



MIGRATION, EMPLOYMENT AND LABOUR MARKET INTEGRATION POLICIES IN THE EUROPEAN UNION (2011)



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Regional Office for EU, EEA and NATO
40 Rue Montoyer
Brussels 1000
Belgium
Tel.: +32 2 287 70 00
E-mail: ROBrussels@iom.int
Website: <http://labourmigration.eu>

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MIGRATION, EMPLOYMENT AND LABOUR MARKET INTEGRATION POLICIES IN THE EUROPEAN UNION (2011)

Edited by
Giuliana Urso and Anke Schuster



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OBJECTIVES AND METHODOLOGY

This publication concludes a series of studies conducted by the LINET network¹ on the impact of migration on employment and the outcomes of labour market integration policies for migrants. In 2009–2011 the network produced the initial two-volume study on *Migration, Employment and Labour Market Integration Policies in the European Union*. Part 1: Migration and the Labour Markets in the European Union (2000–2009) analysed data on labour market impacts of migration, explored labour market outcomes of migrants and identified challenges and focus areas for national migrant integration policies. Part 2: Labour Market Integration Policies in the European Union (2000–2009) provided a detailed analysis of the national labour market integration policies in the region and their implementation where data was available. The subsequent annual monitoring review *Migration, Employment and Labour Market Integration Policies in the European Union (2010)* reflected new developments in 2010.

This study analyses recent trends in labour migration and the labour market position of migrants, reflects on the possible impact of these trends on employment and the national labour markets, and attempts to relate these findings to the relevant legislative, institutional and policy developments that took place in a given country in the targeted period. It covers, to the extent of data availability, new data and analysis for the year 2011.²

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

¹ 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 as well as Australia, Canada and the United States, and aims to support the EC in developing evidence-based policies and mainstreaming labour market integration issues into the EU Employment Agenda and in achieving the Europe 2020 goals.

² The study analyses data that was available in the LINET countries prior to May 2012, however, some reports may include more recent data or references.

the complex interrelations between migration and employment in the region covered by the LINET research network.

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, 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, yet the country reports contribute to construct in-depth knowledge and add important information in areas that are not sufficiently targeted by the collection of statistical data, including on irregular migration and employment.

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

Furthermore, the study reviewed and assessed the national policies that impact on the labour market integration of migrants. It covers relevant changes in admission and employment policies as well as integration and active labour market measures. Discrimination has been indicated by a number of studies as a factor influencing the successful inclusion in the labour market; the study monitors developments and data also related to this topic. 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 policy debates and indicates good practice supported by evidence.

³ The country groups within the EU mentioned in the study are: EU-15 (Member States that acceded in May 2004), EU-8 (EU10 without Cyprus and Malta), EU-2 (Bulgaria and Romania).

SUMMARY OF FINDINGS

Giuliana Urso⁴

Migration trends

Third-country nationals in EU Member States: an overview

Data collected in this publication reveal the prolonged impact of the economic crisis in the European context. While the demographic trend remains alarming in forecasting population decline, population ageing and a decrease in labour force, migration has also been affected by widespread economic instability. Taking the year 2008 as a reference for the pre-crisis scenario, migration has grown at a slow pace. In 2010,⁵ the number of immigrants coming to the EU Member States (EU MS) fell by 25.7 per cent, or 0.8 million.⁶ This decrease in inflows took place among both EU citizens and third-country nationals (TCNs) (around 0.4 million each). On the contrary, Norway and Turkey have both experienced an increase in total inflows from 2008 to 2010.

Migrants – and third-country nationals in particular – provide a key contribution to the EU economies. In 2011, the number of foreign citizens resident in the EU was 33.3 million, or 6.6 per cent of the total population. Nearly two out of three were from a country outside the EU, which represents around 4.1 per cent of the total population. This population constitutes a significant pool of labour force as nearly 80 per cent of TCNs in EU MS are of working age (15–64 years old). The variation in population statistics during the period 2010–2011 is especially related to the migrant component, which accounted for 59 per cent of this increase. Another trend observed in the analysis of the stock composition across the EU that is worth noticing is the increasing percentage of EU nationals among migrants. In absolute terms, they have registered the highest increase, namely 470,000 (+3.8%), which is in line with a continuous growth in previous years (+13.3% from 2008 to 2011).

The LINET country reports comprise detailed country-level insights to further illustrate and consequentially complement these analyses.

- In the Czech Republic, migration has played a crucial part in the population growth during recent years. It amounted to 90 per cent of the growth in 2011.

⁴ The author would like to thank Anna Platonova (IOM Regional Labour Migration/Migration and Development Specialist) and Anke Schuster (IOM LINET Project Manager) for their valuable review and comments on previous versions of this summary of findings.

⁵ Comparative data presented in Part I are extracted from the Eurostat database and further elaborated.

