, a foreigner was required to leave for a period of three months before he or she could return to work, again for another three months (Szczepański 2010).

The unusually rapid implementation of the new ordinance could be explained by the successful lobbying of farmer and fruit-grower organisations, despite the strong opposition of trade unions (Szczepański 2010). The procedure is as follows: an employer reports to the district labour office the intention to employ a given foreigner, in response to which the office issues a document certifying such intent (the above mentioned declaration). This document must then be delivered to a foreigner indicated in the declaration on the basis of which he or she can apply for a national visa, then acquiring a right to enter and to take up employment in Poland.<sup>254</sup> These provisions do not provide any explicit definition of a migrant worker but this labour market instrument was developed and aimed at attracting migrants to sectors requiring less skilled migrants (Szczepański 2010). Indeed, the largest part of all declarations issued in 2007-2010 was for undertaking employment in agriculture (58%) and construction (10%) (table 2).

**Table 2: Inflow of migrants holding declaration of intent to entrust job to a foreigner according to the sector of economy in actual numbers, 2007-2010**

	2007	2008	2009	2010	TOTAL
TOTAL	21,797	156,713	188,414	180,073	546,997
SECTOR					
agriculture	6,431	77,187	122,352	109,603	315,573
construction	5,629	23,949	19,095	6,619	55,292
households	1,242	8,270	8,791	2,585	20,888
trade	746	5,031	3,815	6,249	15,841
industry	2,940	10,071	6,600	3,661	23,272
transport	754	4,619	3,041	6,249	14,663
catering	451	2,293	1,895	2,612	7,251
hotels	214	1,431	1,579	1,479	4,703
temporary employment agency	992	10,312	11,341	10,999	33,644
other	2,229	13,138	11,385	15,995	42,747

Source: Ministry of Labour and Social Affairs.

<sup>254</sup> Additionally after a foreigner's arrival to Poland, in order for them to be employed or be consistent with the law, an employer must sign with him or her a contract and report the hiring to the Social Insurance Institution.

The impact of these provisions is significant: only in 2010, the district labour offices registered over 180,000 of such declarations, whereas in 2007 – almost 22,000.<sup>255</sup> Throughout the entire period of the validity of the ordinance, the nationals of Ukraine were the main beneficiaries of this scheme (Table 3). In 2010, more than 94 per cent of such declarations were issued to the Ukrainians for jobs in agriculture (61% of all declarations) and construction (11%). It seemed that this system turned out to fill the supply gaps efficiently and met the initial expectations.

Currently the provisions have been extended and allow citizens of Belarus, Georgia (since 2010), Moldova (since 2009), the Russian Federation and Ukraine to apply for a 12-month national visa with the right to work in Poland for six consecutive months without a work permit and, furthermore, are also available to foreigners who wish to take up employment in other sectors than agriculture, horticulture and construction. Moreover, at the end of 2010 these provisions were prolonged for the indefinite period of time, although they were initially designed to function until the end of 2010.

Data on the levels of the education attainment of third-country nationals benefiting of this scheme is not registered. The fragmentary data indicates that not only workers with low levels of educational attainment participate in this scheme. In fact, it has been revealed that these migrants are willing to accept work below their qualifications as long as a satisfactory level of income is guaranteed and that it is often spent on maintaining a household in Ukraine (Grzymała-Kazłowska et al. 2008).

**Table 3: Nationals of Ukraine holding a declaration according to sex and age in actual numbers, 2007-2010**

	2007	2008	2009	2010
TOTAL	20,260	142,960	180,133	169,490
<i>Out of which - women</i>	7,968	69,310	88,895	77,889
Age				
under 29 years of age	3,186	24,404	36,345	36,644
26-40	9,758	66,054	82,732	76,364
41-65	6,991	51,903	62,220	56,037
over 65 years of age	74	709	562	393

Source: Ministry of Labour and Social Affairs.

This labour immigration instrument in some cases was misused and exploited in a manner inconsistent with the law. The National Labour Inspectorate and the Border Guard checks in 2009 revealed large amounts of fictitious declarations, possibly issued with the purpose of resale. There were also cases in which foreigners did not take up a legal job, although they did cross the Polish border. Furthermore, practice shows the lack of adequate instruments to facilitate effective monitoring and combating abuse of these provisions. In effect, the abovementioned figures regarding the number of registered declarations do not reflect the level of foreign less skilled workers'

<sup>255</sup> This high number may indicate an increased interest in taking up short-term employment and/or a shift towards documented employment of foreigners in Poland (Okólski, 2010).

employment in the Polish labour market. Probably, a more relevant proxy of the actual number of migrant workers making use of this scheme is the number of issued national visas with a right to work. Moreover, it should be borne in mind that not all persons who received such visas and came to Poland on this basis actually took up employment. Additionally, those who did so were not necessarily employed regularly, as employers at times do not report migrant employment to the relevant offices.

## Institutional and Legal Framework for Admission and Employment

In the recent years the general rules of the Polish legislation on foreigner admission and employment have remained unchanged. Nevertheless, the approach towards the gradual liberalization of the access to the Polish labour market for certain categories of migrants can be observed. It is reflected also, in the development of regulations since 2003 that allow certain groups of foreigners to work without a work permit,<sup>256</sup> in the introduction of the seasonal migration scheme (2006), or in the relatively recent facilitation and lowering of the costs for employing non-EU nationals (2009).<sup>257</sup>

A significant effort towards a comprehensive reform of the Polish immigration policy is the draft proposal of a new Alien Act that was presented for public consultations in February 2011. One of the main motives for proposing a new law was to transpose provisions of the EU directives to the Polish legislation – including the so-called Return Directive (2008/115/EC) and the Blue Card Directive (Directive 2009/50/EC).

The draft law reaffirms the centrality of labour market need considerations in developing the migration policy. The interpretation of this underlying principle in the draft act suggests the need to sustain complementarity between the native and immigrant workforce, as well as advocates for the preferential treatment of selected groups of migrants in terms of access to residency and employment rights in Poland. The following preferential groups of migrants are mentioned: persons of the Polish descent, students, academia, graduates of the Polish tertiary institutions, foreigners conducting business activities, economic migrants with shortage qualifications, EU nationals and members of their families, family members of Poles or permanent residence holders, minors (especially unaccompanied), foreigners with “integration potential” (assessed on the basis of cultural proximity, language skills, and so on), refugees and persons granted subsidiary protection and other categories that can be distinguished on the basis of international agreements or partnerships for mobility.

Various important changes are in the pipeline will regard to the labour market and procedures of applying for a work permit. Shortly Poland will be obliged to introduce a single residence and work permit in line with the new EU legislation. Contrary to the present requirements, a foreigner would be a claimant in the entire procedure of applying for a single permit. Nevertheless, it is still planned that in case of a job loss,

<sup>256</sup> See LINET Country Report 2000-2009.

<sup>257</sup> Before the amendment, the issuance of a work permit for a foreigner had two stages. First, the employer received an indication of a work permit which was the basis for applying for the documents legalizing migrant residence in Poland; only after then a work permit was granted. The amendment of 2009 abolished the first stage.

a foreigner will have to apply for a new permit that in practice will not eliminate the often criticized tie-in of the foreigner's residence status to the decisions and actions of the migrant's employer.

Furthermore, the discretionary and vague criteria of usefulness of the economic activity run by a foreigner to the Polish economy was sustained as a criterion to be taken into consideration while issuing and prolonging the residence permit with a right to conduct business activities.<sup>258</sup> At the same time, the amount of financial resources in possession of a foreigner as a prerequisite for receiving and prolonging a residence permit was increased. A foreigner will have to document an income of a minimum monthly salary (to be increased per each additional dependent family member).

Furthermore, in April 2011 the Ministry of the Interior and Administration presented a draft document *Migration Policy of Poland – Current Status and Requested Actions*. The aim of this document is to define (short-, medium- and long-term) policy objectives and, in effect, to give rise to the development of such instruments that would serve their accomplishment. The fundamental principles, corresponding to the draft Alien Act underline the necessity of opening up Poland and the Polish labour market to the selected groups of migrants (such as persons of Polish descent, graduates of the Polish universities or persons with 'integration potential') and enhancing their adaptation in Poland.

The *Migration Policy of Poland* contains a review of the current system of migration management which indicates that most of the existing policy instruments would be maintained, although some of them should be a subject to improvements. It also suggests several areas which require a revised approach, including (1) setting up priorities for foreigner admission; (2) simplification of rules regulating foreigner residence and employment; (3) setting up effective integration measures, (4) improvement of measures on combating irregular migration, (5) tackling the dispersal of competences among public institutions dealing with foreigners, and (6) improving the knowledge on migration in Poland.

Another important document that will influence migration management in Poland is the Law on Sanctions for Employers Hiring Third-country Nationals Who Reside in the Country of Arrival in Breach of Its Legislation that was adopted by the Council of Ministers in April 2011. This law transposes the Directive 2009/52/EC of 18 June 2009 that provides for the minimum standards in relation to sanctions and measures against employers of third-country irregular workers. The purpose of this law is to reduce the scale of irregular immigration to Poland by reducing the attractiveness of employment of irregular residents by introducing a system of administrative, civil and criminal penalties for irregular employment of foreigners. At the same time, the law facilitates seeking compensation by irregularly employed non-EU nationals, imposes a financial responsibility of the contractors and subcontractors in the event of their defaulting, as well as obligates the determination of risk sectors in which irregular employment is likely to occur in order tailor the respective enforcement measures.

<sup>258</sup> Despite the fact that this category of migrants has been recognised as the one that would be treated preferentially.



# Institutional and Policy Framework for Integration

Since the 1990s until the mid-2000s, the Polish migration policy was mostly focused on controlling migratory flows. Integration policy was for many years dismissed in these debates and, effectively, referred only to refugees and persons granted subsidiary protection. In consequence, currently the vast majority of migrants in Poland are not eligible for any specific support measures that would enhance their integration. Hitherto, the Polish integration policy has been critically labelled by Grzymała-Każłowska and Weiner as “assimilation via abandonment” (2006).

Only since very recently, it has been pointed out to the need of opening up Poland and the Polish labour market to selected categories of migrants and of setting up the appropriate tools that would facilitate the bilateral process of adapting both migrants and the host society. An attempt to address these deficiencies has been eventually taken up in the already-mentioned Migration Policy of Poland. This document indicates the priorities of the Polish migration and integration policies and as such is relatively general but, if it is passed by the Council of Ministers, it will be accompanied by an executive act that will refine these general issues.

The definition of integration adopted in this document indicates that its aim is to enable migrants to exist independently, to take advantage from access to the labour market, education and health care system, to participate in the social life and to enjoy civic rights. The cultural and religious needs of migrants should be respected in this process as well. This document also defines integration policies as a means of building a cohesive, close-knit and tolerant society, where the immigrant population co-exists harmoniously with the local population. In order to meet these goals it is proposed to adopt comprehensive but voluntary mechanisms of integrating various categories of migrants (and not only refugees and persons granted subsidiary protection previously the case) and at the same time to establish a system of incentives that would encourage migrants’ participation in such programmes.

Furthermore, a rule of determining general priorities of integration policy at the central level while defining and implementing concrete actions at a local one was adopted. It also recognises the increasing role of migrant communities in the process of integrating foreigners (for instance, by proposing the introduction of a mentor / assistant institution). And eventually, since integration in this document is perceived as two-way process, it also emphasises the necessity of conducting activities that aim at bringing closer Poles and immigrants and to augment knowledge on immigrants and immigration among the host society.

With regard to refugees and persons granted subsidiary protection, the Policy redefines integration programmes that were assessed by various NGOs dealing with refugees as well as by refugees themselves as inefficient - mostly due to the inefficient supply of relevant services (like language classes) and a short duration of the programme that actually hindered real chances of becoming self-sufficient (cf. Frelak, Klaus, 2007). The Policy introduces obligatory pre-integration programmes for persons applying for refugee status; there is also a demand for setting up smaller refugees centres located in larger cities where the access to the labour market is regarded to be easier. The document aims at improving the efficiency of integration programmes:

this would include the improvement of the Polish language skills of foreigners granted international protection, enabling them acquisition of qualifications that are valued by the labour market, provide them with factual access to housing after leaving the refugee centres and enhancing their labour market participation, among others, by introducing a system of incentives for employers hiring them (though, the document does not specify what kind of incentives could be implemented).

One of the major recommendations contained in the Policy relates to urgently lacking provisions for monitoring and assessing current activities. With regard to integration, the need of developing indicators of a degree of integration of foreigners in Poland, for monitoring social attitudes and information broadcasted by media as well as the necessity of carrying out analysis of state, society and foreigner needs regarding integration are pointed out. It also implies that the implementation of the Migration Policy of Poland will be monitored in the subsequent period in order to assess its effectiveness and, if necessary, the changes will be brought in.

Interestingly enough, this document considerably changes the approach to integration – previously, it was perceived as a phenomenon not requiring any regulations or facilitations that occurs “while making other plans” (Rosaldo 1989) whereas now – assuming that these provisions will be passed by the Council of Ministers - it will be regarded not only as an indispensable component of broader migration policy but it will become an element of mainstream policies. An element worth underlying is also the assurance of financing integration policy by the state, with a complementary use of European Community resources, in particular of the European Fund for the Integration of Third-Country Nationals. Nevertheless, in the near future the immediate costs associated with financing integration measures borne by the state may be in fact limited, due to the imperative of low-cost generation strongly promoted by the Minister of Finance.

The current legislation only to a limited extent comprises measures aiming at promoting employment of foreigners in Poland. The narrow-scale integration programmes are directed only at refugees and persons granted subsidiary protection. Since their outset, the general curriculum and management of these programmes have not been notably changed.. The hitherto passive approach towards migrant activation in the labour market is also visible in this case: these programmes in fact, discourage migrant employment. Namely, if a refugee manages to take up an employment, financial benefits he or she received are withdrawn.

Nevertheless, in the recent years there have been symptoms of a changing pattern. For instance, the introduction of declarations for foreign workers in 2006 significantly simplified taking up short-term employment. Furthermore, there have been an increasing number of governmental strategic documents issued on the role of immigrants on the Polish labour market. These include the National Development Strategy, the National Employment Strategy for 2007-2013, the Social Policy Strategy for 2007-2013 and the recently published draft Migration Policy of Poland. As a result of these efforts, several categories of migrants were exempted from the work permit obligation and the costs and procedures associated with applying for a work permit were respectively lowered and simplified.

The draft Migration Policy of Poland highlighted the necessity to open the Polish labour market to foreigners and to set up the appropriate tools for effective management

of migration and integration. Effectively, an underlying goal of the proposed Polish migration policy would be increasing the share of selected categories of migrants on the Polish labour market in accordance with its needs. This document calls for simplified rules governing the admission, stay and employment for foreigners in Poland (for example, for graduates of the Polish education system institutions, white-collar workers and foreigners with shortage qualifications), while strengthening measures combating irregular immigration, introducing a single residence and work permit, facilitating access to the labour market for foreigners legally residing in Poland and developing a simplified mechanism for taking up short-term employment.

As of January 2011 (Journal of Laws 2010 No. 254 Item 1700) all inhabitants of Poland, including migrants who fall victims to discrimination can rely on an explicit anti-discrimination law. This act on equal treatment implements selected anti-discrimination provisions of the European Union, in particular those of Directives 86/613/EC, 2000/43/EC, 2000/78/EC, 2004/113/EC and 2006/54/EC. The law is intended to be enforced favourably for a complainant, in its provision that all discrimination-related cases gain advantage from shifting the burden of proof.

Even if (solely) employment discrimination claims enjoyed the shift in the burden of proof also before 2011, meaning that the employer accused of discriminatory practices had to defend themselves, migrants rarely reported such incidents. The official data on the labour market does not seem to reflect this reality. For example in 2010, the Department of Labour in the Regional Court in Warsaw registered only two cases which concerned discrimination in the work place reported by foreigners. Various NGOs working on discrimination in Poland claim a much higher scale of such incidents based on their everyday contacts with foreigners.

Poland still lacks a representative study on discriminatory practices, in particular on the labour market. One of the most interesting attempts in this area was the first pilot study in Poland based on a situational testing method conducted in 2010 (Wysieńska, 2010). This study aimed at demonstrating the trends in the approaches of employers to foreigners. Yet, due to a small sample, it is not representative to make conclusive observations on the existence of discriminatory practise among employers. However, this study has a descriptive value, indicating that the differences in treatment of Poles and foreigners in the labour market were indeed observed. Interestingly enough, the findings of the opinion polls conducted in 2010 revealed that the vast majority of surveyed Poles (81%) declared acceptance for foreigners' employment in Poland (CBOS 2010). These results may suggest that there is still a significant gap between the acceptance of migrants and their actual hiring.

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# PORTUGAL

Frederica Rodrigues<sup>259</sup>



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## Migration Trends

The foreign resident population in Portugal reached 454,191 persons at the end of 2009, accounting for an increase of 13,914 persons (~3%) compared to the same period in 2008 (440,277). By contrast, in 2010, the number of immigrants in Portugal amounted to 445,262 citizens (provisional data from SEF, 2010a), representing a decrease of almost 2 per cent from the previous year and accounting for 4.2 per cent of the total population. Though the economic crisis had an effect on the return to the countries of origin of some immigrants (such as Brazilians and Angolans), the decrease in the resident foreign population is also due to a boost in naturalization.

Notwithstanding, it is possible to verify a drop of 15 per cent at the level of first residence permits issued between 2008 and 2009, falling from 72,826 to 61,445<sup>260</sup>. The same trend occurred between 2009 and 2010, where in the aftermath there were 50,747 first residence permits issued (a decrease of 17.4 percentage points). In 2010 as well as in the preceding years, Brazilians are the largest group of immigrants accounting for 31.9 per cent of total net immigration, followed by the Romanians (11.9%) and Capeverdeans (8.3%).

Among the total resident foreign population, the significant majority of migrants (76.8%) originated from outside the European Union. Official data suggest that the biggest group was formed by citizens from Central and South America, of whom more than 98 per cent are from Brazil, followed by nationals of the United Kingdom, Germany and Spain. The third group came from the African Portuguese-language countries, although they are progressively losing importance in the total foreign

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<sup>260</sup> Please note that these data do not correspond to migration inflows, given that Law23/2007 foresees the issuance of residence permits to foreigners already residing in the country. In fact, according to SEF, the majority of first residence permits issued were given to foreigners already living in Portugal. Until today there is no info for 2010.

population (also due to naturalizations). In terms of distribution by country of nationality, in 2010 the first two positions were occupied by Brazil (26.8% of the total foreign population) and Ukraine (11.1%), followed by Cape Verde (9.8%), Romania (8.2%) and Angola (5.2%).

**Table 1: Foreign resident population in Portugal, in 2000, 2005, 2009 and 2010**

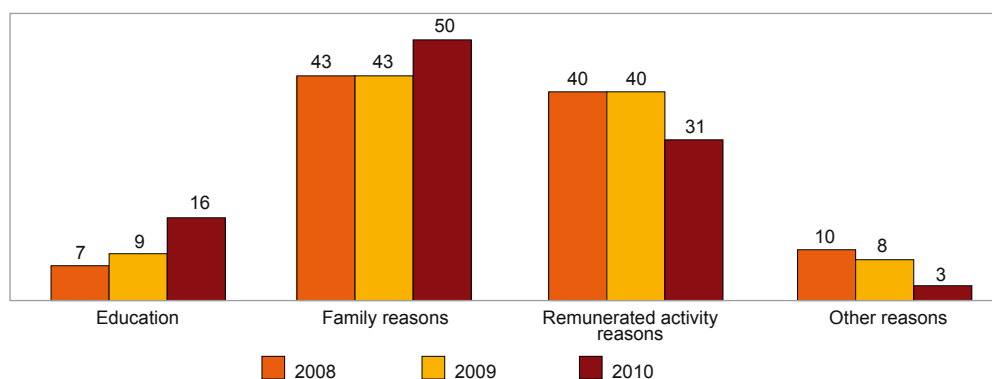
	2000		2005		2009		2010		Variation 2000- 2010
	N	%	N	%	N	%	N	%	%
Africa (PALOP)	98,769	47.6	118,736	43.0	113,159	24.9	100,907	22.7	2
Cape Verde	47,093	22.7	56,433	20.5	48,845	10.8	43,979	9.9	-7
Angola	20,416	9.8	27,697	10.0	26,557	5.8	23,494	5.3	15
Guinea Bissau	15,941	7.7	21,258	7.7	22,945	5.1	19,817	4.5	24
S. Tomé & Príncipe	5,437	2.6	8,274	3.0	11,484	2.5	10,495	2.4	93
Mozambique	4,619	2.2	5,074	1.8	3,328	0.7	3,122	0.7	-32
European Union	56,850	27.4	77,653	28.1	94,157	20.7	103,224	23.2	82
United Kingdom	14,096	6.8	18,966	6.9	16,373	3.6	17,196	3.9	22
Spain	12,229	5.9	16,383	5.9	8,060	1.8	8,918	2.0	-27
Germany	10,385	5.0	13,571	4.9	8,614	1.9	8,967	2.0	-14
Europe (non-EU)	3,639	1.8	10,907	4.0	82,404	18.1	74,517	16.7	1,948
Ukraine	163	0	2,070	0.8	52,293	11.5	49,505	11.1	30,271
Moldova	15	0	1,374	0.5	20,773	4.6	15,641	3.5	104,173
Central and South America**	27,395	13.2	37,617	13.6	118,389	26.1	121,372	27.3	343
Brazil	22,202	10.7	31,546	11.4	116,220	25.6	119,363	26.8	438
Asia	8,746	4.2	12,847	4.7	30,277	6.7	28,978	6.5	231
China	3,282	1.6	5,530	2.0	14,396	3.2	15,699	3.5	378
India	1,290	0.6	1,770	0.6	5,782	1.3	5,271	1.2	309
Others	12,188	5.9	18,146	6.6	15,805	3.5	16,264	3.7	33
<b>Total</b>	<b>207,587</b>	<b>100.0</b>	<b>275,906</b>	<b>100.0</b>	<b>454,191</b>	<b>100.0</b>	<b>445,262</b>	<b>100</b>	<b>114</b>

Source: SEF



Based on the 12,741 residence visas granted in 2009<sup>261</sup>, the primary reason for entry was for studies, students exchange programmes, traineeship at work or voluntary work (42.1%), followed by family reunion (39.5%) and employment (10.2%). Residency visas for purposes of research or highly qualified assignment account for 3.2 per cent and those granted for migrant entrepreneurs (individual professional activity)<sup>262</sup> account only for 1.6 per cent.<sup>263</sup>

**Figure 1: Residence permits, by reason in 2008, 2009 and 2010 (%)**



Source: Data from 2008 and 2009 from Eurostat; data from 2010 from SEF (2010a)

Shedding light on the number of irregular third-country nationals identified by the inspection of SEF, a decrease could be observed from 7 per cent of workers in 2008 to 6 per cent in 2009<sup>264</sup> and 1.6 per cent in 2010. At the level of applying the exceptional regime for legalising foreign citizens in an irregular situation,<sup>265</sup> 20,664 and 13,435 residence permits were granted in 2009 and 2010 respectively.

## Labour Market Impact

In 2010, foreigners constituted about 4.6 per cent of the total labour force in Portugal. Between 2009 and 2010, there is a loss in the labour supply of immigrants (-6200/-2%).