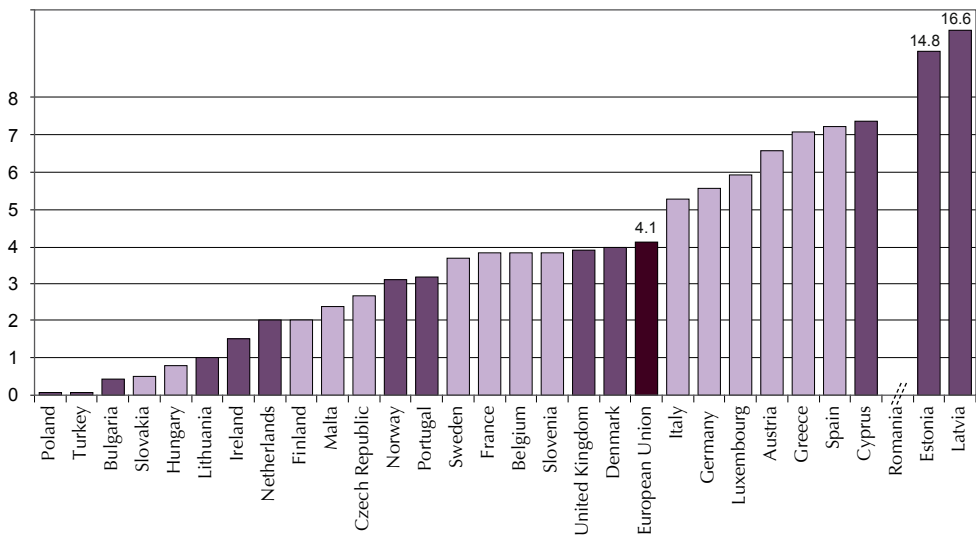
⁶ No available data in 2010 for: EU, Bulgaria, Hungary, Netherlands, Poland, Romania, Croatia.

However, despite this fact, the total population of the Czech Republic declined for the first time in 10 years, a decrease of 28,567 people.

- Hungary is currently undergoing an accentuated demographic drop; the total population in 2011 went below the 10 million threshold to reach 9,985,722. Simulating several scenarios, using 2004 as base year, researchers conclude that if the ‘stagnation and control’ scenario prevails, by 2029 the population will have fallen to 9,254,000 and by 2054 to 8,013,000. Furthermore, assuming no migration occurs between now and 2050, the population fall will be even more dramatic and is forecasted to drop to 7,442,000 in 2054.

The distribution of TCNs among the various Member States (MS) is quite diverse. Germany is the main country of residence for TCNs in the EU,⁷ with about 4.5 million in 2011. Together with Spain, Italy, France and the UK, these countries account for nearly 80 per cent of the total TCN population in the EU. The percentage of men is still slightly higher than women, although in these two years the gap has been closing to a certain extent⁸ (Figure 1). However, significant differences exist among various MS regarding gender composition. In 2011 in Malta and Slovenia, TCN men are 1.5 and 3 times more numerous than TCN women, while in other MS such as Cyprus and Bulgaria women are 2 and 1.5 times more numerous.

Figure 1: TCNs in LINET countries of analysis, 2011 (%)



Source: LINET elaboration on Eurostat, migration and migrant population database.

NB: The colour of the bars indicates the highest percentage of men (light) or women (dark).

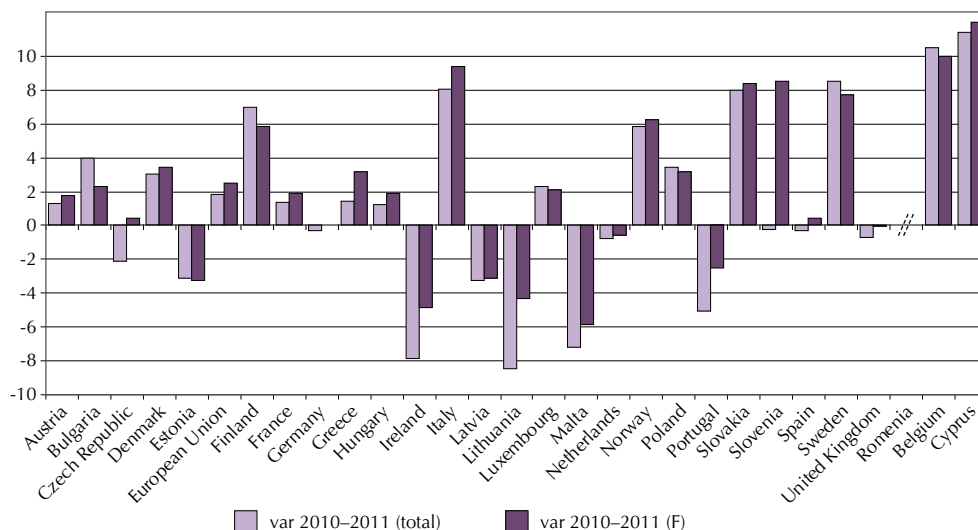
NB2: No available data for Romania, scale break for Latvia and Estonia.

⁷ In relative terms, the MS with the highest percentage of TCNs are Latvia and Estonia, due to the well-established communities of recognized non-citizens who are permanent residents.

⁸ In 2011: 50.8 per cent TCN men versus 49.2 per cent TCN women. In 2010, 51.1 per cent TCN were men.

The number of TCNs resident in the EU Member States has slightly increased in 2011, by 1.8 per cent in comparison with 2010. A substantial increase has been detected in Belgium (+22.5%)⁹ and Cyprus (+42.4%). A contrary trend has been observed in other countries, where the number actually decreased by around 8 per cent, for example in Ireland, Lithuania and Malta. Women have generally contributed more to this change, as outlined in Figure 2.¹⁰

Figure 2: TCNs in LINET countries of analysis, variation 2010–2011, % for total and female TCN population



Source: LINET elaboration on Eurostat, migration and migrant population database.

NB: No available data for Romania, scale break for Belgium and Cyprus (increase higher than 20%).

A focus on first residence permits

Stagnation in the EU labour market and a short-term approach on migration tend to lead the cautious stance of Member States. In this regard, the analysis on Eurostat data on new residence permits issued per year provides some evidence. In absolute terms, in 2011 EU Member States issued about 2.2 million new residence permits to third-country nationals, a number that represents a decline of about 0.3 million compared with 2010. The declining trend follows a steady decrease registered in previous years; from 2008 to 2011 the total number of new permits issued fell by 14 per cent, or 0.4 million. The highest drop was registered in the Czech Republic, Slovenia and Hungary, where the number is now only one third of what it was in 2008, while in Lithuania, Slovakia and Romania the first residence permits issued declined by 50 per cent in 2010. Exceptions to this trend are Poland where the

⁹ It has to be noted, however, that this very sharp increase is surely influenced by the break in series.

¹⁰ In the EU, the variation for TCNs (total) during the period 2010–2011 was 1.8 per cent while for TCN women was 2.5 per cent.

permits issued in 2010 more than doubled, and Austria, where the number increased by 63 per cent, mainly due to the ‘other reasons’ component,¹¹ which passed from 1,434 in 2008 to 13,438 in 2011.¹²

Compared with the pre-crisis period (2008), the main factor responsible for the registered decrease was the fall in the number of permits issued for employment reasons (-32%). Two thirds of Member States cut their number, including Italy and the United Kingdom.¹³ On the contrary, we also witness a slight increase in the number of first permits issued for family reasons (+3%) and education purposes (+8%).¹⁴ This has created, as an initial consequence, a different distribution of newly issued permits across categories. While the number of permits issued for family reasons remained in absolute terms nearly the same, in relative terms, in 2011 they were the principal reason for the issue of new permits (32%). It is worth emphasizing that the situation was different before the economic crisis, when 31 per cent of all new residence permits were issued for employment purposes and 27 per cent for family reasons. Instead, in 2011, remunerated activities rank second with 24.7 per cent, not far ahead of education purposes (22.7%) and other reasons (20.2%). In other words, employment has lost its predominance as the main motive behind first-time permits in the EU MS, falling behind family-related reasons (Figure 3). Differences in the primary reasons for issuing resident permits sometimes also depend on other factors, such as gender of the applicant and his/her nationality, as well as on admission policies.

- In France, the surge of initial residence permits delivered for work purposes between 2005 and 2010 is to be seen in relation to changes in immigration policy in France during that period. The new immigration policy (‘chosen immigration’) aimed to encourage work migration in targeted employment occupations and to attract skilled migrants. However, the number of initial residence permits delivered for work purposes decreased by 7.4 per cent in 2010, most likely as a consequence of the economic downturn (Secrétariat Général du Comité Interministériel de Contrôle de l’Immigration, 2011a,b).
- In Greece, the decrease in the number of valid stay permits is related to the current economic crisis that the country is facing. It should also be noted that this decrease does not necessarily mean that migrants and their families have left Greece. Some of them may still be in the country, but having lost their legal status. However, it is noteworthy that practically no new permits were issued in October 2011.
- According to the data of the Migration Department under the Lithuanian Ministry of the Interior, in 2010 immigration for employment fell to just 13 per

¹¹ This category relates to a miscellaneous group of reasons, such as international protection, diplomatic duties, people in the intermediate stages of a regularization process.

¹² Also in the cases of Bulgaria and Latvia the category ‘other reasons’ notably increased.

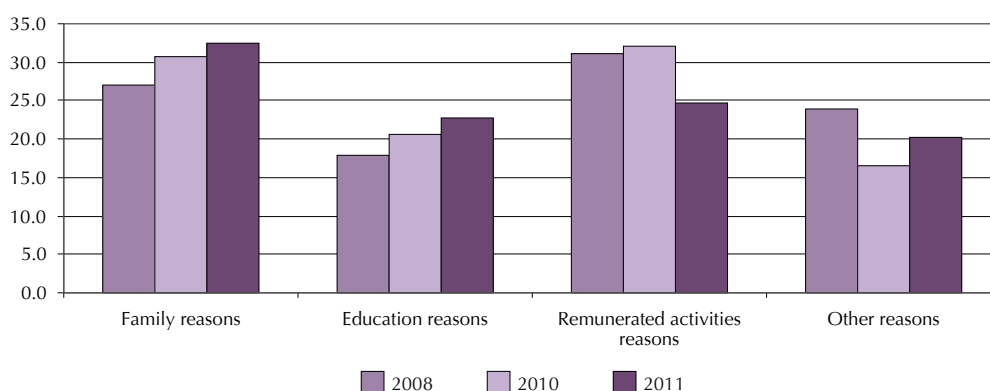
¹³ A relevant exception to this trend is Poland.