<sup>261</sup> The Residence Visa is granted in order to obtain a *Residence Permit* being issued for (a) work contracts longer than 6 months, (b) other specific situations other than work. Residence Visa has the duration of four months, during which the visa holder must apply for a residence permit in order to be able to regularly reside in the country for a longer period. While applying for the residence permit, the visa can be renewed for a maximum of 90 days.

<sup>262</sup> The regime in Portugal makes a distinction between the types of self-employment, dividing the category into individual professional activities and investment.

<sup>263</sup> In terms of nationalities, Capeverdeans are the dominant group, representing 21.6% of the total receivers of residency visas in 2009, followed by Brazilians (20,1%) and Chinese (9,9%).

<sup>264</sup> There were 66717, 54227 and 247529 foreign citizens identified by SEF in 2008, 2009 and 2010.

<sup>265</sup> Portuguese law envisages the granting of Residence Permits without a residence visa for subordinate employment, under the terms of Art. 88 of the Foreigners' Law. To this end, the third country nationals must have a work contract signed according to the terms of prevailing legislation, have legally entered and remained in the national territory and have complied with social security obligations. Such permits are granted by means of a proposal by the director general of the SEF or on the initiative of the Minister for the Internal Administration.

**Table 2: Active population for nationals and foreigners (2000-2010)**

	Active population			% foreigners on the total active population
	Nationals	Foreigners	Total	
2000	4,799.3	104.5	4,903.8	2.1
2005	5,034.5	186.9	5,221.5	3.6
2009	5,014.9	248.0	5,262.9	4.7
2010	5,022.4	241.8	5,264.1	4.6

Source: Labour Force Survey (Eurostat).

Although Portugal experienced a 1.3 per cent growth in the GDP rate in 2010, after a sharp decrease of 2.5 per cent between 2008 and 2009<sup>266</sup>, employment still dropped by 2 per cent between 2009 and 2010. This especially hit foreign citizens with a decrease of 5 per cent in the employed population, more particularly third-country nationals (decrease of 6 p.p compared to 5 p.p in the case of EU nationals). This is a significant change on the patterns of immigrant employment, given that migrant labour has contributed to employment growth throughout the past decade. Among immigrants, in 2009 there is a decrease of 6.6 pp in the employment rate compared to a decrease of 1.8 points among the national workers. In the same line, in 2010 the employment rate of nationals decreased by 0.6 p.p. from the previous year while the decrease was by 1.2 p.p. among foreigners. However, Portugal continues to show one of the highest employment rates for foreigners in the EU27.

**Table 3: Employment rate of nationals and foreigners, 2000-2010**

	Nationals	Foreigners	EU nationals	Non EU nationals	Gap in p.p. (foreigners vs nationals)
2000	68.2	68.5	...	...	0.3
2005	67.3	71.4	68.1	72.1	4.1
2009	66.2	66.7	70.4	66.2	0.5
2010	65.6	65.5	64.3	65.7	-0.1

Source: Labour Force Survey (Eurostat), population aged 15 to 64.

According to INE statistics, the majority of workers in Portugal are employees (74.4% in 2000, 76.2% in 2009 and 77.5% in 2010). The share of self-employed has been high and also stable in the period 2000 to 2010, representing 21.5 per cent of total employed population in the later year (-1.4 p.p compared with 2009). The relatively high share of the self-employed is partly a reflection of the skewed Portuguese labour market regulatory framework, since many of these migrants are not self-employed professionals in the true sense of the term, but rather workers performing permanent or semi-permanent functions who are forced to “disguise” their work as self-employment to enable their employers to circumvent the much more demanding requirements associated with other types of contracts.

<sup>266</sup> Banco de Portugal, 2010.

According to data from *Quadros de Pessoal 2009*, immigrant labour force constitutes 8.8 per cent of total labour force in the primary sector, being very important for agriculture, 4.7 per cent of total labour force of the secondary sector and 3.4 per cent of the tertiary sector. The migrant labour force is especially important for the accommodation, restaurant and similar activities (13.1% of total employed in this sector); administrative activities and auxiliary services (11.5%), agriculture and construction (8.8% in both sectors).

In 2009, the median wages of foreigners in employment were on average below those of the nationals by 16 per cent. Though migrant median wages are lower for both men and women compared to the natives, the picture is relatively more favourable for migrant men (the difference is -15% in males and -19% in females)<sup>267</sup>. (MTSS/DGEEP, 2009)

The global economic crisis had a deep impact on the Portuguese labour market, which is reflected on the unemployment rate that stood at 10 per cent in 2009. In 2010, it further grew to 11.4 per cent, a historical figure in a country that enjoyed relatively low unemployment rates in the recent past. Women were especially affected: 12.5 per cent unemployment rate in 2010 vis-à-vis 10.7 per cent in 2009.<sup>268</sup>

The unemployment rates of immigrants is structurally higher (especially for the third-country nationals) than those of native population. However, Table 4 shows that the gap between natives and foreigners is sharply increasing (7.8 p.p. in 2010).

**Table 4: Unemployment rate of nationals and foreigners, 2000-2010**

	Nationals	Foreigners	Non EU nationals	Gap in p.p. (foreigners vs nationals)
2000	3.9	8.7*	-	4.8
2005	7.9	12.2	12.8	4.3
2009	9.7	16.4	17.3	6.7
2010	11.1	18.9	19.0	7.8

Source: Labour Force Survey (Eurostat), population aged 15-64.

Note: "\*" means unreliable data.

The difference in the unemployment rates between nationals and foreigners is to a large extent a result of the concentration of migrant employment in certain industries and tasks that are more vulnerable to business cycles. In 2010,<sup>269</sup> the sectors where the unemployment was higher (administrative activities and auxiliary services; construction; wholesale and retail commerce; accommodation, restaurant and similar activities) were precisely those sectors where immigrants are more concentrated.

Third-country workers represent a growing percentage of the total number of the registered unemployed. They represented 5.8 per cent in 2008, 7.2 per cent in 2009, and 7.3 per cent in 2010. Bearing in mind that much of the services where immigrants

<sup>267</sup> This could also be observed when comparing the difference, by sex, in the median monthly wages of migrants and the total median monthly wage (annex 1). Data for 2000, 2005 and 2009.

<sup>268</sup> Unemployment rates of men were 10.4% unemployment rate in 2010 vis-à-vis 9.4% in 2009.

<sup>269</sup> According to the Monthly Report of Registered Unemployment from IEFP, December 2010.

are concentrated are not regulated, their unemployment tends to be invisible in available statistics, leading to an underrepresentation of immigrant unemployment.

Citizens from Brazil stand out in terms of recorded unemployment. They account for 28.8 per cent of all the unemployment registered among foreign population, though they represent 25.6 per cent of total foreign population in the country.<sup>270</sup> This data seems to go against the hypothesis of a high importance of language proficiency in securing employment. Nationals of PALOP countries, mainly from Cape Verde and Angola, account for 29.1 per cent of all the unemployment registered among foreign population, though they represent 24.9 per cent of total foreign population in the country.<sup>271</sup>

## Institutional and Legal Framework for Admission and Employment

Austere economic and political choices have not reduced national consensus and support for immigration in Portugal. There were no major changes in the institutional and legal framework for admission and employment in 2009 and 2010.

The Ministry of Internal Administration justified the increase in the SEF's (Aliens and Border Service) operational budget by 20.7 per cent with the justification that "immigration policy and border control are a priority for the government" (Minister of Internal Administration during a parliamentary debate about the National Budget for 2010).

Portugal established an indicative target for labour migration set at 3,800 in 2009 (half of the annual quota for 2008). For 2010, the annual number remained the same as in 2009. The government has justified the reduction of the quota of the prevailing economic and financial crisis. As in the past, only 3,300 foreign workers were requested by employers through this channel. While the quota is not filled, more foreign workers enter Portugal than those stipulated by the quota limits, which generates some criticism of the system.

One of the most recent legislative changes in terms of immigration, adopted in 2009, pertained to the reduction of the means of subsistence necessary to extend stay documents and obtain or renew residence permits or documents. Due to the actual international crisis, the Portuguese government decided to reduce the "sufficient means of subsistence" amount mandatory to renew the temporary residence permits<sup>272</sup> to half of the previously established for 2009 – from 450 EUR to 225 EUR (Portaria n.º 760/2009, 16 July). This policy intends to prevent migrants facing unemployment from becoming irregular. It was also extended to the applicant's family and situations of

<sup>270</sup> As per data in 2009, from SEF.

<sup>271</sup> This is especially true if we take into account that these communities have the highest significant proportion of people that is under 15.

<sup>272</sup> For the holders of temporary residence permit, who have to renew their permits each two years, the permit is not dependent of a contract., being granted if the holder possess subsistence means, have secured lodgings, has fulfilled his/her fiscal and social security system obligations and has not been convicted for crimes with punishment or punishments that individually or cumulatively exceed one year of prison sentence.

family reunification. Moreover, in Portugal immigrants can legally remain in the country and look for jobs in case of unemployment and the termination of a contract is not a reason for revoking or refusing to renew residence permit.

Furthermore, the recent Labour Code (Law No. 7/2009 of 12 February) stipulated that a violation of the dispositions of Art. 87 (“Equal Treatment”) is a serious administrative offence.

## Institutional and Policy Framework for Integration

Despite the serious economic crisis that hit Portugal, and the hard budget restrictions in public spending, the Portuguese government has maintained a strong commitment to its policies for integration and for safeguarding the rights of immigrants.

In the period 2009-2010 there were no changes to the institutional framework for integration in Portugal. The High Commissioner for Immigration and Intercultural Dialogue (ACIDI) continues to be the major key player in the field not only in terms of conceptualization, design and definition of policies but also in what regards the implementation of activities and its coordination. The importance of the integration policy in Portugal is reflected in the stability of ACIDI’s budget, being just over six million euros in 2007, 13.5 million euros in 2009 and 12.1 million euros in 2010. In these two years, ACIDI transferred half its funds to non-profit organizations that work directly with immigrants. In 2011, the Portuguese government has actually increased ACIDI’s budget<sup>273</sup> by 4.7 per cent and no integration projects were cut.

Moreover, the Portuguese government approved and launched the Second National Plan for the Integration of Immigrants for 2010-2013. It is a tool that establishes specific areas of intervention for the overall management of public policies aimed at integrating immigrants. As its predecessor, the Second Plan for Immigrant Integration was compiled on the basis of joint contributions from all ministries, as well as contributions and proposals from the civil society<sup>274</sup> based on a public consultation procedure, making it available on the websites of the government.

The Second Plan highlights two new areas of intervention: diversity and intercultural dialogue, and elderly immigrants. The growing importance of the area of employment, professional training and business dynamics, underlines special concerns about labour integration of immigrants as one of the central focus of the integration policy in Portugal.

### Active Labour Market Measures

Apart from the general labour market measures there is a wide spectrum of labour market support instruments where migrants are the main target group. Indeed, migrants are currently defined in the National Action Plan for Employment 2008-2010

<sup>273</sup> It is also worth to note the greater importance of European funding.

<sup>274</sup> Namely immigrant associations, COCAI members, the Commission for Equality and Against Racial Discrimination (CICDR), and researchers working with the Immigration Observatory.

as a vulnerable group that should be subject of special attention (as well as handicapped, young people with lower levels of qualification, women and older workers).

Specific objectives and measures directly related to the labour integration of immigrants established in the Second Plan for Integration of Immigrants (2010-2013) consolidate a number of projects that have already been implemented. In comparison with the First Plan, some measures are continued, such as promotion of immigrant entrepreneurship and facilitation of access to professional training and employment. New approaches/ measures include the following areas:<sup>275</sup>

- Reinforcing inspection of employers using illegal immigrant labour – the strategy relies on focusing on persons and/or organizations that benefit illegitimately from such situations and not on the immigrants who are the object of this exploitation and/or criminal networks;
- Improving information provision for immigrant workers on their rights and duties regarding employment issues: producing leaflets on the rights and duties of immigrants in employment; establishing a partnership between relevant state agencies and bodies representing employees and employers, with the aim of delivering training actions on employment issues to CLAI staff in order to improve the quality of information they provide to immigrants; produce information on the rights and duties of employers with regard to the recruitment of foreign labour and hold conferences with the participation of SEF, employers' associations, unions and immigrant associations;
- Simplifying the qualifications recognition process: reinforcing the links between the Directorate General of Higher Education and the CNAI and CLAI, through training actions, with a view to simplify the procedures for the recognition of qualifications and guaranteeing the correct handling of these processes in articulation with the professional bodies; creating a database containing all equivalences of higher education diplomas recognized by the Portuguese universities. Foreigners' Guide to the Recognition of Qualifications was launched in August 2010 by the Information Centre for National Recognitions;
- Incentives for the social responsibility of organizations, based on ethical principles and the promotion of diversity, including creation of an ethics benchmark guide;
- Creating an information system on highly-qualified immigrants in close articulation with Network CLAI and Occupational Insertion Offices (GIP): a comprehensive database of information on immigrants with higher-level qualifications (Information Systems areas) in view of the areas in which training is available or which are underused by the employment market;
- Consolidation of the Intervention Programme for Unemployed Immigrant Workers: support for the professional integration of immigrants includes building individual solutions geared towards integration trajectories which leverage programmes and measures for employment and vocational training, depending on existing resources, namely training in Communication and Information Technology for the acquisition of crucial skills to employment prospects;

<sup>275</sup> For more information, namely in terms of goals for each measure, please consult annex 5.

- Guaranteeing the renewal of immigrant residence permits in the event of employers' non-compliance with Social Security obligations: modifications to the law in order to prevent that non-renewal of permits due to the failure of certain employers to pay social security contributions;
- Reinforcing immigrants' entrepreneurship incentives: support to the business ideas of immigrants, involving immigrants in the Immigrant Entrepreneur Programme (PEI);
- Facilitation and promotion of access to professional training and employment: leveraging the GIP Immigrant Network, in partnership with community bodies such as immigrant associations, to provide more and better professional training, vocational guidance and training/employment counselling.

In the area of welcoming newcomers, ACIDI continues to promote the “Portugal Hosts programme” with a view to facilitating the social, cultural and professional insertion of immigrants in Portugal and generating greater equality of opportunities. It consists of free-of-charge training in Portuguese language and citizenship/cultural orientation/Portuguese history (200 hours). To facilitate their social insertion, particularly in the labour market, courses in technical Portuguese were also held for the sectors of commerce, the hospitality industry, beauty care, construction and civil engineering. This programme engaged 6,417 immigrant trainees in 392 training sessions between 2007 and 2009. In 2009/2010 the programme covered 5,330 immigrants and involved funding of 2,893,456 EUR. In addition, the National Immigrant Support Centre in Lisbon has also provided free Portuguese courses since March 2007, but a larger range of these are offered by public schools, municipalities or non-governmental organizations, immigrant associations and Catholic Church organizations.

The number of complaints and sanctions related to racial discrimination are still very low and do not correspond to the perceived and experienced racism studied by several authors (see Araújo 2007; Carrilho 2007; Marques 2007; Machado 2008; Santos et al. 2009 among others). Qualitative research as well as the field work of associations like SOS Racism tends to converge on the existence of discrimination especially for some groups of migrants (citizens from Portuguese African Speaking Countries) in employment, as well as in housing and health (Lages et al. 2006; Santos et al. 2009).

Some conclusions of a recent study sponsored and published by the Immigration Observatory (Rosário et al., 2011) shed additional light on racism in Portugal and the public acceptance for various groups of migrants. Through four focus groups, differentiated by socioeconomic level, it was possible to ascertain that participants do not distinguish migrants according to nationalities, generalizing the attributes and prejudices to major groups (Africans, Eastern Europeans). Those from medium-middle and medium-lower class are less open to immigration than the Portuguese from medium-upper status. Of particular concern is the fact that the majority of the participants perceive racism as a legitimately increasing phenomenon, due to criminality and unemployment associated to immigration. In the lowest socioeconomic level, there is perception that Portuguese and immigrants are competing for scarce resources. The groups that generate greatest empathy are those from PALOP and Brazil, in part because of the common historical past and common language, but at the same time, the evidence suggests that these common characteristics generate greater expectations of assimilation.

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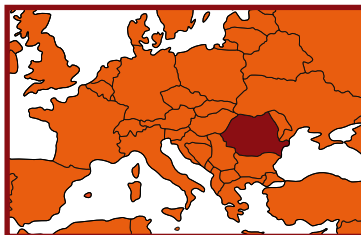
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# ROMANIA

Iris Alexe<sup>276</sup>



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## Migration Trends

The beginning of 2011 brings no significant changes in the overall dynamics of the migration flows that have characterized Romania over the last 10 years. Mainly a net emigration country with more than 10 per cent of its working population abroad, Romania increasingly becomes a destination country for immigrants. While the Romanian emigration is estimated at 2,8 million persons, the immigration phenomenon is rather modest with about 60,000 third-country nationals (TCNs). The non-EU immigration accounts for 0.3 per cent<sup>277</sup> in the total population of Romania but forecasts show a future ascending trend. Since Romania became a Member State (in 2007), the number of EU citizens has risen with an annual average of 35 per cent, and, at the end of 2010, there were some 39,000 nationals of other EU countries residing in Romania. Thus, Romania's total foreign population stock is around 100,000 persons.

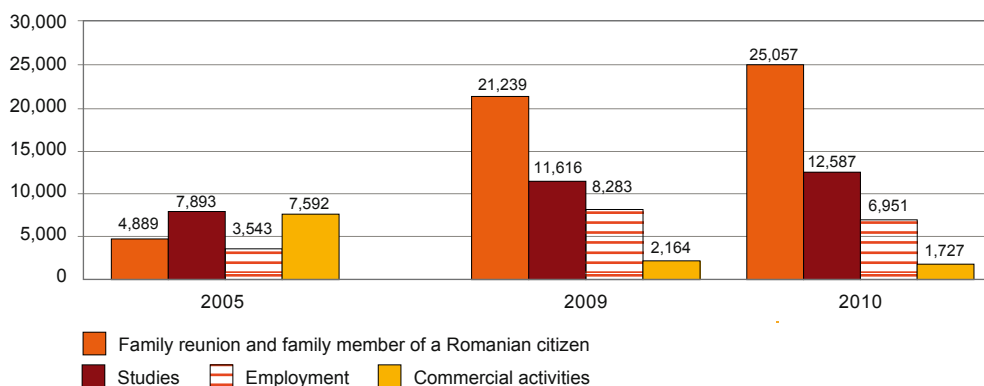
Since 2009 and increasingly in 2010, emigrating Romanians are high-skilled specialists and professionals with vast work experience in the healthcare, IT, education and technical sectors. Their migration process is more permanent with plans to bring their families into the host country.

Between 2009 to 2010, the total number of TCNs legally residing on the Romanian territory was relatively stable while changes occurred in the dynamics of immigrants by purpose of stay. Labour immigration, entry for commercial activities and for study purposes decreased, but family migration registered a slight rise (18%).

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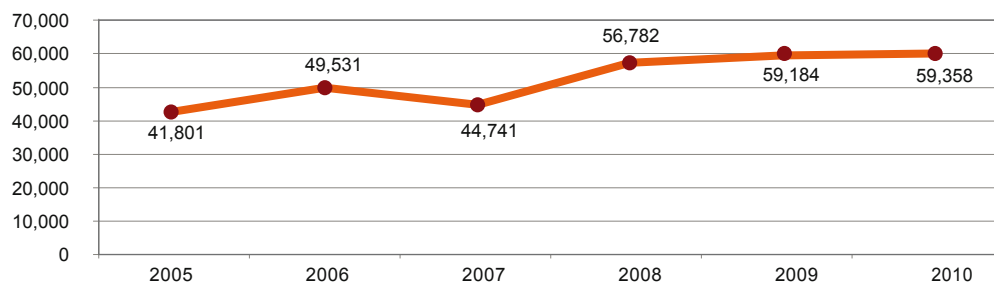
<sup>276</sup> Iris Alexe coordinates the Migration and Development Programme at Soros Foundation in Romania.

<sup>277</sup> Methodological note: In 2010, the total population of Romania represented 21,4 million inhabitants, according to data provided by the National Institute for Statistics ([www.insse.ro](http://www.insse.ro)).

**Figure 1: Immigration by purpose of entry in Romania, 2005, 2009, 2010**

Source: ROI data.

In 2010,<sup>278</sup> there were 59,358 TCNs legally staying in Romania, including 49,282 with temporary residence and 10,076 permanent residents (Figure 2). About half of them are family member of a Romanian/EU/EEA citizen, a quarter of them are students, less than a fifth are migrant workers and less than five per cent are entrepreneurs.

**Figure 2: Number of TCNs legally staying in Romania, 2005-2010**

Source: ROI data.

More than 60 per cent of TCNs with temporary legal stay originate from Moldova (17,091), Turkey (7,179) and China (4,752), while the top three countries of origin for permanent immigrants are China (2,360), Turkey (1,864) and Syria (993).

From 2009 to 2010, there is an increase of eight per cent in the number of foreigners granted a form of protection living in Romania (1,117 to 1,201). More than half of them come from Iraq (53%), Iran (8%), while other countries/regions of origin have modest shares, of less than five per cent. From 2000 to 2010, out of 11,285 asylum seekers (95% single men) approximately 15 per cent received a form of protection. (Romanian Office for Immigration and UNHCR)

<sup>278</sup> Statistics provided in the EIF 2010 Annual Programme by the Romanian Office for Immigration. Data available only until September 2010.

In 2010 compared to 2009, Border Police reports indicate a rise with 30.6 per cent in the number of migrants' smugglers apprehended (Romanian Border Police, 2008, 2009, 2010). The Romanian Office for Immigration (ROI) identified 3,783 foreigners staying illegally on the Romanian territory in 2010, 25 per cent less than in 2009.

**Table 1: Temporary immigration by purpose of stay in Romania, 2010**

Purpose of staying	Number of TCNs	% in total number
Family member of a Romanian citizen	20,863	42
Study	12,587	25.5
Employment	6,951	14
Family reunification	4,194	8.5
Commercial activities	1,727	3.5
Other purposes	1,516	-
Religious and humanitarian activities	860	-
Family member of a EU citizen	516	-
Scientific research activities	21	-
Family member of a Swiss citizen	18	-
Independent	18	-
Professional activities	7	-
Teaching activities	4	-
Total TCNs with temporary stay in Romania	49,282	-

Source: ROI data.

Note: Data for September 2010.

## Labour Market Impact

In 2009, the Romanian economy experienced one of the sharpest contractions in its recent history when the GDP fell by 7.1 per cent after going up by the same magnitude a year before.

The current modest recovery of Romania's economy is still nascent and fragile; its impact on employment might take some months before it can be felt (European Commission, March 2011). Even as the recovery strengthens, there is likely to be a lag before unemployment starts to drop. However, in 2011, employment expectations have increased for both employers and employees. The unemployment rate fell to 5.9 per cent in March 2011 from 6.8 per cent at the end of 2010.

Employment and unemployment, as well as all the other labour market indicators are produced only for nationals; there is no statistical information concerning employment among EU residents or TCNs. In addition, for TCNs workers some indicators (such as unemployment rate) are not applicable due to provisions of the immigration regime.<sup>279</sup>

<sup>279</sup> After termination of employment, the migrant worker has a month to regularize his/her situation and find a new employer; if not, the stay permit is cancelled, the right to stay is revoked, and the migrant worker becomes irregular.