¹⁴ A substantial increase on the issue of residence permits for educational purposes was registered in Slovenia, where in 2008 only 250 permits were issued and in 2011 more than 1,000.

cent of foreigners who were granted temporary residence permits, whereas in 2008, 71 per cent of such permits were issued under the employment category.

- Regarding newly issued work permits, in Slovenia, 49 per cent (12,623 of the total of 40,688) in 2010 were issued for construction. Only 18 per cent of permits were issued for construction in 2011. Manufacturing follows construction with 8.2 per cent issued permits in 2010 and 9.4 per cent in 2011; transport and storage follows with 7.8 per cent in 2010 and 8.7 per cent in 2011. Also in Croatia, in previous years most new work permits were allocated to the sector of construction, whereas in 2011 this number is reduced to only 4 new permits out of a total of 614.

Figure 3: First Residence Permits issued in the EU MS, 2008, 2010, 2011 (% of the total)



Source: LINET elaboration on Eurostat, residence permits database.

In the years under analysis, EU MS issued a lower number of long-term residence permits at first entry. Although most of the permits were still issued for a validity of 12 months or over (80.0%), their share decreased from 86.6 per cent in 2008 while the short-term permits (from three to five months) increased in the EU MS from 16,649 in 2008 to 94,504 in 2011 (representing a share, out of all new permits issued, of 1.6% in 2008 and 8.9% in 2011).

- In the Czech Republic, following the previous restrictive measures in reaction to the economic crises and a decrease of vacancies, long-term visas (including those for the purpose of employment) have been newly issued for a maximum period of six months instead of two years. Employers today 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. Obligatory compensation for making staff redundant could result in bankruptcy for many companies. In addition, the motivation is also strengthened by the efforts to avoid the time-consuming, bureaucratic and costly procedure to obtain a foreigner with an employment permit and also to be able to avoid the application of the labour code.

Labour market outcomes

The need for migration

Notwithstanding the impact of the economic crisis, signals of recovery have been underlined especially in 2011, in employment growth and number of job vacancies available, although not high enough to reach the pre-crisis level. In these cases, migrants' positive contribution has been stressed in various LINET reports (Austria, Finland, Norway). In Norway, for example, migrants contributed to 70 per cent of the employment growth from the fourth quarter of 2010 to the fourth quarter of 2011. In addition, labour market shortages were present and severe especially in particular niches of the labour market, such as care and hospitality and hotels/restoration. However, the demand for all workers and for labour migrant workforce in particular decreased in a number of countries (Greece, Cyprus, Croatia), as the following analysis on employment and unemployment conditions will underline.

- In Germany, foreigners who are employed or are seeking employment constitute approximately 10 per cent of the total labour force; for persons with a migration background,¹⁵ this figure amounts to 18.1 per cent for 2010 (DESTATIS, 2011). Projections forecast a further increase of this share over the coming years due to the younger age structure of migrants (Deutscher Bundestag, 2010). One could expect that migrants might compensate for negative labour force growth. However, in 2010 only a very weak compensatory effect occurred as a result of the migration component. 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).
- In Austria, employment has recovered quickly after a decline of 0.9 per cent in 2009: in 2010 and 2011 employment rose by 1 and 1.4 per cent respectively. It has been suggested that one of the reasons for the employment growth performance in 2011 may have been the abandonment of the transitional provisions for the EU-8 countries in May 2011 and the introduction of the red-white-red card for third-country skilled migrants in July 2011, leading to a substantial increase in labour supply.
- In Finland, as over the last few years, serious problems in labour availability are expected to emerge in several social and health-care occupations, as well as in sales work, teaching and in financial administration. A study by Statistics Finland in 2011 suggested that some 30 per cent of the organizations that sought labour in 2011 experienced problems in filling vacancies (Asa, 2011). Substantial labour shortages have also been detected in Luxembourg and Hungary.

¹⁵ Persons with a migrant background include: a) all immigrants, that is 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 those now naturalized), 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, that is with a non-German citizenship.

- In the Czech Republic data showed that regions with the highest number of foreign workers usually register below-average unemployment rates. At the same time migration heightens the total employment level when 4 per cent of foreigners make up more than 6.3 per cent of total workforce (MoLSA, 2012).
- The Migration Advisory Committee found that migrants have often made positive contributions to innovation and productivity in the UK labour force (George et al., 2012), including fostering cultural diversity, which has been central to expanding the profitable UK food industry (Lee and Nathan, 2010). McCollum et al. (2012) and the Migration Advisory Committee (2010) also found that migrants are more likely to be complementary rather than substitutes for native UK workers, especially at the higher skill levels.

Generally speaking, competition between migrants and nationals is reported to be rather negligible. This is especially due to the different employment patterns between TCNs and nationals, which diverge in sectors of activities. The segmented structure of the labour market confines migrants in specific occupational trajectories, which are even more visible in the case of migrant women (for example in Spain and Portugal). Nonetheless, perceived competition for economic and social resources seems to be on the rise. As indicated also in the last Qualitative Eurobarometer “there are mixed opinions about the impact of migrants on the economy among the general public. While many see that there is a role for migrants in the economy, primarily doing the jobs that local people do not want to do, many also feel that there is no need for them because there are not enough jobs available for local people” (EC, 2011:6). On a positive note, acceptance of long-term migration and its beneficial impact on labour market needs have been registered in Austria and Malta. Recent studies in Austria, Lithuania, Latvia and Portugal have also underlined that the feeling of belonging and the degree of acceptance depend on a variety of factors, such as gender, educational attainments, labour market insertion, and nationality.

- In Greece, nearly 60 per cent of the population considers that immigration harms the country (and only 19% consider that immigrants are good for the country). The same percentage considers that immigration is bad for the Greek economy and only 30 per cent (down from 40% in 2008) think it is good for the Greek economy. In contrast to the 2006 survey results, in 2010 less than half (46%) of the Greek respondents believed that immigrants do the jobs that Greeks are not willing to do while nearly 45 per cent believed that immigrants take the jobs of Greeks, causing unemployment. On a more positive note, the 2010 survey showed a slight increase in the percentage of respondents supporting local political rights for non-citizens compared to 2009 and a decrease in those who are against providing such rights (Public Issue, 2010).
- In Hungary, despite mounting evidence that migration has slowed down population decline and that demographic forecasts indicate its positive contribution in the long term, recent survey data indicate broad public disagreement over the role of migration in alleviating the demographic problem. According to a recent study (Sik and Simonovits, 2012), economic

fears towards migrants are stronger than cultural ones: 6 out of 10 Hungarians (59%) do not believe that immigrants are beneficial to the Hungarian economy.

Migrants' integration in the labour market

Migrants – and especially TCNs – belong to the most vulnerable groups in the EU labour market. The economic downturn generally lowered the demand for all labour and for labour migrant workforce in particular (Croatia, Cyprus, Greece). Labour market segmentation continues and some of the sectors that employ more migrants – such as construction, manufacture and agriculture – were the most affected, causing job losses particularly for migrant men. On the contrary, the different position of women migrants during the crisis is linked to better employment opportunities as a consequence of the demand for nursing and domestic workers, which is expected to continue in light of an increasing aging of the population. Greece and Italy are exceptions in this trend, as the unprecedented economic crisis started to have an impact even on domestic care demand.

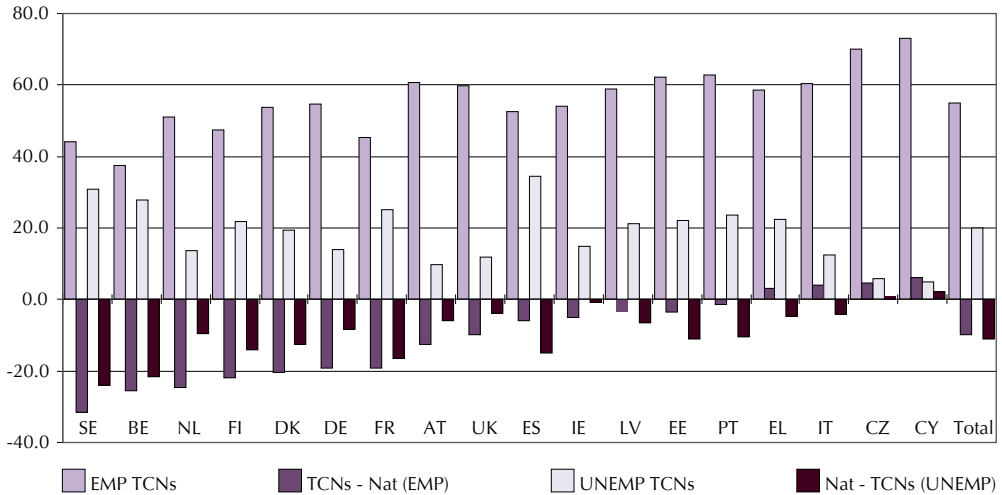
As indicated also in previous LINET studies, self-employment seems to be an option for a share of migrants to escape from the economic crisis and a chance to remain in the territory (Czech Republic, Norway, Portugal, Germany).¹⁶ In some cases, the number of self-employed among migrants has been linked to the EU enlargement and the transitional arrangements regime (Austria, Belgium), or in other cases to discrimination or other obstacles to gain regular employment (such as formal exclusion).

The economic integration of third-country nationals does not indicate any substantial improvement since 2008. The employment rate of TCNs in the EU-27 fell from 59.3 per cent in 2008 to 54.9 per cent in 2011, while the unemployment rate increased from 14.4 per cent to 20.1 per cent. It has to be noticed, however, that the dramatic drop was in 2009. In the following years the situation has changed only slightly.