Compared to other EU countries, in Romania, the immigrant labour force is negligible. Nevertheless, at national level, its dynamics over the decade had been impressive, with an increase of ten times: from around 1,500 work permits issued in 2000 to 15,000 work authorizations issued in 2008, its highest peak. Also, in 2008, the share of TCNs labour force in total native and foreign labour force in Romania accounted for 0.2 per cent,<sup>280</sup> but dropped to less than 0.1 per cent in 2009-2010.<sup>281</sup> In 2010, only 2,970 work authorizations were issued, this representing 37.1 per cent of the annual quota approved for 2010 and a 30 per cent drop compared to the previous year. Analysis of work authorizations issued in 2009 against 2010, by top ten countries of origin reveal descendent trends and different rankings in the countries holders of top three positions: China (-56%), Turkey (-49%) and Moldova (-42%). (Romanian Office for Immigration)

In 2010 compared to 2009, ROI's control actions intensified (+14%), as well as its activities for combating the undeclared work of foreigners (+77%). Thus, 254 foreigners were identified to perform undeclared work, 195 with legal stay and 59 foreigners, undocumented migrants (ROI, 2009, 2010).

Foreigners granted a form of protection access the labour market under the same conditions as Romanian citizens. They do not require work authorization (GO 44/2007). Data available for 2009 - when more than 65 per cent were employed and 30 per cent out this share were self-employed - indicate no further economic crisis effects on the employment rate of foreigners granted a form of protection. Their low employment rate should be considered in the light of about 31 per cent declaring to perform undeclared work. The employment rate is even lower for women: only 30 per cent are employed and 70 per cent are housewives (ROI, 2009, 2010).

## Institutional and Legal Framework for Admission and Employment

The years 2009 and 2010 in Romania were characterized by intense debates and significant changes in the institutional and legal framework for admission and employment of immigrants focused around the immigration regime and labour market.

The new project law amending the existing national legislation on foreigners in Romania (in particular, GEO 192/2002 regarding the foreigners' regime in Romania and GEO 56/2007 regarding foreigners' employment and posting of foreign workers on the Romanian territory), is currently in the Parliament and aims to transpose the recent EU Directives in the field of migration and asylum, and to align the national legislation with the requirements for accession to the Schengen Area.

<sup>280</sup> In 2008, there were 15,000 work authorizations issued while the total labour force in Romania was of 4,827 thousand persons.

<sup>281</sup> Methodological note: The rate is calculated as number of work authorizations in total labour force in Romania. In 2009 and 2010, the total labour force in Romania was over 4 million while the number of work authorizations was under 4,000.

Several amendments included in the new project law were submitted by the civil society during a public hearing.<sup>282</sup> Among them is the proposal to extend from 30 to 60 days the period for filing a new application for work authorization after the termination of the employment relationship. This draft amendment is beneficial for the migrant worker who would thus have more time to find a new job.

The National Strategy on Immigration 2011-2014,<sup>283</sup> pending final approval, is the document governing the actions of the Romanian institutions in the field of immigration, asylum and integration of foreigners, replacing the old National Strategy on Immigration 2007-2010. Also, the Ministry of Administration and Interior presented a proposal namely the 2011 National Action Plan corresponding to the new Strategy.

The Strategy 2011-2014 proposes a new vision and pragmatic directions better adapted to the new Romanian realities and priorities. It acknowledges the challenges of labour immigration and takes responsibility to provide focused policy answers. While the admission for employment of highly skilled TCNs is encouraged, including introduction of the Blue Card, the country tends to attract a low and medium-skilled migrant workforce. Additionally, the Strategy clearly states that Romania will put in place a legal framework and targeted facilities so that TCNs graduating higher educational establishments in Romania remain on the national territory as highly skilled labour force or work in the research and development sector.

The inter-institutional cooperation mechanism defined in the GD 572/2008 has the Romanian Office for Immigration as a leading organization responsible for coordinating its implementation, including collaboration with the international organizations and NGOs.

Recently, informal consultations were held at the level of the inter-ministerial group on immigration and within relevant ministries (Ministry of Labour, Family and Social Protection, Ministry of Administration and Interior and the Romanian Office for Immigration) to create an inter-institutional working group on labour immigration.

In 2011, the Romanian Parliament passed the Law no. 52/2011, called also “Daytime Workers Law” that regulates the performing of occasional or seasonal activities that do not require special qualification, by daytime workers, either Romanians or foreigners, in the following fields: agriculture; hunting and fishing; forest exploitation; fish breeding and aquaculture; fruit farming and viticulture; bee-keeping; animal care; show business, cinema advertising, cultural; merchandise handling; maintenance and cleaning.

The daytime labourers working time for the same beneficiary is set at a minimum of one working day up to a maximum of 90 days cumulated over a calendar year. The remuneration is set by direct negotiation, ranging from 0.5 to 2.5 EUR/hour and beneficiaries must withhold and pay the income tax.

<sup>282</sup> The public debate minutes from 16.06.2010 on the bill to modify and complete the legal norms concerning the foreigners’ regime in Romania in the view of discussing the proposals and suggestions formulated by the NGOs regarding this legislation, among which are mentioned the GEO 194/2002 regarding foreigners in Romania and GEO 56/2007 regarding foreigners’ employment and posting of foreigners on the Romanian territory.

<sup>283</sup> The National Strategy on Immigration 2011-2014 submitted for approval by the Romanian Ministry of Administration and Interior, in September, 2010, available at [www.mai.gov.ro/](http://www.mai.gov.ro/)

As the labour relations between the daytime workers and the beneficiaries are not formalized within an employment contract, beneficiaries have certain obligations: to keep a register of day labourers and submit monthly a copy to the Labour Territorial Inspectorate; to train and inform their daytime workers about the work they are to carry on, the risks they might be exposed to, and their rights; to ensure, at their own cost, the working and protection equipment.

The “Daytime Workers Law” is controversial and its critics<sup>284</sup> argued that: the minimum remuneration is violating the principles of equality and non-discrimination, the day workers do not benefit of any form of social protection, and the labour legislation is substituted leaving the daytime worker completely vulnerable and an easy target for abuse.

## Institutional and Policy Framework for Integration

Integration of foreigners with legal stay in Romania continues to be a strategic area and a major focus of the National Strategy for Immigration 2011-2014,<sup>285</sup> similar to the previous Strategy for 2007-2010. There are three specific objectives set up to promote foreigner integration into Romanian society: 1) Mainstreaming integration in all other policy areas; 2) Increasing immigrant participation in the national economic, cultural and social life; 3) Creating an environment that facilitates migrant integration.

An illustrative example is the EIF project “Migrant in Romania” that was implemented by the Intercultural Institute from Timisoara, starting in 2008. Results of this project include: 1) the establishment of a consultation mechanism with the migrants and the development of local working groups in the main cities of Romania with the aim of strengthening migrant representation at local community level; 2) an online platform with immigration resources and a forum on integration of migrants, all grouped under the portal [www.migrant.ro](http://www.migrant.ro); 3) a trimestrial magazine “Migrant in Romania” that is available online and as a hard-copy publication.

Data available for 2009 and 2010 reveal growing numbers of the TCNs beneficiaries of Romanian language courses and of the foreigner participants in the individual integration programmes who received information and counselling support (Table 2). These are provided through the Romanian Office for Immigration at central and local levels, directly or in cooperation with other public institutions (Ministry of Education, Public Employment Agency), international organizations and NGOs.

**Table 2: TCN beneficiaries of integration support in 2010 compared to 2009**

Number of TCNs / years	2009	2010
TCNs beneficiaries of counselling	2106	2848
TCNs beneficiaries of Romanian language courses	334	463

Source: Romanian Office for Immigration.

<sup>284</sup> Letter of the National Trade-Union Confederation Cartel Alfa sent to the Romanian President in March 2011 to request him not to sign the passing of the “Daytime Workers Law”, more details on [www.cartel-alfa.ro/](http://www.cartel-alfa.ro/)

<sup>285</sup> The National Strategy for Immigration 2011-2014 submitted by MAI, ROI in 2010 which, at the moment of writing the Review is pending for official approval.



The establishment in 2010 of a network of fifteen information and counseling centres for foreigners within an IOM Romania's project funded through EIF contributes to a wider range of information and counseling services for immigrants and to improving the quality of services for an increased number of beneficiaries. In 2009, within a project funded through EIF, an information guide addressed to TCNs on their rights, obligations and integration opportunities was published in Romanian (aiming at Moldovan migrants), French, English, Chinese and Turkish.

In 2009-2010, progress was made in the area of cultural orientation courses for newcomers and inter-cultural professional training to public servants working directly with immigrants. Projects financed through EIF ensured that an increased number of TCNs benefited of introductory courses, and training curricula on inter-culturalism for public officials was produced. However, immigrants are not fully aware of the importance of cultural orientation courses to facilitate integration, as per the interviews conducted with immigrants, local and central authorities and NGOs active in this field (Alexe, 2011).

There are few labour market actions specifically targeting migrants. Particular categories of migrants are addressed only together with other vulnerable groups through the national programmes. In 2010, 31 migrant and 6 refugees benefited of the PES support and were employed (NPES, 2010).

According to the recent opinion polls, Romanians have a generally neutral (42%) to favourable (39%) opinion about the foreigners residing on the national territory, describing them as: "honest", "hard-working", "friendly", "religious", "civilized", that "know their place", are "courageous", "entrepreneurial", however "poor".<sup>286</sup>

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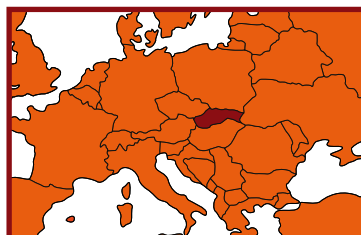
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# SLOVAKIA

Zuzana Bargerová<sup>287</sup>



## Migration Trends

At the end of 2010, Slovakia had 5,43 million residents of whom one per cent were foreigners (62,584 persons), including 39,652 EU nationals and 22,932 third-country nationals. Third country nationals represented 0,4 per cent of the whole population (Table I).

**Table I: Dynamics of foreign immigration in 2005-2010 in Slovakia**

Indicator/ Year	2005	2006	2007	2008	2009	2010
Number of foreigners as at 31 December of a relevant year	25,635	32,153	41,214	52,706	58,322	62,584
Annual increase (in %)	15.9	25.4	28.2	27.9	10.66	7.3%
Proportion to the total population in the country (in%)	0.48	0.60	0.76	0,97	1.07%	1.15%

Source: Statistics of UHCP, Divinský (2009, p. 30) and own calculations.

Despite the economic recession no major changes in the overall migration trends were observed in 2009-2010. Slovakia experiences a slow, but regular and systematic increase in numbers of immigrants since its EU accession (Table 2). However, given the small proportion of immigration in relation to the overall population growth, the economic impact of migration is still generally considered rather marginal.

Numbers among the largest immigrant communities were continuously rising in 2008-2010. The population of legally residing Ukrainians, the largest community of third-country nationals in Slovakia increased from 5,413 in 2009 to 5,786 in 2010. With the economic crisis (2008/2009), a significant decline (by one quarter) was observed in the

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number of Vietnamese immigrants legally staying in Slovakia. No other community of third country nationals was so dramatically affected by the economic crisis.

**Table 2: Foreign nationals in Slovakia, 2005, 2008, 2009-2010<sup>288</sup>**

	2005	2008	2009	2010
All foreign nationals	25,635	52,706	58,322	62,584
TCNs with valid residence permit	11,299	19,472	21,492	22,932

Source: Statistics of Bureau of Border and Alien Police (BBAP), UHCP.

**Table 3: Migrants (including EU nationals) by nationality, 2005, 2008, 2009-2010, numbers**

Year/ Country of origin:	2005	2008	2009	2010
Czech Republic	3,878	6,943	7,764	8,331
Ukraine	3,719	4,726	5,413	5,786
Poland	2,767	4,380	4,680	4,959
Romania	433	4,984	5,350	5,755
Serbia (before – Serbia and Montenegro)	518	1,674	2,434	2,597
Hungary	1,562	3,624	4,396	5,184
VietNam	847	2,534	2,204	2,032
Russian Federation	1,246	1,485	1,738	1,942
China	455	1,478	1,609	1,729
South Korea	438	1,485	1,525	1,592
Bulgaria	490	1,353	1,475	1,641

Source: Statistics of UHCP, Statistical Office and own calculation.

Since the Slovak accession to EU, numbers of asylum seekers are gradually decreasing, from 3,549 in 2005 – to the total number of 541 in 2010 (Migration Office of the Ministry of the Interior). The number of persons granted asylum remains consistently low. From 2000 to the end of first quarter of 2011, asylum was only granted 576 times (1% of all applications). The institute of subsidiary protection, established in 2007, was granted to 98 persons in 2009 and 55 in 2010.<sup>289</sup>

A third-country national that wishes to stay in Slovakia for a period longer than three months must apply for a residence permit prior to arrival.<sup>290</sup> Permanently residing

<sup>288</sup> From 1 May 2004 EU nationals do not need to apply for a residence permit in Slovakia, their stay can be registered voluntarily and only then included in the statistics. Therefore the total displayed number of EU nationals residing in the Slovak Republic as of 2004 is not complete.

<sup>289</sup> The Migration Office is processing numbers of renewed subsidiary protection instances as a new data set, so that the total number does not mean that 322 foreigners were granted subsidiary protection - it means that MO granted the status of subsidiary protection 322 times.

<sup>290</sup> Except for those migrants who do not need a visa - they may apply for a temporary residence permit in a foreign police department in Slovakia. Several categories of migrants such as students and migrants for purpose of "special activities" may also apply for a permit in Slovakia. Usually it depends on combination of legal status, purpose of stay and country of origin of the applicant. Application for the permanent residence status can be filed both on the territory of Slovakia and in a relevant diplomatic mission abroad.

migrants<sup>291</sup> currently comprise around 26 per cent of the whole population of foreigners legally staying in Slovakia (4,170 first permits and 1,908 renewed permits in 2010). Consistently the highest number of newcomers had been granted temporary residence permits either for the purpose of business (3,019 in 2010) or employment (2,822 in 2010). Family reunion accounts traditionally for the third largest category of immigration (1,842 in 2010). Other entry channels are negligibly small to have any impact: temporary permits for the purpose of seasonal work were in 2010 granted to five migrants despite the fact that farmers expressed their need to employ migrants for seasonal works. It can be assumed that seasonal jobs are in fact carried out by migrants, but either on an irregular basis, by individuals who stated a different entry purpose with a different residence purpose or by the humanitarian migrants.

Estimates on irregular immigration mainly comprise data on detected irregular migrants, which is decreasing in recent years – 1,477 migrants both residing and transiting irregularly in 2010 compared to 1,785 in 2009 and 8,049 in 2005 (UCHP statistics). The main countries of origin of detected irregular migrants in 2010 are Ukraine, Moldova, Afghanistan and Somalia.

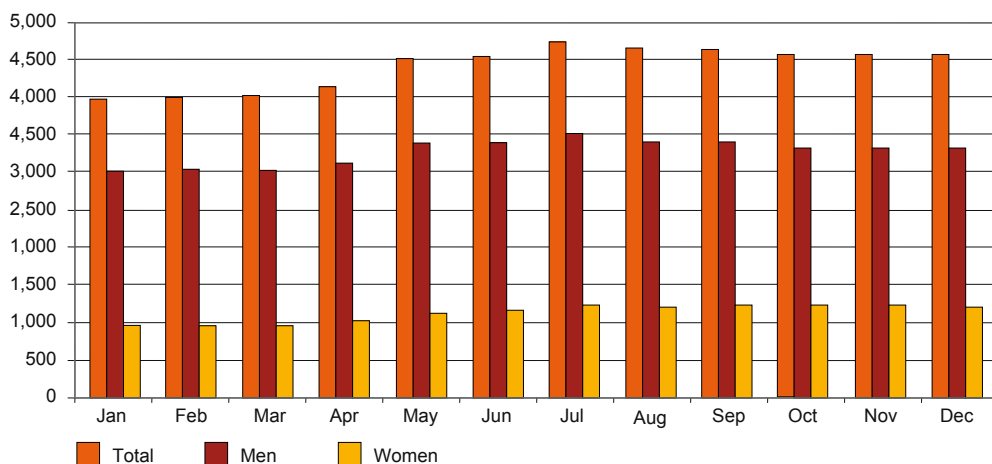
## Labour Market Impact

The size of the employed population in Slovakia has been continuously growing since early 2000s until the economic crisis in 2009 when it fell by 2.8 per cent in comparison with 2008 and the fall continued in 2010 by further 2.0 per cent. At the end of 2010, Slovakia experienced a slight (below 1%) increase in employment in industrial sectors, however, employment in other sectors, such as services, construction or retail continued to fall. Given the insignificant number of migrant workers in Slovakia, the changes in migrant employment have limited impact on the total employment dynamics.

The decrease in employment due to economic recession followed the general trend in the employment of the main population. However, the rate of employment decrease among migrants was approximately four times higher than among the total population. Migrant employment started to rise moderately in April 2010, but it was stagnating in the last three months of 2010. As of 31 December 2010, a total of 2,982 third-country nationals (0-5 years of residence) with a valid work permit have been registered by the Central Office of Labour, Social Affairs and Family (UPSVar),<sup>292</sup> of which 2,171 were men and 811 women. In comparison, at the end of December 2009, 2,656 third-country nationals with valid work permits were registered in Slovakia. The number of third-country nationals who did not need a work permit, and were registered with the Information Card was 1,285 in 2009 and 1,570 in 2010. Furthermore, 11,323 nationals of other EU countries were employed in Slovakia on 31 December 2009, and this number increased to 13,695 in 2010.

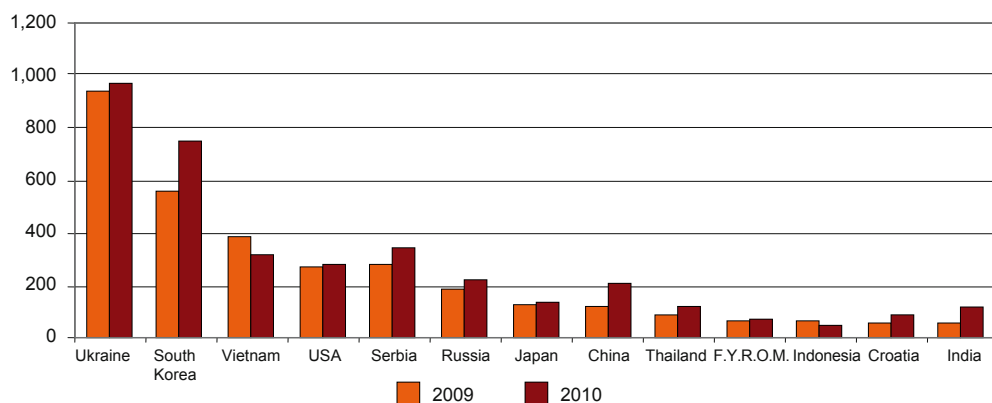
<sup>291</sup> First a permit for permanent stay (0-5years) and then a renewed permit for permanent stay (5 years-unlimited period of time)

<sup>292</sup> Data does not cover migrants who do not need to apply for work permit (legal exemptions).

**Figure 1: Employment of third-country nationals in 2010, numbers**

Source: UPSVaR

Ukrainian nationals comprise the largest group of third-country workers on the Slovak labour market, followed by South Koreans due to significant foreign direct investments (KIA, Samsung). Citizens of VietNam lost their respective third place, and were replaced by Serbians in 2010 (Figure 2).

**Figure 2: Third-country nationals on the Slovak labour market by nationality, 2009-2010, numbers**

Source: UPSVaR.

Data on unemployment of immigrants are not available in Slovakia. Once a migrant is released from a job, the former employer informs the Alien Police and the residence permit is immediately cancelled. An unemployed migrant must hence leave Slovakia and apply for new residence permit from abroad.

Third-country nationals who were granted a permanent residence permit, may enter the labour market without special permission from the Labour Office. In the case



of their unemployment, they may use the mediation services of the Labour Office. According to official data in annual reports of UPSVaR (Central Office of Labour, Social Affairs and Family), the total number of foreigners (third-country and EU nationals) registered in the national job-seekers database on 31 December 2009 reached 15,264 persons. This number has increased significantly in 2010 up to 18,247 migrants (+19.5% in one year) who requested assistance with job search.

The preliminary findings of latest IVO research<sup>293</sup> suggest that migrant workers are represented at all educational levels. Within the surveyed group, 47 per cent had university education; 37 per cent – high school education; 11 per cent had vocational education and only around 5 per cent had basic schooling. These data are broadly in line with the latest official statistics of UPSVaR. Some 45 per cent of migrant workers had a university degree on 31 December 2010, followed by 24.5 per cent with high school education; 26 per cent with vocational training and 4.5 per cent with basic education.

IVO research (2011) also revealed the problem of brain waste and over-qualification. Approximately one third of respondents worked in jobs below their qualification, skills, and work experience. Relatively large proportion of university educated migrants work in jobs that require only secondary or basic education.

Table 4 suggests that migrant employment in all occupational categories increased from 2009 to 2010, except for the craftsmen (category 7) and unskilled staff (category 9). The decrease in these categories is largely caused by the reduction of employment of low-skilled workforce in the Slovak economy due to the continuing economic crisis. On the other hand, senior officers and managers (category 1), and researchers and intellectual workers (category 2) continue to be sought by employers in Slovakia, hence their numbers rose in 2010 as compared with 2009.

Recent research suggests that the unfavourable position of labour migrants in Slovakia is caused by two main factors: 1) an extremely strict and ill-conceived regulation of migrant admission and employment; and 2) by the fact that within the legal system migrants are perceived as a threat to the society rather than a vulnerable group of persons in need of additional protection (Hlinčíková, Lamačková, Sekulová: IVO, 2011; Pufflerová: ODZ, 2010). The first point has been confirmed in interviews with various types of employers who maintain that the procedure for legal employment of migrants is lengthy, complicated and inflexible (IVO, 2011).

With regard to discrimination in employment, even though migrants predominantly express satisfaction with the conditions at the workplace and declare having equal treatment in this respect, there are some occasions on which, especially in terms of remuneration, unfair treatment does occur. From the conducted interviews, the following recurrent patterns of employers' behaviour were extrapolated: different

<sup>293</sup> Filadelfiová, Sekulová (IVO, 2011). Standardized quantitative research on the main groups of work migrants in Slovakia focused on six countries of origin - China, VietNam, Ukraine, Serbia, Russia and other countries of the former USSR and Romania (since 2007 a member of the EU). Questionnaire research was conducted in six languages in the entire territory of Slovakia. The sample consisted of 350 respondents with the representation of different groups according to type of employment, education, gender, age, length of stay. The second research actions were additional in-depth qualitative interviews with migrants. For the analysis of economic integration other secondary data sources and findings on the subject were also used.

remuneration for the same type of work in comparison to the Slovak citizens, exceeding the amount of working hours permitted by the Slovak Labour Code, change of the agreed working conditions after arrival to Slovakia, non-reimbursement of overtime, non-reimbursement of the salary as such and continuous irrelevant controls of financial means available in migrants' accounts (IVO, 2011).

**Table 4: Composition of employed migrants by actual occupation in 2010, numbers**

Classification of occupations	Total	Men	Women
1 – legislators, senior officers, managers	543	480	63
2 – researchers, intellectual workers	587	365	222
3 – technical, medical, teaching staff and workers in related fields	404	281	123
4 – lower administrative staff (clerks)	58	40	18
5 – service workers and shop and market sales workers	447	264	183
6 – skilled workers in agriculture, forestry and related fields (except for operating machinery and equipment)	87	51	36
7 – craftsmen and qualified producers, processing and repairmen (except for operating machinery and equipment)	430	388	42
8 – plant and machine operators	362	274	88
9 – unskilled and unqualified staff	62	26	36

Source: UPSVaR Annual report 2010

## Institutional and Legal Framework for Admission and Employment

In 2005 the Slovak Government adopted the *Concept of Migration Policy of the Slovak Republic* which was meant to become a principal tool in the field of migration management. However, this document remained largely declaratory.

In February 2011 Minister of Interior delegated the Migration Office of the Ministry of Interior of the Slovak Republic to prepare a draft of a new effective migration policy.<sup>294</sup> At the same time the Bureau of Border and Alien Police of the Ministry was preparing a draft of the new Act on Border Control and Residence of Foreigners.

Minerva 2.0,<sup>295</sup> update to the official government programme for the development of knowledge-based economy in Slovakia was adopted on 17 August 2011. The programme contains a section on attracting highly skilled migrants. Minerva strategy committed the Government to adopt the concept of an active migration policy and new legislation in this area. The government has decided to define the priorities of Slovakia, as well as to introduce new tools for recruitment of highly skilled migrants (either through the adoption of a “Slovak card” or through the point system).

<sup>294</sup> Resolution of Ministry of the Interior of the Slovak Republic No. 547/2011.

<sup>295</sup> “Minerva 2.0 - Slovakia in the first league” based on the Competitiveness Strategy of Slovakia until 2010.

A new policy document *Migration Policy of the Slovak Republic with an outlook until 2020* (hereinafter referred to as the “*Migration Policy*”) was adopted on 31 September 2011.<sup>296</sup> *Migration Policy* is the key state document in the field of migration management that covers seven main areas: integration, legal migration management; emigration of skilled labour; irregular migration, returns and trafficking in human beings; border protection; international protection; migration development and institutional support. The key principle of the document is to support the recruitment of highly skilled migrants with an emphasis on the *culturally close* countries. The Slovak Republic supports the integration model that is based on *full acceptance of facts about life and culture of the Slovak nation* by migrants. In this respect there is a discrepancy between the integration model established by the state Integration Concept adopted in 2009 and the assimilation patterns set out in *Migration Policy*.

In terms of the recent legislative changes, on 15 January 2010 the Act on Residence of Foreigners introduced new legal provisions that allow applying for residence permit for new subcategories, such as for voluntary activities and medical treatment. The changes also extend the rights to apply for a temporary residence permit to foreigners acting on behalf of companies or syndicates/co-operatives. The amendments also enable certain groups of foreigners (such as employees delegated by companies or students) to start working immediately after entering the territory of Slovakia and thus to apply for a temporary residence permit later on. Finally, with reference to the employers the law provides for a new duty to report a termination of employment to the relevant institutions within three working days following the termination.<sup>297</sup>

A new Act on Border Control and Residence of Foreigners is planned to be adopted<sup>298</sup> to replace the current Act on Residence of Foreigners. It should bring substantial changes to the regulation of the legal status of labour migrants, both having potentially positive and negative impact on admission procedures and integration of third-country nationals. For example, after the adoption of the proposed draft Act, independence of a migrant worker from the employer will be promoted. A migrant worker will have a temporary period of one month to find a new job in case of job loss. The new law will introduce additional categories of temporary residence and tighten procedural rules for granting a residence permit. The draft law attracted attention of a broad range of academic and NGO experts. Given the many comments received, the adoption of the draft law was postponed to autumn 2011.

## Institutional and Policy Framework for Integration

The integration approach of Slovakia was initially outlined in the *Concept of Foreigner Integration in the Slovak Republic* adopted in 2009. This document stated that the Slovak Republic endorses the integration model based on the mutual adaptation of migrants and the host society. The Concept defined the main areas of integration, addressed cooperating organizations and authorized them to take appropriate action. Given

<sup>296</sup> Resolution of the Government no. 547/2011.

<sup>297</sup> Zachová, A. (2009). Report on the Observance of Human Rights. Available at: <http://www.snspl.sk/CCMS/files/sprava-dodrziavanie-lp-2009.pdf>

<sup>298</sup> In August 2011 submitted to the Government, after approval it will be submitted to the National Council of Slovak Republic.

that the state has not provided adequate financial coverage to implement the policy, the concept remained a declarative document within the two years after adoption.

The first specialised department for migration and integration issues, the *Department for Migration and Integration of Foreigners (OMIC)* was established in 2007 under the Ministry of Labour (MPSVR SR). Among other responsibilities, the main scope of their activities was to address the coordination and preparation of the *Concept of Foreigner Integration in the Slovak Republic* and supervision of the fulfilment of the delegated tasks. Due to institutional changes OMIC has been closed as of 1 April 2010. Tasks and responsibilities of OMIC were transferred to the Department of International Cooperation and Integration of Foreigners and the EU Affairs Department of the Ministry of Labour. The main responsibility for coordination of policies pertaining to labour migration<sup>299</sup> and integration of foreigners, and the responsibility for updating the *Concept of Foreigner Integration* has been moved at the end of 2010 under the Department of Gender Equality and Equal Opportunities in the same Ministry. In April 2011 this Department started the process of revision of the state integration policy.

Following the adoption of the *Concept of Foreigner Integration* in 2009, the Management Board responsible for migration and integration of foreigners was established in June 2009. The Board replaced two existing inter-ministerial commissions: the Inter-Ministerial Commission on Labour Migration and Integration of Foreigners (MECOMIC) and Working Committee for coordination of procedures related to the tasks and activities arising from the Migration Policy Concept. The Board is currently inactive, but its members are involved in the development of a new migration policy as outlined in the previous section.

Despite these changes, MECOMIC was re-established under MPSVR SR in early 2011 to revise the state integration policy. Representatives of ministries and migrant communities, NGO representatives, independent experts, academia as well as IOM, UNHCR and local authorities, were invited to take part in the discussions. Whereas the Concept had been broadly criticized for its declarative character and lack of financial coverage, the communication by the Department in charge of the expert group proceedings is so far assessed by as transparent and open.

On the whole, the experts comment rather negatively on institutional and legislation changes in the field of migrant integration in recent two years. According to Debrecéniová (2011), the abolition of a specialized migration and integration department in Ministry of Labour (OMIC), reduction of the human and financial resources, cutting of NGO funding represent negative developments in the area. Experts negatively assessed the lack of official action on protection of labour rights of migrants, as the priority in this field is given to the security issues and monitoring of undeclared work, rather than protection of rights.

The Ministry of Labour discontinued work (due to organizational changes) on updates of two relevant documents: *Employment of EU/EEA Citizens and Specific Groups of Foreigners in the Slovak Republic* and *Procedures and Detailed Conditions for Granting Permits for the*

<sup>299</sup> Together with several other departments, International Relations Department of MPSVR SR and Department of Strategy and coordination of regional employment.

*Employment of Foreigners* with the explanation that the Ministry has to focus on tackling high unemployment and foreigner positioning in the labour market seems a marginal topic.<sup>300</sup>

The European Integration Fund (EIF)<sup>301</sup> still constitutes the main and exclusive source of funding of NGO's integration activities. Certain integration activities can also be funded through the grant schemes of the Government Office of the Slovak Republic for Promotion and Protection of Human Rights and Freedoms in 2011. No government funding for integration measures arising from the *Concept of Foreigner Integration* is allocated to either national or local authorities.

The area of anti-discrimination is regulated by Act No. 365/2004 Coll. on Equal Treatment in Certain Areas (hereinafter only as "*Antidiscrimination Act*"). The law has been recently subject to one change only which is related to a broader amendment of the Act No. 311/2001 Coll. Labour Code (hereinafter only as "*Labour Code*"). According to the new regulation, as of April 2011, Article I of the Labour Code makes an explicit reference to the list of protected grounds against discrimination, which includes race, affiliation with nationality or an ethnic group, language, and national or social origin among others.<sup>302</sup>

As emphasised by Pufflerova in the "*Report on Employment, Ethnicity and Migrants*", mapping the situation of migrants in the Slovak labour market is a rather tedious task as data covering this area are almost non-existent. MPSVR SR does not keep any statistics on discrimination of migrants in labour relationships. The National Labour Inspectorate, which should be the main institution revealing the cases of discrimination at a workplace, openly admits that due to the allegedly low amount of complaints related to discrimination, discrimination cannot be considered as an issue which would deserve more attention. According to its findings, in most of the cases what happens is the misunderstanding of instructions given by the employer to the employee and not actual discrimination.<sup>303</sup> In 2010, the eight regional labour inspectorates reported zero complaints filed by migrants against a discriminatory behaviour of the employers.<sup>304</sup> All relevant civil society stakeholders – counselling centres such as Migration Information Centre and Human Rights League, and state supervisory authorities – Slovak National Centre for Human Rights, Centre for Legal Help and Public Defender of Rights, confirm that in 2009-2010 they were not dealing with any cases of discrimination of migrants.

The report of the Slovak National Centre for Human Rights only briefly mentions that in relation to the labour market some foreigners also suffered from unfavourable treatment, but does not elaborate on this issue further.<sup>305</sup> On the whole, NGOs

<sup>300</sup> UPSVaR: Annual Report on employment of foreigners in 2010.

<sup>301</sup> European Fund for Integration of Third-Country Nationals, Multi-annual program of the European Integration Fund for the period 2007-2013.

<sup>302</sup> Debreceniová, J. (2011). Labour Code Extending the Scope of Protected Grounds. Available at: [www.non-discrimination.net/content/media/SK-11\\_Labour%20Code%20Extending%20the%20Scope%20of%20Protected%20Grounds\\_JD%2028032011.pdf](http://www.non-discrimination.net/content/media/SK-11_Labour%20Code%20Extending%20the%20Scope%20of%20Protected%20Grounds_JD%2028032011.pdf)

<sup>303</sup> Pufflerová, Š. (ODZ 2010). Report on Employment, Ethnicity and Migrants.

<sup>304</sup> Takáčová, A. (2010). National Labour Inspectorate: Information on the Fulfillment of the Concept of Foreigner Integration in Slovakia.

<sup>305</sup> Horváth, J. (2010). Report on the Observance of Human Rights. Available at: [www.snslp.sk/CCMS/files/Sprava\\_2010\\_final.pdf](http://www.snslp.sk/CCMS/files/Sprava_2010_final.pdf)

indicate that even if they come across cases of unfair treatment they neither have the financial nor the human resource capacity to tackle the problem.<sup>306</sup>

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<sup>306</sup> Takáčová, A. (2010).

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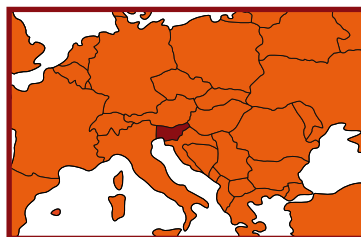
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# SLOVENIA

Mojca Pajnik<sup>307</sup>



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## Migration Trends

On 1 January 2010, of Slovenia's total population of 2,046,976, foreign nationals comprised 4 per cent or a total of 82,316 persons.<sup>308</sup> This is an increase by 11,593 compared to 2008. The vast majority of the foreign-born population is from Europe<sup>309</sup> (97%), mainly from the Yugoslav successor states, which represent 91 per cent of all foreigners from Europe and as much as 88.2 per cent of Slovenia's total foreign population. Male migrants represent 73 per cent, most of whom come with the purpose of work, while 27 per cent are women, mostly family migrants. (Table 1)

Almost half of the entire foreign population in the beginning of 2010 is from Bosnia-Herzegovina (47%), with a further 11 per cent from F.Y.R.O.M, 10.7 per cent from Serbia, and 9.4 per cent from Croatia. Only 2.9 per cent of migrants came from countries outside of Europe. (Statistical Office, 2010) This data is confirmed by the statistics of the Employment Service of Slovenia on valid work permits for January 2011. These show that a good half of the entire foreign population is from Bosnia and Herzegovina (38,263 or 52% of all valid work permits), with a further 11.5 per cent from Croatia (8,489), 8.9% from Kosovo/UNSC 1244 (6,548), 8.6 per cent from Serbia (6,328), 6.9 per cent from F.Y.R.O.M. (5,103), and 6.2 per cent from Serbia and Montenegro combined (4,617). Citizens of Eastern Europe, mainly from Ukraine with 1,164 valid work permits and the Russian Federation with 536 permits represent the second largest group of foreign residents, together with Chinese nationals (697 work permits).

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<sup>308</sup> Data taken from the Statistical Office of the Republic of Slovenia Report, available at <http://www.stat.si> (15 February 2011).

<sup>309</sup> The category of Europe, used in official databases, comprises EU member states, as well as non-member states that are considered as geographically located within Europe (e.g. all the former Yugoslavia's republics, Ukraine, the Russian Federation, Switzerland).

**Table 1: Foreign population in Slovenia by citizenship and gender, 1 January 2010**

Nationality	Men	Women	Total	Nationality	Men	Women	Total
<b>Total</b>	<b>60,156</b>	<b>22,160</b>	<b>82,316</b>				
Europe	58,964	20,945	79,909	Poland	71	109	180
Albania	36	23	59	Romania	65	130	195
Austria	213	167	380	Russian Federation	150	380	530
Belarus	62	18	44	Serbia	6,440	2,342	8,782
Bosnia-Herzegovina	31,590	7,436	39,026	Slovakia	155	201	356
Bulgaria	565	205	770	Switzerland	43	37	80
Croatia	5,214	2,561	7,775	Ukraine	306	829	1,135
Czech Republic	46	95	141	United Kingdom	221	131	352
France	106	78	184	Other countries	185	147	332
Germany	377	365	742				
Hungary	73	83	156	Africa	113	37	150
Italy	464	272	736	Asia	723	705	1,428
Kosovo/UNSC 1244	6,077	1,851	7,928	America, South	58	92	150
F.Y.R.O.M	6,047	3,040	9,087	America, North and Central	183	281	464
Moldova	108	146	254	Australia and Oceania	48	27	75
Montenegro	318	236	554	Unknown country of citizenship	67	73	140
Netherlands	76	37	113				

Source: Statistical Office of the Republic of Slovenia, Statistical Yearbook 2010.

Based on the same Employment Service data, almost half of all migrant workers are employed in construction (41%), a sector that would not be able to function and operate without the cheap and hard-working migrant labour force (cf. Pajnik et al. 2010; Pajnik and Bajt 2011; Medica et al. 2011, Medvešek and Bešter 2010). This is followed by manufacturing (12%), motor and traffic storage (6%), and various business activities, commerce and food service activities, where employment of migrants from China, Dominican Republic, and India can be noted.

Estimates on the numbers of migrant population in the country also need to take into account numbers of residence permits. In 2009, 38,715 migrants were holders of permanent residence permits and the number reached 43,074 in 2010. In both years 97 per cent of holders of valid permits were third-country migrants and only 3 per cent were citizens from EEA countries. Data on valid temporary residence permits on 31 January 2011 show a similar picture. Among 45,226 valid permits whose holders are third-country migrants (further 7,320 are citizens of EEA countries) the vast majority (65%) are permits for employment and work, followed by permits for family reunion purposes (26%) and for study (3%). (Ministry of the Interior)

The number of valid residence permits (Table 2) shows that the majority of holders of permits are third-country migrants. The number of permits increased by 33 per cent in 2008 if compared to the situation in 2007, while subsequent years affected by the crisis have seen a decrease from 65,801 permits in 2008 to 53,806 in 2010 - a net drop of 18 per cent.

**Table 2: Number of valid residence permits, 2007–2010**

	2007	2008	2009	2010
TCN	39,261	59,174	55,359	46,308
EEA	4,464	6,627	6,181	7,498
Total	43,725	65,801	61,540	53,806

Source: Ministry of the Interior.

From 1 January 2010 to 31 January of 2011, 58,096 temporary residence permits were issued to migrants, among which the majority went to citizens of former Yugoslav states (43% to citizens of Bosnia-Herzegovina, 12% to nationals of Kosovo/UNSC 1244, 10% to Croatians, 9% to Serbians, and 8% to nationals of F.Y.R.O.M.). The year 2010 saw a decrease by 24 per cent in the number of issued temporary residence permits compared to 2009 when 71,599 permits were issued and 2008 when this number amounted to 88,731. (Table 3).

**Table 3: Number of issued temporary residence permits by reason, 2007–2010**

	Employment/Work	Family reunion	Study	Other reasons	Total
2007	56,352	7,242	1,560	873	66,027
2008	75,829	9,957	2,242	703	88,731
2009	57,893	10,096	2,712	898	71,599
2010	40,486	10,347	2,886	885	54,604

Source: Ministry of the Interior.

## Labour Market Impact

The consequences of recession were felt by both native and foreign workers and were accompanied by the lowering of quotas, fewer job opportunities, especially for migrants coming from third countries. Slow recovery started in 2010 when 1.2 per cent annual GDP growth was recorded.

Research (Pajnik et al. 2010; Medica et al. 2011) confirms that some of the largest sectors of the economy (e.g. manufacturing, construction) engage the majority of migrant workers where migrants tend to occupy lower positions and jobs that are exposed to harder working conditions, while they are largely invisible among some other sectors, especially professional, scientific and technical activities.

Despite the economic downturn, hard physical work in construction is still predominantly performed by males coming from the former Yugoslav republics. Of 74,008 valid work

permits in January 2011, 27,625 or 37 per cent were issued for work in construction (next is manufacturing with 12% of valid permits). Data show that migrant women are represented above the average among service and sales workers, while their shares are higher than for men also in professions of clerks and professionals, and in elementary professions. (Statistical Office)

Data show a steep decline in the number of issued work permits in the recession period 2008–2010: in 2010 only 38,204 work permits were issued, which is 55 per cent less than in 2008.

The share of foreigners in the total population amounts to four per cent, but a different picture can be observed with respect to the share of migrants in the employed population. The figure of 85,302 work permits issued to migrants in 2008 compared to the overall number of persons in employment 879,257 in 2008, represents a significant share of 9.7 per cent. A steep decline in the number of issued work permits in 2008–2010 also means a lower share of 4.7 per cent of migrants among the employed (818,975 persons).

In 2008, 7,404 EU nationals were employed in Slovenia. This number has seen a decrease to 4,061 in 2009, and a subsequent increase in 2010 to 5,614. The majority of EU migrants come from Bulgaria (50% both in 2008 and 2010), followed by Romania (17% in 2008 and 10% in 2010), and Hungary (8% in 2008 and 7% in 2010). (Employment Service of Slovenia)

The numbers of the unemployed migrants are hard to decipher from the official data. Only holders of personal work permits can register with the Employment Service. A trend can be observed of the increase in the number of holders of personal work permits that is expected to include more migrants among the persons entitled to rights related to unemployment. Holders of other types of work permits are unable to register as unemployed and the fact that their temporary residence permits rely on the existence of valid work permits renders their situation additionally precarious.

Data of the Employment Service show an increase of the unemployed migrants from 2009 to 2010. The majority of the unemployed are migrants from Bosnia and Herzegovina, Serbia, Croatia, F.Y.R.O.M. and Kosovo/UNSC 1244. The end of 2009 registered 1,606 unemployed migrants from Bosnia and Herzegovina, while their number rose to 2,920 by the end of 2010. Similar trend is observed for other abovementioned countries.

## Institutional and Legal Framework for Admission and Employment

The national Aliens Act is currently (September 2011) being amended. Among important changes proposed is a three-month job-seeking period of legal stay for migrants in case of job loss based on their registration at the Employment Office. Also, it is expected that family members will now be able to join the sponsor migrant immediately without having to wait for a year, as is the case in the previous version of the Act. The new law is also expected to strengthen sanctions against employers illegally employing foreign workers.

Until recently the number of work permits issued by the Employment Office was limited yearly in quotas, which should not exceed five per cent of the total number of the active Slovene population. According to the new *Employment and Work of Aliens Act* adopted in April 2011, quotas are not an obligation any longer, and the requirement of the five per cent has been abolished. The new wording of the Act is that the government can prescribe quotas but this is no longer a necessity. So far no quotas have been set for the year 2011. This can be attributed to the current economic situation, when in 2010-2011 many migrants in fact left Slovenia due to job losses.

Moreover, with recent changes of employment policies and in the light of wider negative attitudes towards migrants in Slovenia spurred by the circumstances of the global recession, the state protection of the jobs of Slovene citizens puts migrants in an even more marginalised position on the labour market. In 2009, *Rules on work permits, on registration and de-registration of work and on the supervision of the employment and work of aliens* were amended to include a stipulation that allows employment of third-country nationals only if there were no available, unemployed Slovene citizens available for the job. The crisis brought the adoption of some additional control measures. Before it was possible to issue employment permits for occupations with a shortage without a labour market test. The adopted Rules on work permits have changed this practice; foreigner employment in occupations with shortages is now being controlled.

The new *Employment and Work of Aliens Act* stresses the need to prevent the alleged abuses of the law in previous years caused by a trend of setting up firms to get work and residence permits in Slovenia, which were then used by migrants to travel to other countries of the Schengen area. Such abuses that can alternatively be viewed as survival strategies of certain migrants were already counteracted in 2009 with the *Decree on restrictions and prohibition of employment and work of aliens* and with the set quota for this type of permits in 2010.

The new law introduces firmer conditions for migrants in order to be able to set up a company. In order to receive a work permit for a representative of the newly established company, a migrant needs to prove ownership or rental / investment in Slovenia in the amount of 30,000 EUR.

Among other changes, it is now possible for a migrant to obtain a personal work permit for three years based on her/his uninterrupted employment of the duration of 20 months whereby the migrant can change the employer. Before, for migrants to be entitled to personal work permits, they had to be employed by the same employer for at least two years. Bonding migrants to employers has proven negative to the migrants' situations, making them dependant on their employers' will and whim (cf. Pajnik and Bajt 2011, Pajnik et al. 2010, Medica et al. 2011).

This much needed policy change was influenced by both the public visibility of various research findings that have exposed the dependency of migrants, and media pressure, i.e. extensive media reporting about the miserable working and living conditions of migrants in 2010, specifically highlighting slave-like conditions of migrants coming from former Yugoslav states for work in construction. According to new provisions, refugees can now access the labour market freely without needing a work permit as before. Also, the law declares that the labour market is freely accessible to immediate family members of Slovene citizens.

The new law also foresees additional monitoring mechanisms by the Employment Service, including check-ups on the process of new hirings of foreign workers and extending the existing permits, as well as salary and respective tax payments.

The new Law introduces the Blue Card for employment of highly skilled migrants in line with the respective EU Directive.

In addition, the requirement is introduced that the employers of migrant workers who provide for accommodation should ensure minimum housing and hygiene standards. By so doing the new law provides legal ground for the adoption of the decree defining the area of migrant's housing. The decree on minimal housing was prepared by the Ministry of Labour, Family and Social Affairs in 2008. The decree has not been introduced so far apparently due to non-existent legal basis, an obstacle that has now been eliminated. Criticisms of the decree were also voiced, specifically by Invisible Workers of the World<sup>310</sup> who argued for a more holistic approach to address migrants' living and working conditions. They have questioned the very fact that the employers define migrant housing whereby the migrants' own rights to choose housing are in principle denied.

A novelty of the law is also the abolition of seasonal work in tourism, the hotel/catering industry and in the construction sector. This provision limits migrant employment and was adopted mainly as a response to the growing unemployment trends of the native labour force.