- In a more comparative analysis, it is necessary to take into account the specificity of each state in a variety of integration indicators and the progressive differentiation among EU countries' performance: in 2011, the employment rate of TCNs, for example, ranged from 37.4 per cent (Belgium) to 73.1 per cent (Cyprus). The impact of the crisis on TCNs and their disadvantaged position in the labour market can be detected from three factors: 1) the high increase in the unemployment rate from 2008 to 2011 (5.7 percentage points), in comparison with national and EU workers, whose increase stands at 2.5 and 3.4 percentage points respectively; 2) the high employment gap; and 3) the high unemployment gap between national and TCNs, both at around 10 percentage points in 2011. These gaps have further increased in comparison with 2008, when they read at 6.7 and 7.7 percentage points respectively.

¹⁶ On the contrary, in some countries such as Italy, Spain and Luxembourg, self-employment does not seem to represent a real option for migrants.

Figure 4: Employment and Unemployment rates for TCNs (%), and comparative disadvantage with nationals (percentage points), 2011



Source: LINET elaboration on EU Labour Force Survey (LFS).

Figure 4 shows the comparative disadvantage of third-country nationals in the labour market in various Member States. Particular difficulties in the integration of TCNs in 2011 were registered in Sweden and Belgium, where the unemployment and employment rates were among the worst, and the gaps in relation to the nationals among the highest. Only in Cyprus and the Czech Republic did TCNs perform slightly better than nationals in 2011.

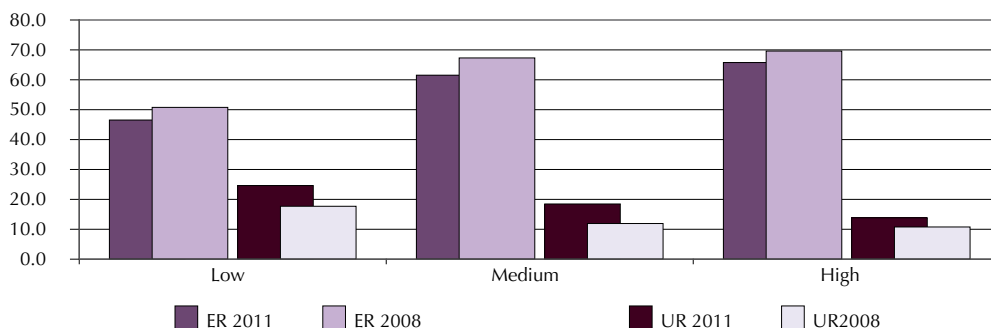
The role of education

Educational attainment, as a large amount of literature has already underlined, is a good predictor of the likelihood of being inserted in the labour market. The employment rate, in other words, increases passing from low- to medium- and even more to high-educated migrants, while an opposite trend can be depicted for the unemployment rate (Figure 5). This relationship is also valid for TCNs, yet in comparison with nationals, the employment rate increased only moderately with the education level, suggesting that the return to education is more limited for TCNs. While the difference between the employment rate of low- and high-skilled nationals reaches nearly 40 percentage points, this differential is about half for TCNs (20 percentage points).

- In the Netherlands, poorly educated minorities face very high unemployment risks. Generally, less-skilled migrants reveal unemployment outcomes which are twice as high compared to those migrants who are (highly) educated.
- As a general rule in France, the activity rates of the French and foreign populations increase with the level of education. However, such increase is less marked for non-EU and EU foreigners, than for French nationals. For instance,

there was a difference of 32.6 percentage points between the activity rates of low- and high-skilled French workers in 2010, against only 16.5 percentage points' difference between those of low- and high-skilled foreigners.

Figure 5: Employment (ER) and Unemployment (UR) rate for TCNs by education, 2008 and 2011



Source: LINET elaboration on EU LFS.

High educational attainments have also been a sort of anti-crisis shield: the decrease in the employment rate between 2008 and 2011 was only 3.9 percentage points, while the corresponding increase of unemployment rate was 3.0 percentage points. On the contrary, the downturn hit low- and medium-skilled TCNs in particular; they are indeed more affected by cyclical patterns in unemployment rates, due to their dependence on specific sectors, which are usually more subject to business cycles (Austria, Portugal).

Focusing on highly skilled migrants, it is worth noticing that the latter lose out in competition with nationals. In 2011, nationals showed a comparative advantage of 17 percentage points in the employment rate, which depicts a less stable position in the labour market of highly educated migrants.¹⁷ One of the most notable details is that being educated in the country of destination is sometimes the best way to gain access to the labour market, which illustrates bottlenecks in the process of recognition of qualifications.

However, the employment rate indicator does not shed light on the qualitative integration into the labour market. In other words, the employment rate does not allow to ascertain the real match between education attainments and jobs performed, nor the working conditions applied. Despite the competition for talent, high-skilled migrants demonstrate good scores in the employment rate for their educational level, but also for their readiness in taking up jobs below their educational attainment. Indeed, in 2011¹⁸ nearly 45 per cent of highly skilled third-country nationals

¹⁷ It is important to notice the relevance of the gender variable. Disaggregated data by gender show that this gap decreases to 11.7 percentage points for men and increase to 22.4 percentage points for women.