The law also regulates migrant self-employment. A personal work permit for self-employment valid for one year can be issued to migrants based on their legal stay in the country and providing they have financial means in the minimum amount of 10,000 EUR

In December 2010 the government adopted the *Act on the Prevention of Illegal Work and Employment* that faced a referendum test in June 2011. The Act aims to sanction employers who are exploiting migrant workers, and it partly transposed the EU Directive 2009/52 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals. The Act was declined at the referendum with 75 per cent voting against it.<sup>311</sup>

The last years witnessed intensification of talks about agreements with some of the countries of migrant origin, particularly Bosnia and Herzegovina and F.Y.R.O.M. to facilitate procedures for hiring migrant workers. For now, no such agreement has been signed, but there are protocols in place that are based on mutual cooperation between employment agencies, i.e. the protocol on mutual cooperation between the Employment Service of Slovenia and the Labour and Employment Agency of Bosnia and Herzegovina that was signed in 2007.

Some problems related to this agreement were addressed by researchers and trade unions. According to this document, migrants can return to Slovenia after the termination of their work permit but only if they have terminated their legal stay in

<sup>310</sup> See <http://www.njnetwork.org/> (25 May 2011).

<sup>311</sup> Besides the argument that such laws are not suitable for a referendum test and should be adopted as a result of agreement between the concerned parties, among other most-frequently stated reasons for the rejection of the Act was its attempt to regulate various incarnations of the grey economy, including informal work between neighbours. This was rejected as an improper approach that would diminish solidarity in communities while the discussion on those specific provisions that impact migrant situations were salient in public debates.

the country at least six months earlier. The protocol needs to be interpreted also in its relation to permanent residence permits and citizenship requirements, whereby the protocol hinders migrant possibilities to obtain a permanent residence permit and subsequently citizenship. Permanent residence permits can be obtained if a person resides in the country for five years. However, these five year requirement is also fulfilled if a migrant was absent from Slovenia, and was not a holder of a temporary residence permit whereby the absence was shorter than six months. Permanent residence permit are also a condition for citizenship acquisition for which ten years of residence are required among which the last five years need to result in an uninterrupted stay. Some stress that the defined period in the protocol needs to be changed to lower the number of months a migrant is required to stay out of Slovenia to earn the right to return (Medica et al., 2011).

Challenges in regulation of portability of benefits for workers from Bosnia and Herzegovina were recently tackled. According to the previously signed bilateral agreements, migrant workers from these countries who pay social insurance for a minimum period of one year were only entitled to compensation in case of unemployment if they had permanent residence permits. The need has thus emerged to change the *Agreement on social insurance* between Slovenia and Bosnia and Herzegovina valid since 2008 that prevented many Bosnian workers from claiming unemployment benefits. Ministers for Labour from both countries have signed the *Agreement amending the agreement on social insurance* in 2010 that will enable citizens of Bosnia and Herzegovina to obtain unemployment benefits if they qualify under the law governing unemployment benefits and have permanent or temporary residence in Slovenia. The agreement came into force in September 2011 following ratification. It is estimated that 1,273 Bosnian citizens with temporary residence permits are now entitled to unemployment benefits.

## Institutional and Policy Framework for Integration

The 2008 *Decree on Aliens Integration* introduced in January 2011 widens the circle of migrants entitled to integration programmes, mostly to include family members of sponsor migrants. Free integration courses are available to:

- a. third-country migrants residing in Slovenia on the basis of a permanent residence permit and their family members who are holders of permits issued for family reunion (entitled to up to 180 hours of Slovenian language course and up to 30 hours of a course on the country's history, culture and constitution);
- b. third-country migrants who have resided in Slovenia during the previous year based on a temporary residence permit and are holders of permits that have been issued for one year, and also their family members who have permits issued with the purpose of family reunion are eligible for the courses (up to 180 hours of Slovenian language course and up to 30 hours of a course on the country's history, culture and constitution);
- c. third-country migrants who are holders of temporary residence permits that are valid for the minimum of one year (up to 60 hours of Slovenian language course and up to 30 hours of a course on the country's history, culture and constitution);

- d. third-country migrants who are family members of Slovene citizens or citizens of EEA and are holders of permits issued for family reunion purposes (up to 180 hours Slovenian language course and up to 30 hours of a course on the country's history, culture and constitution).<sup>312</sup>

The amended decree overcomes the main deficiencies of the previous provisions that excluded family members from eligibility for integration courses. Some further steps are required to be taken towards truly recognizing integration as a two-way process equalizing migrant positions and opportunities with those of nationals. Thus, integration measures also need to include anti-discrimination efforts and initiatives to tackle social attitudes.

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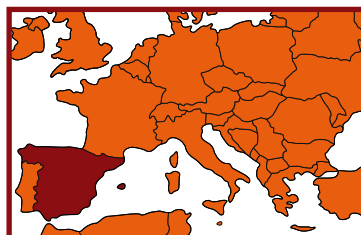
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<sup>312</sup> Ministry of the Interior, at <http://www.mnz.gov.si/> (15 May 2011). It needs to be mentioned that while integration measures can be critically addressed for envisioning integration only as a one-way process, they can also be misused in populist rhetorics. Representatives of defined political parties (SDS) were questioning changes of the decree pointing to the allegedly huge amount of money spent for the courses (cf. Medica et al. 2011, 43).



# SPAIN

Héctor Cebolla-Boado, Ruth Ferrero-Turrión and Ana M<sup>a</sup> López –Sala<sup>313</sup>



## Migration Trends

In 1999 there were less than 750,000 foreign residents in Spain, representing only 1.9 per cent of the population. The latest data from the beginning of 2010 indicate that there are more than 5.7 million immigrants in the country, which constitutes 12 per cent of the population (Table 1). Throughout the last decade a third of the new migratory flows towards Europe were directed towards Spain, making it the OECD country with the second largest number of immigrants received, after the United States, and the first in relative terms (Table 2).

**Table 1: Stock of foreign population in Spain, 2000-2010**

	Total	(%) Population
2000	923,879	1.9
2001	1,370,657	2.3
2002	1,977,946	3.3
2003	2,664,168	4.7
2004	3,034,326	6.2
2005	3,730,610	7.0
2006	4,144,166	8.5
2007	4,519,554	9.3
2008	5,268,762	11.4
2009	5,648,671	12.1
2010	5,747,734	12.2

Source: Municipal Register. Foreign Population (thousands). The National Statistics Institute (INE)

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**Table 2: Inflow of foreign population in Spain by sex, 2000-2009**

	Total	M	F	M (%)	F (%)
2000	330,881	178,006	152,875	53.8	46.2
2001	394,048	210,580	183,468	53.4	46.6
2002	443,085	232,699	210,386	52.5	47.5
2003	429,524	223,036	206,488	51.9	48.1
2004	645,844	354,722	291,122	54.9	45.1
2005	682,711	370,562	312,149	54.3	45.7
2006	802,971	422,997	379,974	52.7	47.3
2007	920,534	502,168	418,366	54.6	45.4
2008	692,228	370,432	321,796	53.5	46.5
2009*	469,342	238,916	230,426	50.9	49.1

Source: Residence Variation Statistic. The National Statistics Institute (INE)

\*Last data available

The Spanish migratory model has mostly been based on immigrants seeking work, although there is a component of family and retirement migration. Nowadays, contrary to the archetypal young, unskilled, male migrant, the internal composition of the flows is rather varied: the areas of migration have multiplied, there are a greater number of women and teenagers, and there has been an increase in the migration of highly skilled workers, although the actual level of migration into low-skilled occupations remains higher.

## Labour Market Impact

In Spain, the insertion of immigrants into the workforce is concentrated in certain economic sectors (services, construction, hospitality, farming and domestic services), not only resulting from the intrinsic needs of the national labour market, but also from the active policies of channeling the workforce towards these sectors. Examples include the annual quota plan, the recruitment agreements with the countries of origin and the policy of work permits.

Immigration in Spain in most cases to filled the need for low-skilled labour force in the sectors that were most dependent on the business cycle. This could be linked to the findings of recent research that suggests that consequences of the economic crisis last longer in Spain, although causes to economic downturns are shared with the rest of the advanced economies (Fernández Albertos and Manzano, 2010).

The bulk of labour immigration was primarily attracted by the opportunities offered by an expanding labour market base in sectors such as tourism, construction and services (Table 3). The stock of foreign workers increased from 557,074 in 2001 to 1,840,827 in 2010. The share of female migrants has now reached 43.7 per cent of the total number of workers.

The share of immigrants working in industry and services was stable during the past decade. On the contrary, employment in agriculture and construction has been fluctuating in relation to the economic situation. The recent economic crisis explains, for instance, the shift in the employment from construction to agriculture and services.

**Table 3: Stock of foreign workers in Spain by economic sector, 2000-2010, per cent**

Year	Agriculture	Industry	Construction	Services
2001	14.4	9.2	14.2	62.1
2002	14.2	9.1	15.4	61.0
2003	14.1	9.0	15.8	61.0
2004	11.7	9.0	17.7	61.6
2005	10.8	7.6	18.8	62.7
2006	9.6	8.1	20.7	61.5
2007	9.1	8.7	21.1	61.1
2008	11.9	8.1	14.4	65.5
2009	15.4	7.5	11.5	65.4
2010	15.7	7.3	9.7	67.1

Source: Labour and Immigration Ministry, 2001-2010.

Additionally, one of the most important changes in the Spanish labour market throughout the last decade is the steady increase of the proportion of the foreign active population. Immigrants have come to represent 16 per cent of the active population in 2010, surpassing the respective figure for most traditional immigration countries (see Table 4).

**Table 4: Active Foreign Population in Spain, 2000-2010**

Year	Total Active Foreign Population	Activity Rate of the Foreign Population
2000	810,100	66.0
2001	1,117,200	71.1
2002	1,542,700	72.4
2003	2,039,600	75.1
2004	2,534,900	75.7
2005	3,095,100	75.5
2006	3,616,600	77.1
2007	4,176,800	75.9
2008	4,627,500	76.7
2009	4,775,00	77.1
2010	4,748,700	76.9

Source: Labour Statistics Bulletin. Labour and Immigration Ministry, 2011.

The Public Employment Service (INEM) statistics gather information from the provincial offices on registered unemployment, including data provided by enterprises, trade unions and private employment agencies legalized in Spain in 1994. An additional indirect estimate includes the flow of new contracts during a year or the raw drops in unemployment claims. Since the end of the 1990s, an Integrated System of Public Services of Employment (known as SISPE) was implemented, and the information generated by the Autonomous Communities and local employment services is now merged.

The debate on the labour market effect of migrant workers was not so heated in Spain as in other European countries, and public opinion surveys do not show high levels of xenophobia. However, the issue of competition with the native population has recently reemerged as a consequence of the harsh economic crisis in Spain. Data show different effects of crisis on unemployment.

The overall unemployment rate reached 20 per cent by the end of 2010, with the difference of 18 per cent for the native workers and 30 per cent for foreign workers. The unemployment gap between the native and immigrant workers (data of the Economically Active Population Survey) reached its highest level by the end of 2009 and in 2010 constituted almost twelve percentage points (Table 5).

**Table 5: Unemployed population and unemployment rates, 2005-2010**

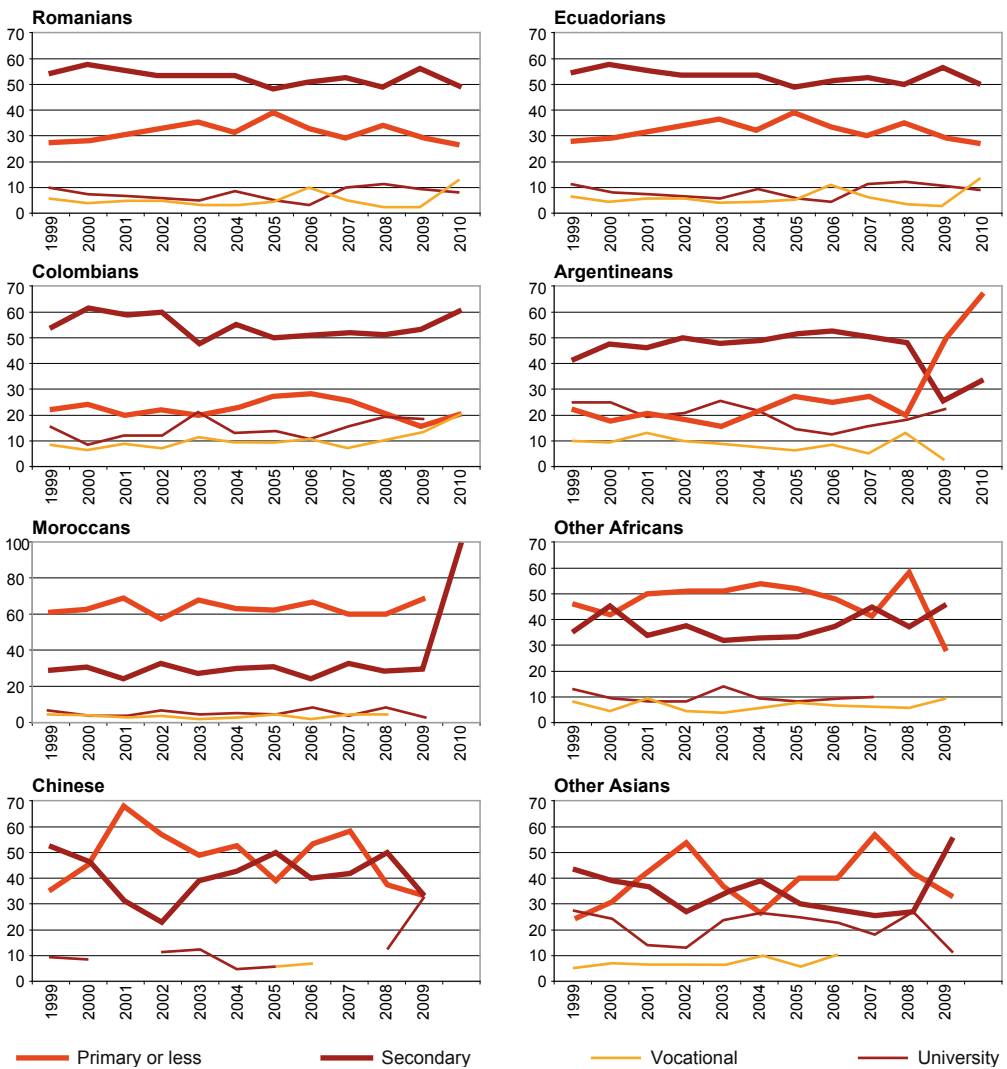
Year (Quarter)	Unemployed population	Unemployment Rate (total)	Unemployment rate (native workers)	Unemployment rate (migrant workers)	Unemployment gap
2005 (I)	2,099,500	10.2	9.8	14.0	4.2
2005 (II)	1,944,700	9.3	9.1	11.6	2.6
2005 (III)	1,756,000	8.4	8.2	10.2	2.0
2005 (IV)	1,841,300	8.7	8.5	10.2	1.7
2006 (I)	1,935,800	9.1	8.6	12.3	3.7
2006 (II)	1,837,000	8.5	8.0	12.0	3.7
2006 (III)	1,765,000	8.2	7.7	10.9	3.1
2006 (IV)	1,810,600	8.3	7.7	12.0	4.3
2007 (I)	1,856,100	8.5	7.8	12.6	4.8
2007 (II)	1,760,000	8.0	7.3	12.0	4.7
2007 (III)	1,791,900	8.0	7.4	11.8	4.4
2007 (IV)	1,927,600	8.6	8.0	12.4	4.4
2008 (I)	2,174,200	9.6	8.7	14.7	5.9
2008 (II)	2,381,500	10.4	9.3	16.5	7.1
2008 (III)	2,598,800	11.3	10.2	17.5	7.3
2008 (IV)	3,207,900	13.9	12.5	21.3	8.7
2009 (I)	4,010,700	17.4	15.2	28.4	13.2
2009 (II)	4,137,500	17.9	16.0	28.0	12.0
2009 (III)	4,123,300	17.9	16.1	27.5	11.4
2009 (IV)	4,326,500	18.8	16.8	29.7	12.9
2010 (I)	4,612,700	20.1	18.0	30.8	12.8
2010 (II)	4,645,500	20.1	19.7	30.2	10.5
2010 (III)	4,574,700	19.8	18.0	29.4	11.4
2010 (IV)	4,696,600	20.3	18.5	30.4	11.9

Source: *The Economically Active Population Survey (LFS). The National Statistics Institute (INE)*

Furthermore, there are important differentials among migrants by nationality in terms of their educational attainment. Africans (both Moroccans and other Africans) are disproportionately overrepresented among the less skilled migrants: only 59 per cent of Moroccans and 44 per cent of Africans have primary education at most. By contrast, EU12 migrants bring more sophisticated educational profiles to Spain: almost one out of five (18.8%) EU10 nationals have a university degree, and a similar rate is displayed by the Bulgarians. Among Romanians, the largest group of EU12 country migrants in Spain, there are only 9.1 per cent of university graduates. While generally speaking Latin Americans are also highly qualified in at least 20 per cent of the cases, there are only 8.4 per cent of Ecuadorians have a university degree, and 14 per cent of Colombians. Argentineans lead the Latin American ranking with 23.3 per cent of university graduates among those residing in Spain.

The educational composition of the migrant population has not shifted over time. Of course, as a recent immigration country, Spain cannot provide large enough longitudinal series, but by merging data from 1999 to 2010, the trend indicates stability in the qualification of migration inflows to Spain. Nonetheless, some changes are worth being mentioned: the percentage of the most low-skilled Romanian workers has importantly increased at the cost of a steady reduction of the percentage of workers with secondary education. Similar developments can be observed among the Argentinians since 2008. The trend among the Asian immigrants is more unpredictable, possibly due to technical reasons (the sample size of Chinese and other Asians in the authors' merged dataset is not very large), although it is clearly observed that these two groups can also be identified as low-skilled.

**Figure 1: Evolution of the educational composition of main immigrant nationalities or groups to Spain 1999-2010**



Source: Author's calculations from the LFS (2000-2010).

The LFS showed the following distribution of the overall population by occupations in the second quarter of 2010. Low-skilled workers in the non-manual and manual categories and in the service sector account for more than 42 per cent of employment. Managers and professionals constitute almost 30 per cent of the Spanish labour force and other skilled workers account for less than 15 per cent.

Immigrants and natives are not equally distributed in these categories. The differences are broadly documented, but this analysis could benefit from assessing the evolution of these categories in 2000-2010 to describe how the Spanish labour market has absorbed the low-skilled inflow of migrant workers and how it allocated workers to sectors over time.

The most important transformation in the occupational distribution of the Spanish nationals was the significant increase of professionals from 2000 to 2005 by 20 per cent. This figure has been quite stable since 2005 and proves to be resistant to the economic crisis. An increase in the weight of low-skilled employment should also be highlighted, although it has not regained its initial importance. Agriculture continues to lose importance with regards to the employment of nationals.

These trends do not apply to the evolution of occupational distribution of third-country nationals. In fact, the trend is mostly stable, except for two elements. First, employment in of unskilled manual workers peaked in 2008, when employment in this group grew by 60 per cent in comparison to 2005. This occupational group lost importance in 2009 and 2010 as a consequence of the crisis, and the destruction of unemployment in key sectors such as the construction. Secondly, a downward sloping trend can be observed among managers and professionals, where the number of employed in 2010 accounts for some 70 per cent of the size of this category in comparison to 2005.

## **Institutional and Legal Framework for Admission, Employment and Integration**

In 2004-2010, one Law (L.O. 2/2009) and one Immigration Regulation (R. D. 2393/2004) were approved that have contributed to creating an immigration system linked to the national labour market context through a range of new tools.

The main features of the 2004 Immigration Regulation included some important modifications to the existing tools and new mechanisms.

The changes introduced into the Quota System included the possibility of modifying the number of available jobs through the course of the year, the provision to process only stable job offers (contracts lasting at least one year) and the creation of job-seeking visas (two categories: for the children or grandchildren of Spanish citizens, and for immigrants specializing in areas with a serious shortage of workers). The number of job offers was to be negotiated between the Spanish Government, the Autonomous Communities, the Trade Unions and Employer Associations, as part of the Tripartite Labour Commission of Immigration. The acquired number of stable job offers was always provisional and could be modified through the year depending of the needs of the labour market.

In 2007, which saw strong economic growth, 27,034 stable jobs were offered through the Quota System, along with 455 visas for domestic work and 500 visas for children and grandchildren of Spanish citizens to search for jobs. The crisis has negatively affected this process. In 2008, the number of stable jobs was reduced to 15,731, a number that would be further decreased by 90 per cent in 2009, when the quota shrank dramatically to a mere 901 job offers. For 2010 the offering constituted just 168 stable jobs offers.

Furthermore, the reform opened the *General Regime* for admission with the objective of enabling employers that wished to seek for foreign workers themselves to do so at any time of the year by bypassing the Quota System. The procedure would nevertheless be subject to a labour market test. In the General Regime, applications for migrant residence and work are evaluated on an individual basis following objective criteria such as the negative labour market test; a guarantee of stable employment; enterprises or employers having kept their Social Security payments in order; working conditions being on par with the national occupational and sectoral standards; and the worker having relevant qualifications, having no penal history and not being an irregular on the Spanish territory.

By the 2004 Immigration Regulations, a new recruitment system was incorporated in the General Regime and became operational in July 2005 – the so-called Special Catalogue of Vacant Jobs. The Catalogue listed all occupations that needed to be covered by workers and could be filled either by Spaniards, EU nationals or third-country nationals with a valid work permit.

The Catalogue is elaborated by Labour Public Services and is approved and renewed every three months. It is disaggregated by province, island in the cases of Balearic and the Canary Islands, the autonomous cities of Ceuta and Melilla, and by sector. The Catalogue lists all vacancies available in the national labour market. This tool speeds up the General Regime process, because it avoids the need to publish job offers by the employer. The presence of a vacancy in the Catalogue implies that an employer may manage the residence and work permit of the foreign worker.

These modifications have established the new General Regime as the main path to immigrant labour market access, due to its flexibility and its facilitation of work permits. Besides, the combination of the Regime with the reformed Quota System for the first time provides with appropriate channels for either an individual or general offers to better link labour market needs and migration realities.

Both the General Regime and the Catalogue have showed to be very flexible and adaptable mechanisms for the different economic situations. While in 2006 120,324 initial permits of residence and work were issued through the General Regime, in 2007 such permits were 178,340, and only around 17,000 in 2010 following the crisis. The Catalogue contained 488 occupations in the first semester of 2008, and only 50 in the first semester of 2011.

Another new instrument – the Large Enterprises Unit – was created in 2007 to facilitate recruitment of highly qualified migrants by the largest enterprises based in Spain. Its main objective is to guarantee more effectiveness and speed in managing work permit process. The Unit has already processed around 10,000 applications. The trade unions disagree with the need for this body arguing that it creates inequalities among foreign workers.

The latest reform of the Immigration Law<sup>314</sup> took place in December 2009, in particular the modification of its articles 19 and 21 pertaining to the labour market. These changes allow the spouse and children older than 16 years old having entered Spain through family reunification to access the labour market upon arrival without a labour market test. This measure seeks to avoid economic dependence on the sponsor, and to recognize family migration as an important source of foreign labour on the Spanish labour market.

Other modifications in the Law that would support labour market integration are focused on skilled workers and transpose the respective EU legislation: a new residence and work permit for highly skilled workers (EU Blue Card), and new regulations pertaining to researchers. Both were approved by the Council of Ministers in April 2010. Another set of amendments concerns new competences for the Autonomous Communities that intends to expedite issuance of permits.

Besides the labour market integration provisions, this new Law meant to consolidate a national immigration policy based on a coordinated decision making process through 1) the Tripartite Labour Commission on Immigration Issues that since 2005 gathers trade unions, employers and immigrant organizations,<sup>315</sup> and 2) the creation of a Sectoral Conference on Immigration<sup>316</sup> with the new law this is in charge of coordination among all state administrative bodies – General Administration and Autonomous Communities.

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<sup>314</sup> Law 2/2009 of December, 11, reforming the Law 4/2000 of January, 11, on Rights and Freedoms of Foreigners and their social integration in Spain (*Ley Orgánica 2/2009, de 11 de diciembre, de reforma de la Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social*).

<sup>315</sup> The creation of this Commission was part of a more general policymaking approach based on Social Dialogue. It was created in 2005 on the basis of Immigration Regulation 2393/2004. The Commission is a collegial body of an advisory character which the main objective of joint immigration management by Government and the social partners (trade unions and employers). The role of this Commission is especially relevant in the approval of the Special Catalogue of Vacant Jobs and the Quota System (now Collective Management of Recruitment in Origin), as well as in reporting on legal changes or regulations which affect labour market or labour relation.

<sup>316</sup> This Sectoral Conference was created through 2/2009 Law to substitute the Superior Council of Immigration Policy. Both bodies were in charge of the coordination and cooperation among the different administrations present in Spain. Its main objective is to reach as much coherence as possible among the state bodies with competences in immigration policies within the General Administration and Autonomous Communities.

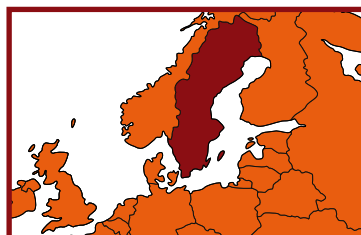


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# SWEDEN

Mirjam Hagström<sup>317</sup>



## Migration Trends

The share of foreign-born persons and foreign nationals in the total population in Sweden increased slightly since 2000. This trend continued between 2009 and 2010 (Table I).

**Table I: Share of foreign nationals and foreign born of total population, 2000, 2005, 2009-2010**

	2000		2005		2009		2010	
		%		%		%		%
Foreign nationals	477,312	5.4	479,899	5.3	602,893	6.5	633,292	6.7
Foreign-born	1,003,798	11.3	1,125,790	12.4	1,337,965	14.3	1,384,929	14.7
Total population	8,882,792	100	9,047,752	100	9,340,682	100	9,415,570	100

Source: Statistics Sweden

Considering the stock of immigrants residing in Sweden by country of birth, the largest group of immigrants were born in Finland, followed by those born in Iraq and the former Yugoslavia. The number of residents born in Iraq increased the most between 2000 and 2010, from about 49,372 to 121,761 persons. The number of migrants born in Poland increased respectively by 75 per cent and comprised more than 70,000 persons in 2010.

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**Table 2: Number of immigrants residing in Sweden (stock) each year, 10 largest countries (in 2010) by country of birth**

	2000	2005	2008	2009	2010
Finland	195,447	183,685	175,113	172,218	169,521
Yugoslavia	71,972	74,032	72,285	71,578	70,819
Bosnia-Herzegovina	51,526	54,813	55,960	56,127	56,183
Iran	51,101	54,470	57,663	59,922	62,120
Iraq	49,372	72,553	109,446	117,919	121,761
Norway	42,464	44,773	44,310	43,819	43,430
Poland	40,123	46,203	63,822	67,518	70,253
Denmark	38,190	42,602	46,167	46,002	45,548
Germany	38,155	41,584	46,854	47,803	48,158
Turkey	31,894	35,853	39,230	40,766	42,527

Source: Statistics Sweden

Among the holders of foreign nationality, the Finnish and Iraqi nationals are again the two largest immigrant groups. The number of Finnish nationals residing in Sweden decreased by almost 30,000 between 2000 and 2010. The Iraqi, Danish and German populations almost doubled itself during this decade, but the groups with the highest relative growth are from Poland, Somalia, Thailand and China.

**Table 3: Number of immigrants residing in Sweden (stock) each year, 10 largest countries (in 2010) by country of citizenship**

	2000	2005	2008	2009	2010
Finland	98,571	87,067	77,063	74,050	70,596
Iraq	33,116	31,892	48,569	55,114	56,581
Poland	16,667	17,172	34,733	38,587	40,882
Denmark	25,567	32,885	39,717	40,272	40,458
Norway	31,997	35,418	35,484	35,192	34,949
Somalia	11,535	9,599	18,265	24,699	30,807
Germany	16,357	20,969	26,587	27,527	27,584
Thailand	5,765	11,196	15,539	17,099	18,278
UK	13,062	14,726	16,539	17,332	17,391
China	4,438	6,676	9,441	11,817	14,134

Source: Statistics Sweden

There were no dramatic changes in 2009-2010 with respect to migration and labour market trends in Sweden. Third-country nationals that are granted a residence permit due to family reunion constitute the largest immigration group also in 2010. The observed increase of family reunion cases in 2008 and 2009 ceased and instead

there has been a drop by some 10,000 cases or 28 per cent in family reunification between 2009 and 2010. This influences the total number of granted residence permits which diminished by about 7,000 permits in 2010 compared to 2009. The decrease observed in 2010 could be a response to the lower level of refugees that received residence permits in 2008-2009. To some extent it could also stem from a new financial support requirement for family reunification that came into force in April 2010. Furthermore, an increase in the numbers of foreign students continued in 2010. The low number of permanent permits for employment in both 2009 and 2010 can be a result of the new policy on labour market immigration in force since the end of 2008. According to this policy are temporary permits granted initially for two years.

**Table 4: Residence permits granted and registered rights of residence 2000-2010**

Year	Total	refugees and other types of protection <sup>1</sup>	family reunion <sup>2</sup>	labour market <sup>3</sup>	guest students	EEA/EU (all categories)
2000	45,164	10,546	22,840	433	3,073	7,396
2001	44,505	7,941	24,524	442	3,989	6,851
2002	44,664	8,493	22,346	403	4,585	7,968
2003	46,857	6,460	24,553	319	5,509	9,234
2004	50,491	6,140	22,337	209	6,021	14,959
2005	55,990	8,076	21,908	293	6,837	18,071
2006	76,095	20,663	26,668	349	7,331	20,461
2007	76,655	18,290	28,975	543	8,920	19,387
2008	76,240	11,173	33,184	796	11,186	19,398
2009	76,997	11,119	34,082	81	13,487	17,606
2010	69,916	12,073	24,626	99	14,188	18,480
TOTAL	1,304,933	377,596	592,711	11,267	108,148	192,029

Source: Swedish Migration Board

1) Temporary permits are not included.

2) Family reunification of certain key persons are not included as of and incl. 2005.

3) Only permanent residence permits.

Thailand is the most common country of origin receiving permanent permits for employment purposes followed by India and China, which holds true also for the respective temporary residence permits (Migration Board, 2009). The number of the latter increased somewhat since the 2008 reform. The growth in 2009 can be explained by an increase in the inflow of seasonal workers in farming, gardening and forestry, which doubled from 3,747 in 2008 to 7,290 in 2009 and then decreased to 4,508 in 2010.

The number of temporary labour market applications in 2009 larger than expected by the authorities. In 2008 and 2009, 63.5 per cent of new permit holders received a permit for less than six months due to a significant demand for seasonal work as described above (Migration Board, 2009).

**Table 5: Temporary work and residence permits issued in 2005-2010**

	2005	2006	2007	2008	2009	2010
Student	6,837	7,331	8,920	11,186	13,487	14,188
Labour market	5,985	6,257	9,859	14,513	21,582	21,584
of which, labour force <sup>1</sup>	3,135	3,567	4,829	7,508	14,905	14,001
Family reunification <sup>3</sup>					3,628	5,211
Guest researcher <sup>4</sup>	341	377	396	613	933	883
Seasonal workers <sup>2</sup>	496	70	2,358	3,747		
Trainees / au pair	609	592	587	653	650	493
Artists	878	1,080	1,045	1,117	637	244
Others <sup>5</sup> )	526	571	644	875	829	752
EU/EES	18,069	20,461	19,387	19,398	17,606	18,480
of which, labour force	7,414	9,020	8,189	7,881	5,857	6,984
Self-employed <sup>6</sup>	1,257	1,144	695	488	418	522
Family reunification	22,713	27,291	29,515	33,687	34,704	25,076
Refugees and corr.	8,859	25,096	18,414	11,237	11,265	12,130
Total	62,463	86,436	86,095	90,021	98,644	91,458

Source: Swedish Migration Board

- 1) Seasonal workers within farming, gardening and forestry is included in the 'labour force' category for 2009 (7290 persons) and 2010 (4508 persons)
- 2) See above 1)
- 3) Registered as another category 2005-2008. Family reunion cases connected to a person who received a temporary labour market permit.
- 4) Guest researchers with a permit 2005-2008
- 5) Professional athletes, youth exchange etc.
- 6) Including providers of services 2005-2008

There was a large increase of humanitarian migrants from Somalia (by 70% in 2009 compared to 2008) in 2009-2010 and a smaller increase in the inflow from Eritrea and Afghanistan (Migration Board, 2011). Nevertheless, the total number of humanitarian migrants who were granted residence permits remained stable between 2008 (11,173 permits granted) and 2010 (11,764 permits).

One of the most recent estimations of the number of irregular migrants in Sweden places the number at about 50,000 persons (Meret and Jorgensen, 2010).

## Labour Market Impact

According to the Labour Force Survey (LFS) the employment rate increased for all groups divided by country of birth and sex between 2005 and 2008 followed by an across-the-board drop in 2009 due to recession (Table 6). In 2010 there was a small improvement for the Swedish-born men while the employment rate of the foreign-born men has not changed. The foreign-born women were the most affected

with a drop in employment by almost three percentage points in 2010 compared to 2008.

**Table 6: Gainfully employed (LFS) 15-74<sup>318</sup> years by country of birth and sex. 2005, 2008 – 2010, per cent**

Birth country	Sex	2005	2008	2009	2010
Swedish born	men	69.2	70.7	68.3	69.0
	women	64.4	66.0	64.3	64.2
	total	66.8	68.4	66.3	66.7
Foreign born	men	59.5	63.6	60.3	60.3
	women	52.6	53.2	52.5	50.5
	total	55.9	58.1	56.2	55.2

Source: Statistics Sweden

**Table 7: Employed population 20-64 years, by country of birth, 2000, 2005, 2008-2009, per cent**

	2000		2005		2008		2009	
	employed	of which, self-employed	employed	of which, self-employed	employed	of which, self-employed	employed	of which, self-employed
Sweden	78.5	7.2	79.3	8.9	81.8	8.7	79.4	9
Nordic Countries excl. Sweden	66.2	6.3	64.9	7.9	65.2	8.5	63.1	9
EU/EFTA excl. Nordic Countries	59.8	9.6	60.4	11.2	61.2	11.1	57.5	12.2
Outside EU/EFTA	48.3	9.4	50.2	10.1	53.6	9.4	49.4	10.1
<b>TOTAL</b>	<b>75.2</b>	<b>7.4</b>	<b>75.6</b>	<b>9</b>	<b>77.5</b>	<b>8.8</b>	<b>74.6</b>	<b>9.1</b>

Source: Statistics Sweden

The unemployment rate of the foreign-born women grew from 14.3 to 16.5 per cent between 2009 and 2010. Furthermore, from 2008 to 2010 the unemployment rate increased for both foreign-born men and women equally with around four percentage points, compared with some two percentage point rise for the Swedish-born men and women (Table 8). Those born outside the EU/EFTA fare the worst in the labour market (Tables 7 and 9). Their unemployment rate is almost double the unemployment rate is almost three times higher than that of the Swedish-born.

<sup>318</sup> This data comes from the Labour Force Survey which uses the age range between 15-75. There are also a few tables concerning the labour market in this paper which use the age range 20-64 and this data comes from the Registerbased labour market statistics.

**Table 8: Unemployed (LFS) 15-74 years by country of birth and sex. 2005, 2008-2010, per cent**

Country of birth	sex	2005	2008	2009	2010
Swedish born	men	6.8	5.0	7.3	7.2
	women	6.8	5.5	6.8	6.7
	TOTAL	6.8	5.2	7.1	7.0
Foreign born	men	14.8	11.3	15.9	15.6
	women	13.5	12.8	14.3	16.5
	TOTAL	14.1	12.0	15.1	16.0

Source: Statistics Sweden

**Table 9: Unemployed by country of birth, 20-64 years, 2000, 2005, per cent**

Region of birth	2000	2005	2008	2009	2010
Born in Sweden	7.3	8.1	5.1	6.3	6.5
Born in the Nordic countries excl. Sweden	7.3	7.1	4.8	5.8	5.7
Born in EU/EES excl. Nordic countries	9	9.2	7	8.6	9
Born outside EU	15.1	15.2	12.1	14.2	15.6
TOTAL	7.9	8.8	5.9	7.3	7.7

Source: Statistics Sweden

The unemployment rate of the humanitarian migrants continues to increase to a much higher degree than for other categories of the foreign-born, which confirms their extremely vulnerable labour market position severely affected by the economic crisis (Table 10).

**Table 10: Employment status by grounds for admission, 2000, 2005, 2008-2010, per cent**

Grounds for admission	2000		2005		2008		2009		2010 <sup>1</sup>	
	employed	unemployed	employed	unemployed	employed	unemployed	employed	unemployed	employed	unemployed
Refugees and other protection categories, and their family members	45.8	18.2	50.9	17.4	53.7	13.8	49.7	16.3	..	18.1
Other foreign-born immigrants	58.5	9.7	56.9	10.4	58.5	8.2	54.7	9.8	..	10.7

Source: Statistics Sweden

1) The number of employed by grounds for admission is still not available for 2010.

The highest share of the foreign-born men work in hospitality and catering (44 per cent of all workers in 2009). This sector saw the drop between 2008 and 2009 in



employment of men born outside the EU/EFTA from 33.4 to 25.9 per cent of workers. At the same time, the share of the EU/EFTA-born male nationals in hospitality and catering increased from 10 to 18.1 per cent. Further 12 per cent of male workers born in the EU/EFTA work in textiles, clothing, leather industries and 10.9 per cent were employed by the rubber and plastic products sector in 2009. Male workers from outside the EU/EFTA occupy relatively high number of jobs in residential care and social work (13.3 and 15.1 per cent respectively in 2009). Finally, around ten per cent of male workers from each category work in temporary employment agencies, tourism, security, real estate and secretarial jobs. (Statistics Sweden)

EU/EFTA-born women are significantly represented in many areas of manufacturing industry (from 10 to 14 per cent of all workers), and female workers born outside EU/EEA are employed in hospitality and catering (12 per cent). Both groups hold many jobs in tourism, security, real estate and secretarial activities (11.4 per cent for TCNs and 16.2 per cent for EU/EFTA-born). (Statistics Sweden)

## Institutional and Legal Framework for Admission and Employment

After the election in 2010, the Sweden Democrats (*Sverigedemokraterna*), a party with an anti-immigration agenda gathered enough votes to enter the Swedish Parliament. The new Government did not win the majority of votes, so the Green Party and the Government established a Framework Agreement on migration policy to block the influence of *Sverigedemokraterna* on the national politics in this area. The basic premises of the agreement are: 1) safeguard the right of asylum, 2) facilitate labour immigration and mobility across borders, 3) utilize and take account of the developmental effects of migration, and 4) deepen European and international cooperation (Swedish Government, 2011).

A new policy concerning labour immigration entered into force on the 15 December 2008. The rules were changed with the aim of developing a more flexible system as a response to the existing and emerging labour shortages (Ministry of Justice, 2008).

On 31 March 2011 an Interim Report on Circular Migration was submitted to the Minister of Migration. The report suggests ways to facilitate circular migration to and from Sweden and to seize its positive developmental effects. The report argues that migration is positive and that Sweden needs to attract international migrants as a prerequisite for driving up its global competitiveness. The authors favour promoting spontaneous circular migration instead of the “managed” circular migration schemes, including by the relevant provisions in the residence permit schemes that facilitate circulation by choice. The report then suggests to prolong the possible period of temporary labour market permits and to facilitate the transition from temporary to the permanent permits (Committee of Circular Migration, 2011).

From the autumn semester 2011 there is a fee for international students from outside the EU/EES area who study in Sweden and the abovementioned report states that this has decreased the number of applicants dramatically.

It is difficult for undocumented immigrants to access healthcare system in Sweden. On the 31 May 2011 the proposed amendments to the regulations on health care for asylum seekers and undocumented migrants in Sweden are to be handed to the government (Ministry of Health and Social Affairs, 2010).

## Institutional and Policy Framework for Integration

In September 2008 a Strategy for the Integration Policy in Sweden between 2008 and 2010 was presented by the Government (Ministry of Integration and Gender Equality, 2008). The main rationale behind the change is the continuously high unemployment of the foreign-born residents. A number of strategic areas are identified:

- Effective system for reception and introduction for newly arrived;
- Increasing the number of employed and self-employed foreign-borns;
- Improved educational result and equivalence in school;
- Improved language skills and education possibilities for adults;
- Effective fight against discrimination;
- Improving conditions in the neighborhoods with widespread marginalization levels;
- Common value system in a society defined by increasing diversity.

The reform of the Swedish integration policy is outlined in the Government Bill (2009/10) *Introduction of newly arrived immigrants into the labour market - individual responsibility with professional support* (Ministry of Justice, 2010) and the Act (2010) *on introduction activities for certain newly arrived immigrants*. The new system entered into force on 1 December 2010. This is the largest change of the integration policy since mid-1980s when the municipal reception system was established. The old system was heavily criticized (see Hagström, 2009). The main components of the reform are as follows:

- The coordinating responsibility of the introduction activities is moved from the municipalities to the Swedish Public Employment Service;
- A new type of benefit is introduced which is national instead of local and depending on active participation in the introduction programme;
- An “introduction guide”, a new service provider, is introduced that is supposed to assist the immigrant with the labour market introduction.

The aim of this reform is primarily to improve the labour market induction of the newly arrived refugees. The government calculated that the cost of this system will be 920 million SEK (approximately 102 million EUR) per year (Ministry of Finance, 2008).

It is too early to consider the impact of the reform. However, the Swedish think-tank FORES published a report about the first 100 days of the new system in March 2011 (Rosenqvist, 2011). They found that much remains to be done to achieve success. In particular, many municipalities now have restructured their introduction systems,

which in many cases means that integration activities will be under the responsibility of the social services. Even though it is the Public Employment Service that is in charge of the introduction, many newly arrived immigrants have a lot of contact also with the municipality. Discussions continued since the mid- 1980s on the problems with having the introduction work placed at the social services, and the criticism focused on the fact that these services are primarily concerned with care and not promoting self-support.

Another consequence of the reform is that many labour market preparatory measures that were developed and organized by the municipalities are now discontinued. The government and the Public Employment Service encourage the municipalities to carry on with the labour market initiatives, and about half of the municipalities that Rosenqvist (2011) contacted will continue this work, but many do not see this possibility within the existing budget. Rosenqvist finds that the Public Employment Service has not developed the necessary labour market programmes and projects in order to supplement the cancellation of activities by municipalities. In addition, labour market measures directed to the newly arrived immigrants within the Public Employment Offices seem to be delayed. The research shows for example that there are fewer possibilities to combine the Swedish for Immigrants (SFI) with labour market measures than before the reform.

Many of the problems with the old system derived not from the municipal role, but stemmed from the national administration, such as receiving the personal identity number and benefits on time (see also Hagström, 2009). Without the personal identity number a person cannot start any introductory integration activities. Rosenqvist does not find that these problems were solved.

Lena Nekby and Pernilla Andersson Joonas (2009) analysed the result of a pilot project that was launched before the reform and their study shows that the introduction measures organized according to the new system have a much greater chance of leading to employment for the participants. However, the improvement was only seen for the male participants, for the women no change was observed.

Swedish for Immigrants (SFI) is the name of the Swedish language education programme which is an obligatory part of all introduction plans for the newly arrived immigrants in Sweden. In 2009 the Swedish Agency for Public Management evaluated the SFI on the behalf of the Government (Swedish Agency for Public Management, 2009). They look at the students who started SFI during the year 2004/05. The report shows that more than one third of the participants were not able to get a certificate after three years education. About half of the students with high educational background pass the highest level course and the corresponding number for the students with low educational backgrounds is ten per cent. The Swedish Agency for Public Management draws the conclusion that there is a great potential for improvement when it comes to SFI. They suggest to have more individualized and flexible curriculum, to put more effort also on other newly arrived immigrants not covered by the introduction work and not only those for whom participation is obligatory, to prioritize adequately trained teachers and to encourage cooperation between the municipalities.

In December 2010 an Inquiry Chair was appointed by the government to investigate SFI. The investigation proposes that a student must start SFI within one year after

being granted residence permit and that the right to participate in a course ends four years after the day of registration of residence (Inquiry on time-limited Swedish for Immigrants, 2011). The students may themselves choose full- or part-time studies. The report also suggests introducing individualized study plans for SFI students from 1 July 2012.

In 2009 the government decided to try out a bonus of 12,000 SEK (approximately 1,300 Euros) for those who pass a SFI course within one year (prop. 2008/09). The SFI bonus became permanent on 1 September 2011.

Step-in jobs are specific measures that subsidize employment for newly arrived immigrants in the first 36 months after obtaining a residence permit and for the duration of no longer than 24 months. These jobs are to be combined with Swedish language classes and the employer would only pay 20 per cent of the wage (Public Employment Office, 2011a). This measure exists since 2007 and the rules somewhat changed in 2008. Between May and December 2008 the number of persons with a step-in job more than doubled from 760 to 1,900 persons, and further to 2,600 persons by June 2010 (Ministry of Finance, 2009). The majority (54 per cent) of those who completed a step-in job in 2009 had a job with or without support for at least 90 days, and about 60 per cent of them had moved to another measure – New Start job (Ministry of Finance, 2010). The Government thus concludes that the step-in jobs are working as a “bridge to work” (Ministry of Finance, 2010).

New Start jobs are not specially directed towards newly arrived immigrants, but generally for individuals marginalized on the labour market. Employers that hire a person who was unemployed for between six months and a year can receive financial support from the Public Employment Office. For newly arrived immigrants the measure can only be used within three years after obtaining the first residence permit, and for a maximum three years in duration of support (Public Employment Office, 2011b). The Budget bill 2011 shows that the number of persons in New Start jobs in June 2010 was 35,257, including 7.2 per cent of newly arrived immigrants (Ministry of Finance, 2010).

One of the factors that influence the possibilities of newly arrived immigrants to find jobs are their lack of labour market networks (Ministry of Finance, 2010). The government therefore decided to invest 15 million SEK (approximately 1.7 million Euros) between 2010-2012 in order to develop mentor activities for newly arrived immigrants. The Youth Board is in charge of allocating the money (five million per year). Nine civil society organizations received funding for developing these types of activities (Swedish National Board for Youth Affairs, 2011) to obtain more knowledge about the importance the labour market networks and promote integration engagement of the private and charitable. The investment will be evaluated between 2012 and 2014.