¹⁸ No major changes worth being mentioned in comparison to 2010. Against a general decrease of the phenomenon of around 1 percentage point for nationals and TCNs, the EU citizens have increased the overqualification rate of 3 percentage points.

had a job below their acquired level of education, while around 12 per cent were strongly overqualified¹⁹ for the job performed.²⁰ Southern countries show the highest difficulties in matching education and job levels: Italy and Greece even more so, present an overqualification rate of over 75 per cent.

There is a widespread underutilization of migrant human capital. One relevant factor is the lack of recognition of foreign qualifications as well as a range of discriminatory practices. Some of the most common limitations in the recognition of qualifications for TCNs included the lack of information on the methods of recognition and the lengthy, expensive and unclear process, which is perceived as burdensome and complicated. Being of primary importance in the matching of the labour demand and supply, some governments have promoted ad hoc measures (such as databases or websites with information on the procedure, for example in Portugal and Austria), legislative acts (Germany, Luxembourg), new agencies (Ireland) or simplified standards and procedures for recognition (Lithuania, Romania).

- In Italy, immigrants continue to be segregated in low-qualified jobs although they are quite similar to nationals in terms of their educational attainments. In the Czech Republic, only 25.6 per cent of foreigners were employed in high-skilled occupations (MoLSA, 2012), compared to 40.7 per cent of the natives. Since the education structure of foreigners is very similar to natives, the underutilization of their skills can be deduced.
- In Sweden, 60 per cent of foreign-born persons with higher education have a qualified job. This compares with about 90 percent of native-born graduates (Jusek, 2009). An important reason for the depreciation of human capital is the lack of knowledge of the language. A review by Segendorf and Teljosuo (2011) shows that there is insufficient information in Sweden about the valuation and validation of education and work experience. Discrimination may also appear as misconceptions about foreign-born productivity, or insecurities about hiring a person whose credentials cannot be evaluated.
- According to Domergue (2012), in France more than three quarters of the newly arrived migrants with a tertiary education level who signed the ‘welcome and integration contract’ in 2009 (and who were not students) did not ask for the recognition of their qualifications and certificates in 2010. Nearly 20 per cent of them who did not apply for recognition did not ask for information about this possibility.

¹⁹ The overqualification rate is constructed counting the percentage of highly skilled (ISCED 5-6) who are employed in medium- and low-skilled jobs (ISCO 4-9). We talk about ‘strong overqualification’ in relation to the percentage of highly skilled employed in low-skilled jobs (ISCO 9).

²⁰ For a matter of comparison, the percentage for nationals stood at 19 per cent and for the strong overqualification at only 1 per cent. This analysis confirms the recent EC study on the labour market situation of migrants (EC, 2011).

Working conditions

Some of the most common violations of working conditions reported in the LINET countries are related to working hours (longer hours to receive the same salary as nationals, and working hours during weekends) (Czech Republic, Latvia, Luxembourg, Romania); failure/delays in the paying of salaries; no social protection (Turkey). In addition, migrant inclusion in the labour market is limited as migrants are employed with flexible contracts more often than nationals (Cyprus, Norway, Portugal), or work in temporary jobs (France, Estonia, Luxembourg, Spain). Third-country nationals count more often among low-wage income earners, which creates an income gap between nationals and TCNs. The reason for this is primarily their concentration in the lowest echelons of the workforce, being confined in low-skilled and low-paid jobs with limited job security. Yet, discrimination has been indicated as an additional explanatory factor, as in cases where migrants were paid less for the same job.

- In Ireland, Barrett and McCarthy (2012) found evidence that, accounting for differences in socio-economic characteristics, immigrants earned 18 per cent less than natives and that the wage disadvantage was 45 per cent for EU10 non-English-speaking immigrants. In the Netherlands, the average annual individual income of the active native population amounts to EUR 35,600 against only EUR 26,500 for the working non-Western population. In Germany, the share of employed foreigners with low wages has been 35.2 per cent, more than double the figure for German citizens (Lukas, 2011).
- In Slovenia, interviews with migrants point to the fact that migrants are often paid less for performing the same job. Several interviewees who work in construction and manufacturing said they are compelled to work for as little as EUR 300 or even less, and that overtime work was not paid. In the Czech Republic, many foreigners work longer hours than Czechs to earn these salaries – while Czechs work on average 44 hours per week, Vietnamese work 54, and Ukrainians 52 hours (Opinion Research Centre, CVVM, 2012).
- In Italy, part-time employment is much more a constraint for foreigners than a voluntary choice. In fact the share of underemployed, that is the share of workers that would like to work more hours if they had the possibility, is twice as high among foreigners as among Italians (Istat, 2012).

Discriminatory practices

Cases of discrimination in the labour market have been even more widespread during the economic downturn (France, Ireland, Luxembourg, Sweden). One of the typical examples of discrimination in the labour market concerns foreign-named applicants, who were treated unfavourably during the selection process (Finland, Germany). However, not only direct discrimination affects the integration of migrants in the labour market. Indirect support of discriminatory practices coming from the media or policy actors can indeed damage the position of migrants in comparison with

nationals. A depreciation of the skill set of migrants can also be linked to employer sensibility. Employers might perceive that the productivity of migrants is lower than in reality or apply unconscious discrimination – which is understood as all actions that harm the position of migrants without openly wanting to (such as different assessment techniques).