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# TURKEY

Gülay Toksöz<sup>319</sup>



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## Migration Trends<sup>320</sup>

Today's Turkey is both a migrant sending and receiving country. Whereas the sending aspect lags due to restrictive migration policies of the EU, the receiving aspect has come to the fore-front in recent years. Since the end of 1980's, Turkey has received a large inflow of migrants, particularly ethnic Turks from Bulgaria and, to a lesser extent, from the former USSR pushed by the radical transformation in their economic, political and social structures. Additionally, Turkey acts as a transit country for irregular migrants from various Asian and African countries attempting to enter the EU. Finally, Turkey receives asylum-seeking migrants from a number of Middle Eastern countries. Although said migrants' motives for coming may differ, the common feature of all irregular migrants is the pull for them to join the informal labour market in order to earn their livelihoods in Turkey.

Official statistics on international migration are in general quite limited in Turkey, but in the case of irregular migrants, the limitation is acute. Due to a paucity of available statistical data on irregular migrants, existing studies and field surveys will be reviewed as the main sources for this report. Existing literature, generally of explorative character, gives some idea about the causes and nature of migration, working conditions and the return of migrants. Only a rough analysis of the implications of migration on the Turkish labour market can be conducted under these circumstances and the content of this report will be determined respective to the available information.

Residence permits for migrants are issued by The Department of Foreigners, Border and Asylum of the Directorate General of Security under the Ministry of Interior (MoI). The total number of non-nationals with residence permits was 163,326 in 2009. In that year, residence permits related to work purposes accounted for 17,483 of the total amount

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<sup>320</sup> The following part is mainly from the LINET 2010 Country Report for Turkey prepared by Yelda Devlet, updated with statistics for 2010.

issued to migrants. In 2010, 176,944 residence permits were issued to foreign nationals, of which 19,351 persons held a work permit and 29,266 persons held a permit for studies. A further 128,327 permits were granted under the “various reasons” clause, most of which were issued for family reunification purpose to the dependants of work or study permit holders. The majority of migrants with a residence permit in Turkey come from Bulgaria, Azerbaijan, the Russian Federation, Germany, the USA, the UK, Iraq and Iran.

**Table 1. Number of residence permits, by country of origin, 2000, 2005, 2009-2010**

Country of Origin	2000	2005	2009	2010
Bulgaria	61,658	53,698	12,433	20,212
Azerbaijan	10,564	10,477	17,123	10,575
Germany	5,339	8,425	10,169	11,045
United Kingdom	3,281	6,444	8,506	8,930
Russian Federation	6,871	6,444	12,941	12,744
Ukraine	2,326	3,422	5,122	5,563
Iraq	5,506	6,133	7,119	7,948
USA	6,446	6,119	5,356	6,518
Iran	6,117	6,014	5,253	6,717
Greece	7,308	5,902	4,908	5,237
Turkmenistan	2,529	2,087	4,033	4,418
Kazakhstan	3,676	3,896	7,770	7,293
Afghanistan	3,464	3,564	6,937	7,081
Moldova	889	3,065	3,422	3,388
China	1,074	2,143	4,448	4,037
Other countries	40,999	51,131	47,786	55,238
<b>Total</b>	<b>168,047</b>	<b>178,964</b>	<b>163,326</b>	<b>176,944</b>

Source: Ministry of the Interior.

Note: The table includes statistics on all types of residence permits issued by the Mol.

**Table 2: Types and number of residence permits, 2000, 2005, 2009-2010.**

Years	Residence Permits (Various Reasons)	Residence Permits (Work Related Purposes)	Residence Permits (Educational Purposes)	Male	Female	Total No. of Foreigners with Residence Permits
2000	119,275	24,198	24,574	88,290	79,727	168,047
2005	131,594	22,128	25,242	95,037	83,927	178,964
2009	118,780	17,483	27,063	78,112	85,214	163,326
2010*	128,327	19,351	29,266			176,944
<b>Total 2000-2010</b>	<b>1,400,117</b>	<b>237,337</b>	<b>278,708</b>			<b>1,916,132</b>

Source: Ministry of Interior, Directorate General of Security, Department of Foreigners, Border and Asylum

\*Distribution by sex was not provided for in 2010 data.



**Table 3: Number of residence permits issued for employment purposes, by country of origin, 2000, 2005, 2009-2010**

Country of Origin	2000	2005	2009	2010	Total 2000-2010
USA	2,313	2,062	1,150	1,500	20,952
Germany	1,665	1,508	1,029	1,044	15,499
United Kingdom	1,503	1,493	775	924	13,696
Russian Federation	2,062	1,308	1,850	2,069	17,463
France	1,736	1,286	672	729	13,599
China	370	976	3,130	2,562	14,296
Iran	1,335	921	220	247	8,929
Azerbaijan	923	821	652	698	8,910
Japan	653	793	230	273	6,545
Ukraine	929	715	1,222	1,535	9,719
Italy	750	668	359	414	7,039

Source: Ministry of the Interior.

Another source of information is the Ministry of Labour and Social Security, as the agency issues work permits to foreigners mainly under Law No. 4817 on Work Permits for Aliens (2003). Since the Law envisages granting of work permits to foreigners only in cases where domestic labourers are not available, the number of permits granted is extremely limited. According to statistics provided by the Ministry, the total number of work permits newly granted or extended totalled 14,023 in 2009 and 14,201 in 2010.

**Table 4: Number of work permits according to status of permit (6.9.2003-31.12.2010)**

	Permit for a definite period	Renewal of permit	Unlimited permit	Renewal of unlimited permit	Exceptional permit	Independent work permit	Total
2003	508	295	10	40	1	1	855
2005	5,263	3,764	39	120	221	31	9,438
2008	6,543	3,583	32	75	456	16	10,705
2009	8,782	4,693	26	57	456	9	14,023
2010	8,995	4,760	33	68	343	2	14,201
2003-2010 Total	46,781	26,098	255	687	2,137	99	76,057

Source: Ministry of Labour and Social Security.

Note: Preliminary data for 2010.

Whereas according to the Ministry of Interior the number of residence permits related to employment purposes totalled 19,351 in 2010, the number of work permits issued by the MoLSS totalled 14,200. This difference can be attributed to the existence of foreign workers who are exempt from work permits. Article 55 of the Law on Work Permits for Aliens Implementing Regulation gives a detailed list of these types of persons. There is a difference among the national distribution of

work-related residence permit holders (MoI) and work permit holders (MoLSS). In the former category, people from the USA, the Russian Federation and Germany lead the list. In the latter, people from the Republic of China, the Russian Federation and Germany are the most populous groups.

Looking at the distribution of residence permits granted for work purposes in 2009 by fields of employment, it can be observed that Chinese nationals constitute the largest group of migrant private company employees. Chinese firms engaged in mining in particular tend to use expatriate employees. Migrants from the Russian Federation and Ukraine make up the bulk of permit-holders in the tourism sector. For individuals coming from EU countries and the USA, the majority of migrants have permits granted for academic purposes.

The bulk of migrant workers in Turkey work informally in unskilled jobs. Although no accurate figures exist on the size of irregular migrant workers, their number was estimated to be in the range of 125,000 to 150,000 between the end of 1990's and beginning of the 2000's.<sup>321</sup> Though it is not universally the case, irregular workers are most often nationals of former USSR countries, who arrive in Turkey without any prior visa requirements. They manage to secure informal employment and illegally stay in the territory after the expiration of their entrance visas. There are several reasons said migrants select Turkey as their destination, including the flexible visa system, geographical proximity, ease of access, existence of family members and a relatively high probability of finding jobs in the informal economy. (İçduygu, 2008)

## Labour Market Impact<sup>322</sup>

The labour market in Turkey displays a segmented structure derived from the coexistence of formal and informal sectors. The formal sector incorporates workers from large enterprises, both public and private, in urban centres. The informal sector incorporates informal workers from small enterprises as well as agriculture sector labours, which still accounts for a very high percentage of total employment. The relatively low proportion of wage earners in the total labour force, and the fact that more than one-third of all workers are either self-employed or work for free in small family enterprises indicate that labour markets in Turkey are extremely flexible and highly segregated on a gender basis. This flexible structure of the labour markets enables employers to employ irregular migrant workers ready to work under any conditions in spite of high unemployment rates among native workers. (Toksöz, 2007)

<sup>321</sup> According to İçduygu, the number of irregular migrants amounts to 200 to 300 thousand at the end of 90's based on the data of MoI. With reference to this estimation he asserts that the number of irregular migrant workers on a yearly basis is around 125-150 thousand. İçduygu, A. (2004) Türkiye'de Kaçak Göç, İstanbul: İTO Yayınları, p.68

<sup>322</sup> All data used in this section is from the Household Labour Force Surveys of the Turkish Statistical Institute (Turkstat). The reason for using 2005 instead of 2000 data as the beginning year is the continuing revision of the Household Labour Force Surveys after the implementation of the Address Based Population Registration System in November 2007. Adjustments are to be made in the Household Labour Force Survey results by taking into account the number of the total population according to the new registration system. The revision goes back to 2005. There is no comparability with the previous years.

Turkey recovered rather quickly from the economic crisis of 2008-2009, which manifested itself as a contraction in growth, accompanied by contractions in the manufacturing and service sectors as well as growing unemployment. GDP growth rates with constant prices were 0.9 per cent in 2008 and -8.4 per cent in 2009. In 2010, with a rapid recovery rate, the GDP growth rate reached 8.9 per cent and per capita income was estimated at 10,079 USD.<sup>323</sup> However, due to the “jobless increase”, which has been the defining characteristic of the Turkish economy since the 2000s, the number of unemployed did not return to pre-crisis levels.

Although the existence of high unemployment rates and limited possibilities of employment in the formal economy in Turkey lead to a surplus labour force that is ready to take up informal work despite unfavourable terms, the same situation also offers employment opportunities to irregular migrants. Irregular migrants partly take up those jobs rejected by domestic labourers, but at the same time there is a form of competition between domestic and migrant workers in the manufacturing, construction and agriculture sectors. Substitution is relatively infrequent in domestic services, and entertainment industry.

## Migrants in Domestic and Care Services

In Turkey, due to the rudimentary nature of the welfare state there is almost no institutional public care service. Although women’s labour force participation rates are very low, female university graduates occupied in professional jobs create demand for domestic and care services, as they are unable to perform the traditional family roles. The procurement of care services from the labour market in the context of insufficient or nonexistent institutional services offers informal employment possibilities for native women migrating from rural to urban areas. However, they only work if they are obliged to, namely if the male member of the family is incapable of earning money due to death, sickness or unemployment. It is quite exceptional for native females to give live-in services in others’ homes since they have their own family responsibilities and because of a conservative world view. Under these circumstances, native women prefer to work on a daily basis. Migrant women fill the resulting labour deficit. Domestic and care services are the most prevalent areas of employment for irregular female migrant workers in Turkey. Migrant women often also prefer to provide live-in services as such an arrangement saves them the cost of room and board. Middle and high income families prefer childcare and especially nursing care to be performed by migrant women, as they have higher education levels compared to native women, and they are considered to be more industrious and disciplined workers. Additionally, migrant women are nearly indentured and are thus available without restrictions around-the-clock as they reside at the homes of their employers. (Demidirek, 2007)

Although the range of nationalities constantly changes, women from Moldova, particularly those from the Turkish speaking *Gagauz* minority, continuously constitute a significant share of domestic workers. In recent times, the share of women from Georgia and the Turkic countries in Central Asia has risen. Visa practices determine the ethnic composition of workers. (Akalin, 2007) Women coming to Turkey with tourist visas are in a circular migration process as they work for some time and return

<sup>323</sup> Turkstat News Bulletin Nr.66, 31.3.2011, [www.tuik.gov.tr](http://www.tuik.gov.tr)

home with savings, only to return once again after depleting their financial resources. Female migration in Moldova has become a life strategy that is handed down from one generation to another in an effort to meet the needs at home. (Keough, 2006)

Migrant women use either agencies or social networks to find employment in Turkey. When agencies are used, there are no formal contracts between the parties. Usually the agencies charge a commission for their services from the employers. (Atatimur, 2008) The typically monthly wages of workers range between 300 and 800 USD. Although the wages are very high compared to those in the countries of origin, women are under the negative influence of their irregular status, seldom venturing out due to the fear of deportation, living in isolation and frequently missing the children left behind. (Kaska, 2006; Ozinian, 2009)

## **Migrants in manufacturing industry**

In the manufacturing industry, migrants are usually employed in clothing workshops and small food production enterprises. Migrants and the native labour force compete for these jobs as indicated by the following quote:

“In this rivalry employers may prefer foreign workers since they are ready to accept lower wages, are relatively more skilled and regarded as hard working and disciplined. Especially in long-lasting economic crises, some employers in small and medium-size enterprises try to cope with the effects of economic downturn by employing low-paid foreign workers at long hours. In fact, these enterprises are able to fill orders from larger enterprises only by offering low prices, which becomes possible only if they can manage to keep labour costs down. The domestic labour force, on the other hand, cannot accept such low wages since it is impossible to sustain a family at such low rates. Hence we observe different wage rates for foreigners and domestic labour. The clothing sector in the manufacturing industry exemplifies this competition between the two wings of labour force.” (Toksöz, 2007)

According to the findings of a survey conducted in an Istanbul garment workshops, women from the Nahcevan region of Azerbaijan constitute an important source of migrant labour at said production sites. Their devotion to employment, based on a sense of “high morals”, compel these workers to toil away solemnly and silently, without complaint, despite enduring long hours and harsh conditions. However, they usually receive lower wages than natives performing the same work. Sometimes they are fired without any severance compensation. Ethnicity and gender are functionalised by the employers to create a docile workforce. In poor families migrating from Azerbaijan to Turkey, women become the main income earners as men usually work on a temporary basis in construction or remain unemployed. (Degeoglu, 2011)

## **Migrants in construction**

The construction sector offers the most important area of employment for male migrant workers. Not only for irregular migrants coming from abroad, but also for internal migrants coming from rural areas as unqualified labour, it is the gateway to the labour market. The sector is in general identified with informal employment and fatal work-

related accidents. Due to the pervasive practice of subcontracting, big companies can divide work by assigning various tasks to small firms and own account sub-businesses. Because of very low profit margins, the workers of these small entities are employed without any social rights or protection. As migrant workers from abroad can be paid lower wages, they are recruited for short-term employment in building construction and repair, road/bridge construction and repair, and restoration of historical remains/structures. All work performed by irregular migrant workers is labour-intensive and unqualified, which places them at the bottom of the employment hierarchy. Cases of non-payment of wages are known to occur. There is competition among migrant workers from abroad and internal migrants of Kurdish origin. Employers prefer migrant workers from the Turkic republics of the former USSR, often citing said workers' Turkish and Muslim identity as justification. However, the nationalist attitude is merely a subterfuge use by employers to conceal their real intention of lowering labour costs. It is challenging to refuse payment to Kurdish workers as they can more effectively assert their rights. (Toksöz, Akpınar, 2009)

## Migrants in agriculture

Another area of employment and competition is agriculture. Especially in the Black Sea region where during the hazelnut and tea harvest, temporary workers are often employed. Traditionally, workers of Kurdish origin, particularly females coming mainly from South-Eastern Anatolia, often with the whole family in tow, have been the main source of agriculture labour. Being the most vulnerable group on the labour market, they work for very low daily wages under very difficult conditions. In recent times, irregular migrants workers from neighbouring countries, who are often willing to work for even lower wages, have been preferred by the employers, which thus condemns those that refuse such wages to unemployment. (Yıldırak et al. 2003)

## Institutional and Legal Framework for Admission, Employment and Integration<sup>324</sup>

Given the contemporary migratory movements affecting Turkey, the country has acknowledged the need to revise her legislative and administrative structure to meet the emerging needs on managing migration. The EU accession process linked to Chapter 24-Justice, Freedom and Security, its National Action Plan on Migration and Asylum and the 2008 National Programme for the adoption of the EU *acquis* under Priority 24.2 have motivated the national agenda towards transformation in institutional and legal arrangements.

Thus, establishment of the Bureau on Development and Implementation of the Legislation on Asylum and Migration and Administrative Capacity within the Ministry of Interior in 2008 has been the stimulating step forward laying the legitimate foundation for the new institutional reform process. The Bureau, which reports directly to the Under-Secretariat of the Mol, cooperates closely with other national agencies and line

<sup>324</sup> Sincere thanks to Yelda Devlet for the preparation of this sub-section.

ministries. In addition, the Bureau created a number of links and partnerships with international and national practitioners, and has established a continuous partnership with the IOM and UNHCR. These efforts have helped develop a deeper understanding of the requirements dictated by international law and the EU *acquis* on migration. As a result, the scope and complexity of the proposed reform program has been broadened.

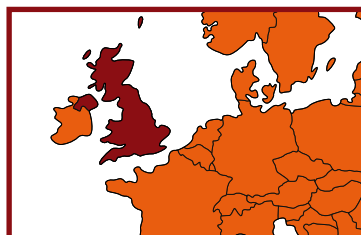
There are no official migrant integration measures in Turkey at the moment.

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## Migration trends

Over the past decade there has been a constant growth in net immigration to the UK, driven primarily by immigration from countries that joined the European Union in 2004, refugee and asylum flows and immigration for work and study (Figure 1). This has led to a significant increase in the non-UK born population, which accounted for 11.4 per cent of the total UK population as of the end of 2010 (ONS, 2011a).

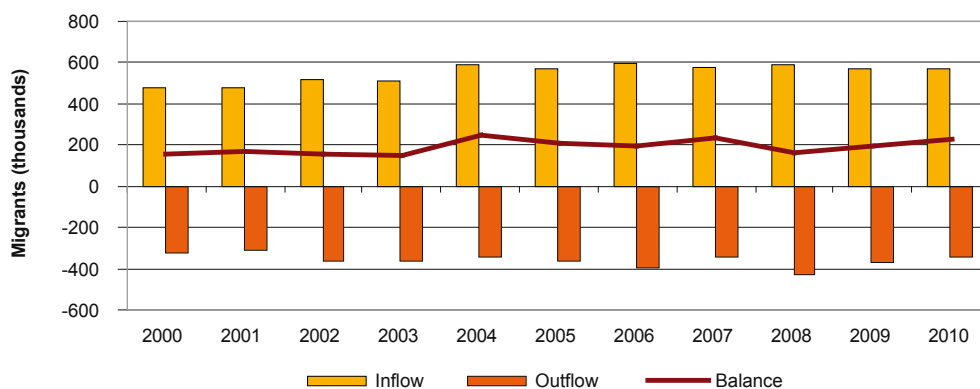
Net immigration levels dropped in 2007 and 2008 as the numbers moving to the UK from new EU countries started to tail off and as the global financial crisis put a brake on migration levels worldwide. However, the most recent data suggest that net immigration has started to climb again, largely due to a fall in UK emigration rates. While estimated total long-term immigration to the UK in the year to June 2010 was

<sup>325</sup> Unless otherwise noted, the dataset used in this paper is the Labour Force Survey, which collects detailed information on employment and earnings for a sample of households living at private addresses in Great Britain. The sample size is about 60,000 responding households in Great Britain every quarter, representing about 0.2 per cent of the population. The LFS provides data on a consistent set of variables over long time frames and is highly regarded because it uses internationally agreed concepts and definitions. Data is taken from Q4 2010 (latest available) and Q4 in previous years unless otherwise noted. The LFS, carried out by the Office for National Statistics, is a comprehensive quarterly survey of households that aims to provide information on the labour market. While it does not collect data on immigration status, it does include questions on country of birth and nationality. The LFS is based on population samples, and is therefore subject to sampling error. The standard error for an estimate of 500,000 people, for instance, is 13,800 and the 95 per cent confidence interval is +/- 27,100 (see Office for National Statistics 2003), meaning that we can be 95 per cent sure that the actual figure is within 27,100 of 500,000. These errors become proportionally larger the smaller the estimate. This means that data on smaller migrants is not reliable. For example, the non-EU born EU citizen's sample size is very low, meaning that results for this group are unreliable. Furthermore, there are also likely to be non-sampling errors, caused by factors such as potential respondents' unwillingness to take part in the survey or respondents answering questions inaccurately. Response rates tend to be lower for minority groups and in the case of migrant workers there can be under-reporting because non-private communal accommodation (in which some migrant workers have a high propensity to live) is not covered by the survey, meaning that some migrant workers are under-sampled.

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572,000 (similar to the level seen since 2004) estimated total long-term emigration from the UK in the year to June 2010 was 346,000. This represents a significant decline since the year to December 2008, when total emigration from the UK was estimated at 427,000 (ONS, 2011a).

**Figure 1: Long-term international migration to and from the UK, 2000-2010**



Source: *International Passenger Survey, ONS.*

Note: 2010 figures are provisional estimates.

Other trends observed in the most recent data on migration flows to the UK suggest that:

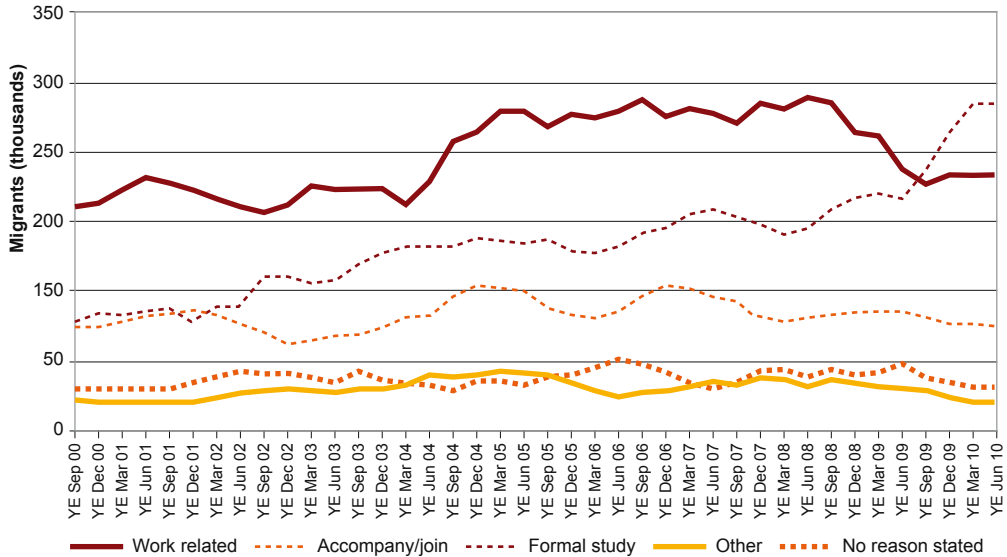
- Applications for asylum in the UK have fallen considerably over the past two years. The number of applications, excluding dependants, was 30 per cent lower in the Q4 2009 (4,765) than in Q4 2008. This declining trend continued at a slower rate through 2010, and in Q4 2010 there were 4,630 applications for asylum, excluding dependants (a 4 per cent fall from Q4 2009).
- In the year to March 2011 the total number of entry clearance visas issued for work and study (which can include those intending to stay in the UK for less than a year) was 508,060, a fall of one per cent on the year to March 2010. In the year to March 2011 a total of 161,815 work-related visas were issued, an increase of six per cent on 152,995 in the year to March 2010. The number of visas issued for the purposes of study was 346,245 in the year to March 2011, a fall of two per cent on 352,085 in the year to March 2010.
- 623,000 National Insurance numbers (NINOs) were granted to non-UK nationals in the year to September 2010: an increase of one per cent from the year to September 2009. Within this total, 161,000 NINOs were allocated to Eu8 nationals in the year to September 2010, a fall of 8 per cent on the year to September 2009. Meanwhile, in the year to December 2010 the number of EU8 nationals who succeeded in applying to work in the UK via the Worker Registration Scheme (WRS) was 117,000, an increase of seven per cent on the year to December 2009.
- Migration to the UK for study has increased considerably in the 2009-2010 period. The estimated number of long-term migrants whose main reason for



entering the UK was formal study was 234,000 in the year to June 2010, a 41 per cent rise on the 166,000 in the year to June 2009.

Figure 2 below shows some of these trends, drawing on International Passenger Survey estimates of long-term immigration to the UK by main reason for migration.

**Figure 2: Estimates of immigration to the UK by main reason for migration (2000–2010)**



Source: Provisional International Passenger Survey (IPS) estimates, ONS 2011  
 Notes: Figures for March 2010 and June 2010 are provisional.

UK statistical sources do not allow us to disaggregate the data on migration flows by entry route or visa category. However, the non-UK born population in 2010 breaks down into three groups of approximately equal size each accounting for between three and four per cent of the total UK population:

- Non-UK born UK nationals. Although some of this group will have been UK nationals from birth, the majority are previous migrants who have subsequently gained UK citizenship. Most of these naturalised migrants will have originally entered the UK through refugee/asylum, work or family routes (grants of settlement and citizenship follow these flows with a lag).
- EU-born (the vast majority of whom can be assumed to be EU nationals), who will almost of all have entered the UK through freedom of movement within the EU.
- Non-EU born non-EU nationals. Some of this group will be long-term migrants while others will be temporary migrants (such as students) or recent migrants.

Migrants in the UK come from a wide range of countries – the top five countries of birth and nationality are evenly split between EU and non-EU countries

**Table 1: UK residents by non-UK country of birth and by non-British nationality: estimates for year to June 2010; top five (including 95 per cent confidence intervals)**

Non-UK country of birth	Estimate	thousands 95%CI (+/-)	Non-British country of nationality	Estimate	thousands 95%CI (+/-)
India	678	35	Poland	541	31
Poland	520	31	Republic of Ireland	342	25
Pakistan	421	28	India	322	24
Republic of Ireland	398	27	Pakistan	165	17
Germany	292	23	USA	150	26

Source: ONS 2011a (population by country of birth and nationality from the Annual Population Survey, year to June 2010)

While the above graphs record official immigration statistics, there are a significant number of migrants in the UK who are not captured in the formal data. Despite the considerable difficulties involved in gathering evidence on “irregular migrants”, the most recent estimates suggest that there may be more than 600,000 such individuals currently living in the UK, and potentially more than 800,000 (Gordon et al., 2009). The profile of these migrants is highly varied, with a relatively small proportion falling into the category of “clandestine entrants” who enter the UK without legal documentation. It is more common for migrants to become irregular as a result of non-compliance with the terms of their visas or changes in the visa regime itself.

## Labour Market Impact

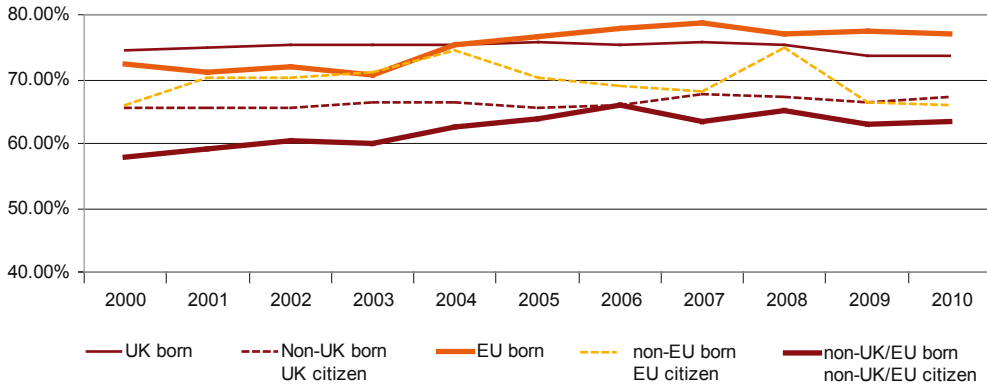
Using Labour Force Survey data, the figures and tables below show recent trends relating to the employment and activity rates of immigrants in the UK labour market. These data should be understood in the context of an economy that is just starting to climb out of a period of recession, following a decade of strong total and per capita growth in GDP.

Employment levels and rates in the UK are currently recovering after a period of decline caused by the recession. The overall employment rate for workers aged from 16 to 64 for the three months to March 2011 was 70.7 per cent, up 0.2 on the quarter and up 0.4 percentage points from a year previously (ONS, 2011b). A significant drop in the ratio of vacancies to unemployment in 2009, which has been sustained in 2010, suggests that the flexibility of the UK labour market and government policies to promote training and skills have been successful in helping to fill the vacancies that did exist during the recession.

Breaking these employment figures down to look at UK-born and immigrant workers, the number of UK-born people in employment was just over 25 million in the three months to March 2011, an increase of 77,000 from a year earlier. The number of non-UK born people in employment was slightly over 4 million, up 334,000 from a year earlier. The employment rate for UK born people aged from 16 to 64 was 71 per cent in the three months to March 2011, up 0.3 percentage points on a year earlier. The corresponding employment rate for non-UK born people was 67.3 per cent, up 1.6 percentage points on a year earlier.

In 2009 it was observed that employment rates among migrants from the EU had held up better than those among the UK-born during the recession. This trend is supported by recent data releases, which show the gap between UK-born employment and EU-born employment having widened slightly between 2007 and 2010 (Figure 3).

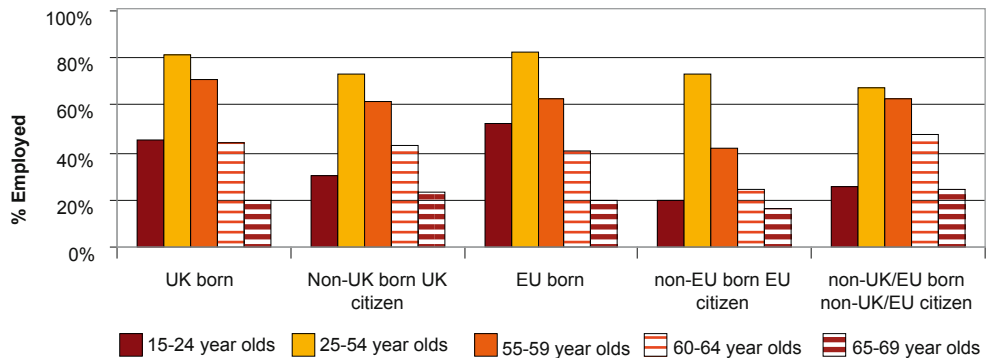
**Figure 3: Employment rates by nationality – 20-64 year olds (2000-2010)**



Source: Office for National Statistics

Migrants born outside the UK and the EU are continuing to experience significantly lower employment rates than the UK or EU-born populations. This is true across all age groups, but is particularly marked among younger workers (Figure 4). There is significant variation in the employment rates for non-UK nationals depending on their country of origin. For example, in the period October-December 2010, Australian and new Zealand nationals had an average employment rate of 90.4 per cent, compared to 60.6 per cent for those with African nationality (excluding South African nationals), and just 49 per cent of those with Pakistani or Bangladeshi nationality (ONS, 2011a). Low rates of employment for migrants born outside the EU are in part explained by lower rates of female employment among these groups.

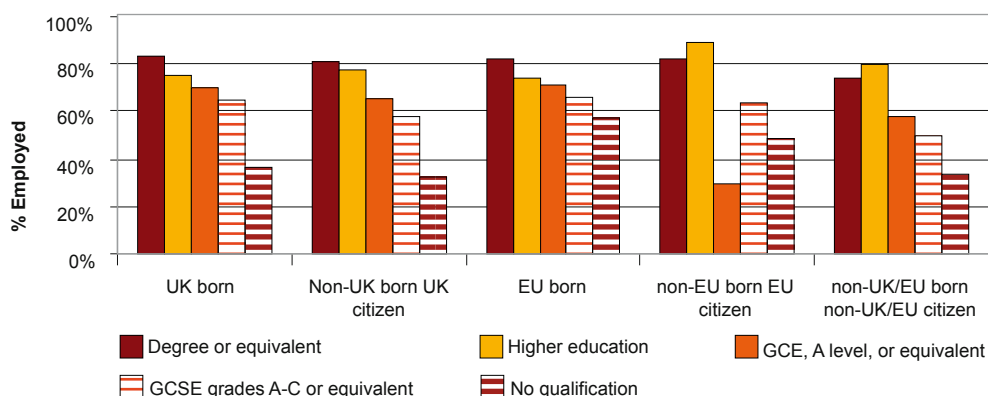
**Figure 4: Employment rates by nationality and age (2010)**



Source: Office for National Statistics

Qualifications have a clear impact on employment, with both UK-born citizens and immigrants with higher levels of qualifications being statistically more likely to be employed (Figure 5). In general, there has been little change in the proportions of immigrant groups with different qualifications in employment from 2009 to 2010. The one exception to this is non-EU born EU citizens: individuals in this group with no qualifications, GCSE grades or equivalent or higher education were all considerably more likely to be employed in 2010 than they were in 2009. However, this may reflect lower levels of employment across the board in 2009.

**Figure 5: Employment rates by nationality and qualification (2010)**



Source: Office for National Statistics.

It is not currently possible to identify the proportion of immigrants working in the UK jobs or sectors for which they are overqualified, although a number of studies have indicated that this may be occurring (see LSC, 2007; Ruhs, 2006). However, the data do allow us to track which sectors different groups of immigrants are concentrated in (Table 2).

**Table 2: Sectoral employment by different migrant groups (2010)**

2010	UK Born	Non-UK born UK citizen	EU born	Non-EU born EU citizen	Non-UK/EU born non-UK/EU citizen
Agriculture and fishing	1.96	0.61	1.82	0.82	0.33
Energy and water	1.21	0.85	0.70	0.0	1.16
Manufacturing	10.87	8.79	17.30	17.21	7.13
Construction	7.79	3.58	6.58	1.64	3.37
Distribution, hotels and restaurants	18.73	19.66	22.99	20.49	21.89
Transport and communication	5.87	8.55	6.58	9.02	5.69
Banking, finance and insurance etc	16.12	19.82	16.00	19.67	21.34
Public admin, education and health	31.17	33.29	23.27	27.05	32.78
Other services	6.3	4.84	4.76	4.10	6.30

Source: LFS.

There have been few changes from 2009 in terms of the sectoral distribution of immigrants, although the proportion of non-EU born EU citizens working in manufacturing in 2010 was double the percentage observed the year before. Related to this, recent data supports the argument that migration is not having a significantly negative impact on the employment of UK-born workers, since migrants continue to be well-represented in industries or sectors with high levels of hard-to-fill vacancies.

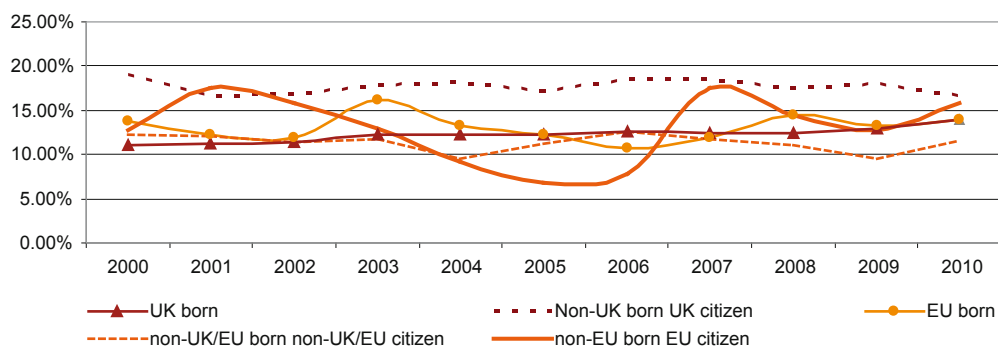
**Table 3: Top 5 sectors with highest number of vacancies in the UK (2010)**

Industry	Vacancies	Percentage of total
Wholesale and retail trade	95,000	21.50
Retail	71,000	16.03
Human health and social work activities	55,000	12.44
Accommodation and food service activities	43,000	9.73
Professional scientific and technical activities	40,000	9.05

Source: Office for National Statistics

Turning to patterns of working, it appears that levels of self-employment among most immigrant groups have started to increase in 2010 following a period of decline during the recession (Figure 6). Self-employment remains significantly higher among non-UK born UK citizens than other migrant groups, or among the UK-born population, while non-UK/EU born non-UK/EU citizens continue to experience lower rates of self-employment than other groups. Since many among this group will have recently arrived in the UK and may face restrictions on entering the labour market – such as visa conditions or lack of English language skills – this is perhaps to be expected.

**Figure 6: Self-employment rates by nationality (2000-2010)**



Source: Office for National Statistics

## Institutional and Legal Framework for Admission and Employment

Since the reorganisation of the immigration system in 2008, there have been two main entry routes to the UK for the purpose of work and study: EU migrants enter as part of the free movement system within the EU, while non-EU migrants primarily enter through the “Points-Based System” (PBS). In addition, some migrants gain access to the labour market after entering the UK for the purposes of family formation and reunion, or as asylum seekers.

Since its introduction the PBS has been modified a number of times as immigration policy priorities have shifted. Following the election of a coalition government in May 2010, steps were taken to limit the number of non-EU migrants who are able to enter the UK for work or study, in line with the Conservative’s pre-election pledge to reduce net immigration “from the hundreds of thousands to the tens of thousands” (Conservative Party, 2010).

This is a challenging target to meet, given both the size of annual net immigration to the UK as well as the government’s inability to control much migration in and out of the country by UK and EU nationals. Indeed, migration statistics released in May 2011 confirmed that net migration to the UK had risen compared to 2010 (linked in large part to a fall in the levels of emigration from the UK). This means that the government will have to reduce immigration numbers by significantly more than half in those categories over which it does have control, which primarily means immigration from outside the European Union for the purposes of work or study.

In July 2010 the government introduced a temporary cap that limited the number of non-EU immigrants entering through Tiers 1 and 2 of the PBS to just over 24,000 until April 2011, a cut of five per cent on the previous year. In April 2011, a permanent cap on migration for work from outside the EEA through Tiers 1 and 2 of the PBS came into effect. This cap has:

- Set an annual limit of 21,700 for those coming into the UK via Tiers 1 and 2 of the PBS.
- Raised the minimum salary for those coming through the intra-company transfer route. Only those paid 40,000 GBP or more will be able to stay for more than a year - they will be given permission to stay for three years, with the possibility of extending for a further two years. Those paid between 24,000 GBP and 40,000 GBP will be allowed to come to the UK for no longer than 12 months, at which point they must leave the UK and will not be able to re-apply for 12 months.
- Closed Tier 1 of the PBS to all but entrepreneurs, investors and the exceptionally talented.
- Required Tier 2 entrants to hold graduate level qualifications and to have a job with a minimum salary of 20,000 GBP per year.

These proposals have been criticised by employers in both the private and public sectors, since the workers who come to the UK through Tiers 1 and 2 are often highly-skilled and economically valuable, or else fill shortages in sectors with high vacancy rates.

Following a government consultation on Tier 4 arrangements, significant changes have also been made to the rules on student migration to the UK. Although the stated aim of these revisions is to cut down on the potential for abuse of the system, they have also been driven by high levels of public concern about student migration. For example, in April 2010, a new 'Highly Trusted Sponsor' register was introduced. "Highly Trusted Sponsors" are able to sponsor students for a wider range of courses (such as those with a work placement component) and must demonstrate a strong track record of student retention and compliance. New rules introduced in April 2011 require sponsors to achieve Highly Trusted Status by April 2012, and to be accredited by a relevant agency by the end of 2012. The new regulations have also raised the language proficiency requirements for those applying to study in the UK, and place a higher burden of proof on applicants to show that the funds they possess to meet the maintenance requirement are genuinely available for use in coming to the UK to study.

At present, students coming to the UK (as well as their dependants) have some access to the labour market. Tier 4 visas can be extended (within limits) for further studies, and students who obtain a UK degree or higher qualification are able use the post-study work route under Tier 1 of the PBS to stay in the UK for up to two years to seek work (after which time they must qualify under other skilled work routes in order to remain). However, from April 2012, the Post-Study Work route for non-UK students will be closed. Non-UK students graduating from a UK university with a recognised degree, Postgraduate Certificate in Education (PGCE) or Postgraduate Diploma in Education (PGDE) will be able to switch into Tier 2 as long as they apply while in the UK and before their student visa expires, and will then be subject to the Tier 2 requirements described above (apart from the Resident Labour Market Test).

The rules around student sponsorship of dependants have also changed: students will now have to be on a post graduate course (NQF 7 and above) at a university which is of more than 12 months' duration, or a Government Sponsored student if they want to sponsor a dependant (who will be able to work if the application is successful) (UKBA 2011).

These regulations seem designed to make student migration to the UK as temporary as possible. But there is currently little evidence suggesting that the post-study work route is contributing to graduate unemployment in the UK. On the contrary, the UK seems likely to benefit from retaining skilled international graduates in its labour force. Closing this entry route may well damage international student recruitment, particularly of the "brightest and the best" (Mulley and Sachrajda, 2011).

## **Institutional and Policy Framework for Integration**

The potential benefits of previous initiatives to promote the integration of migrant workers and other migrant groups in the UK look likely to be undermined by recent and planned cuts in government spending. For example, in August 2010 the 70 million GBP Migration Impacts Fund set up in 2009 by the Department of Communities and Local Government was dropped by the government. This fund was set up in response to pressure from police chiefs, local government heads and NHS executives concerned about the strains being placed on schools and other services in areas with high levels of

immigration. However, the government now hopes to address these problems through a focus on reducing the absolute numbers of immigrants in the UK.

A recent study by the Scottish Refugee Council found that refugees remain one of the most marginalised groups in the UK, yet funding by the United Kingdom Border Agency (UKBA) to help refugees settle will end in September. As outlined below, language services are also likely to be affected at a time when the government is stressing the need for immigrants to learn English in order to integrate (Scottish Refugee Council, 2011).

Data on migrant take-up of UK benefits is patchy, but the most recent estimates suggest that in 2009, the percentage of foreign-born populations claiming state benefits or tax relief was lower than UK-born people in most regions and countries (very slightly higher percentages were observed in the West Midlands and London). The percentage of state benefit/tax credit claimants varies across the regions for both populations, though this is more evident in the foreign-born population. The smallest percentage of foreign-born people that claim state benefits/tax credits is in Scotland (26%), while the largest is in the West Midlands (44%) and the North West (43 %) (see Reid and Miller, 2011).

Different provisions apply to different categories of non-UK workers in terms of benefits and labour market support. Economically active EEA nationals and those from outside the EEA but with long-term leave to remain are generally able to access benefits on the same basis as UK nationals (including Housing Benefit, Council Tax Benefit, Income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance, Child Benefit, Child Tax Credit, Working Tax Credit and State Pension Credit as well as housing and homelessness assistance). Access to benefits is much more limited for third-country nationals, and virtually non-existent for asylum-seekers waiting for a decision on their application to remain in the UK.

A recent change in these rules relates to EU8 workers. Prior to May 2011, this group could not access benefits as jobseekers until they had worked, in compliance with the Worker Registration Scheme (WRS), for 12 months. This involved registering with the Home Office, paying a fee and alerting the Home Office if they changed employers within those 12 months. However, as of 1 May 2011, the system has been changed to bring the rights of EU8 workers into line with those of EEA migrants. Any EU8 national is now able to access income-based Jobseeker's Allowance, Housing Benefit and Council Tax Benefit by signing on as a jobseeker at Jobcentre Plus and meeting the requirements imposed on British Citizen jobseekers. Any EU8 worker in work will be able to access in-work benefits regardless of whether or not they have registered with the WRS. Many EU8 who were unable to access benefits in the past because they had not registered or had not spent enough time in registered work will now be able to take these up if necessary.

Nationals from the Bulgaria and Romania are subject to slightly different regulations, and are not eligible for housing assistance unless they hold an accession worker card or a seasonal agricultural work card. After Romanian or Bulgarian nationals complete 12 months of employment under the Worker Authorisation Scheme, they are no longer required to register under the Worker Registration Scheme, and has the same rights



as workers of EEA states with full rights. These transitional arrangements are also due to end by 2012.

From the perspective of non-EEA workers of different skill levels in the UK, these developments are broadly positive. However, other changes in government policy that may affect the ability of non-UK to participate and integrate effectively in the labour market are less so, such as planned cuts to funding for the English for Speakers of Other Languages (ESOL) programme. Since 2001, ESOL has been funded as part of the wider Skills for Life Strategy (which supports adults to gain basic skills for employment), and has been given increasing amounts of resource (with funding having trebled between 2011 and 2008/09 to 300 million GBP per year).

However, as part of its broader programme of spending cuts, the new coalition government has announced its intention to reduce ESOL funding from September 2011, whilst imposing restrictions on eligibility for public funding for ESOL classes. A number of specific changes are planned (see Department of Business, Innovation and Skills 2010). These include:

- Limiting public funding to people from “settled communities” (which are not clearly defined, but are thought to exclude asylum seekers);
- Limiting full fee remission to people claiming Job Seekers’ Allowance (JSA) or the new Employment Support Allowance (ESA);
- Removing full fee remission from people on a range of other benefits, including Working Tax Credits, Housing Benefit, Income Support, Council Tax and Pension Credits;
- Reducing the “programme weighting factor” (PWF) from 1.2 to 1;
- Ending funding for ESOL in the workplace.

In addition, it is expected that the 4.5 million GBP ESOL Learner Support Fund, which helps some students with their course fees (including women without independent means and low-waged workers), will not be allocated in 2011. These specific changes are on top of the sector-wide funding cuts which also affect ESOL provision.

Critics of these proposals have argued that this shift away from social provision of English language education will make it more difficult for migrants working in low-waged and lower-skilled jobs to escape the trap of poverty (Peutrell, 2010).

Over 2009 and 2010, this has included: the creation of a single enforcement helpline, the Pay and Work Rights Helpline (PWRH), which has streamlined and simplified access to five enforcement bodies; increased joint working between the enforcement bodies; and the work of the Best Practice Group (sponsored by the Department for Business, Innovation and Skills) which aims to share details of intelligence and enforcement activity. Additionally, migrant workers were one of the specific groups targeted as part of the Government’s 2009/10 awareness-raising campaign. This last initiative was pursued by various means, including a messaging campaign at bank cashpoints and via community radio (Low Pay Commission, 2011).

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The International Organization for Migration (IOM) study *Migration, Employment and Labour Market Integration Policies in the European Union (2010)* investigates evidence of the labour market impact of migration and explores the role of relevant migrant admission and employment policies in the European Union, as well as Croatia, Norway and Turkey.

This publication is an annual review of new data and analysis to complement the two LINET studies on the impact of migration and employment and outcomes of labour market integration policies for migrants carried out in 2009-2010 (see *Migration, Employment and Labour Market Integration Policies in the European Union, Part 1 and Part 2* at <http://labourmigration.eu>). The first study covered to the extent of data availability the period of 2000-2008/2009, while this update reflects new developments in 2009-2010.

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The full text of this publication is available for free download online at:  
<http://labourmigration.eu>

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