- In Finland, a recent policy study on ethnic discrimination (Ministry of Employment and the Economy, 2012c) shows that in 2011 Russian-named job-seekers had to send twice as many applications as the Finnish-named in order to receive an invitation to a job interview. In Germany, Kaas and Manger (2010) found that an applicant with a German name raised the average probability of a callback for a job interview by about 14 per cent.
- A survey of migrants and natives in spring 2011 conducted in Austria (GfK, 2011) indicated that 37 per cent of migrants feel that they are discriminated against because of being immigrants, while only 27.3 per cent of natives believe that migrants are disadvantaged and discriminated. According to the integration barometer (Statistics Austria, 2011), in 2011 the proportion of migrants who feel that they are discriminated against is highest for less-skilled and poor persons and above all for Turkish migrants (54% of Turkish migrants versus 29% of migrants from former Yugoslavia).

The years 2010 and 2011 have seen extensive public debate addressing various types of exploitation of migrant workers. Besides, migrants started to be more conscious of their rights and publicly protested against a series of abuses suffered, for example in Romania (Chinese in the construction sector), in Italy (Africans in the horticulture sector) and Slovenia (strike at the Port of Koper). Despite some developments in terms of legal assistance and protection of migrants' rights, discrimination remains a fundamental barrier to the access to the labour market and to a successful economic integration. This is reinforced by the lack of efficient implementation of existent legislation and monitoring mechanisms. In some cases, migrants are not aware of their rights or they do not trust the institutions enough to file a complaint; in others, nationals tend to underestimate the level of discrimination against migrants.

Gender still counts as a relevant factor for labour market inclusion. Despite the fact that migrant women were relatively less affected than men by the economic crisis, cumulative factors still leave TCN women in a double disadvantage in comparison with TCN men, as well as with national women. At the EU level, the employment gender gap among third-country nationals stood at 19.3 percentage points in 2011. One of the most significant indicators is the high inactivity rate of TCN women (43%). This might be the consequence of various factors such as the motive of migration being related to family reunification more than economic reasons (France); the lower educational level among migrant women (Turkey); the different patterns of family formation due to socio-cultural factors, especially in some nationalities, and the difficulties young women with a migrant background had to face on the way to vocational education and training (Germany); or the effect of some welfare measures

that discourage access to the labour market for migrant women, for example the ‘cash for care’ in Norway or the parental leaves in Sweden.²¹ In addition, in the already segmented EU labour market, cases of ethnic stratification increase the labour gender segmentation, pushing migrant women to the bottom of the social hierarchy.

- As documented by Schuller et al. (2012), in Germany, after participating in an integration course the majority of female attendants found a full- or part-time position. Also, it is more likely for female participants to find a job if they have a German partner, which leads to the assumption that contacts with Germans seem to have a greater impact on the employment situation than levels of qualification.
- In Norway, statistics also show that the proportion of part-time workers is highest among migrants, especially females, from Africa and Asia. This can be explained by the fact that many work in the health and social welfare services sector where part-time work tends to be prevalent. A high proportion of foreign women in part-time jobs was also noticed in Portugal. There, migrant women are five times more likely than immigrant men (3.1%) to have a part-time job and are two times more likely to be exposed to it than native women (9.3%).
- Research in Poland (Kordasiewicz, 2010) allowed for the conclusion that Ukrainian women are more often stereotyped as ‘cleaners’ in Warsaw than in other cities in Poland. Moreover, this process of stereotyping can be perceived as the introduction to the creation of an ethnic niche and the ethnicization of employment in this sector.

Citizenship acquisition can be considered as a sort of premium in the labour market integration of third-country nationals. It is also true that some nationalities show a weaker position in labour market access and employment opportunities. This is the case of Turkish and Moroccans (in Belgium and the Netherlands) and Ukrainians (in Germany and Portugal).²² Nonetheless, the positive relationship between naturalization and migrants’ employability can hide discriminatory practices on the basis of citizenship.

Legal framework for admission and employment

In the years under revision two main trends in policy developments can be traced: on one hand, the countries under analysis were active in transposing various European directives into the national legislative framework (for example Directive 2008/115/EC – the so-called Return Directive; Directive 2009/50/EC – the ‘Blue Card’ Directive; Directive 2009/52/EC – the ‘Employer Sanctions’ Directive); on the

²¹ More information can be found in the respective LINET reports.

²² In the case of Portugal, for example, foreigners that have not yet acquired nationality present higher levels of unemployment (almost double the proportion) than those who are already Portuguese citizens (Malheiros et al., 2012).

other hand, the focus of public debate and legislative changes was on creating a more favourable environment for attracting highly skilled migrants (Estonia, Ireland, France, Lithuania, Romania, Slovakia, Luxembourg, UK). In general, low-skilled migrants have been doubly affected by the adverse situation of the labour market and by restrictive migration policies which tend to promote a knowledge economy or to protect the national workforce (for example Latvia, Denmark, Czech Republic, Netherlands).

Rather restrictive trends on admission measures have been observed. The quota system, for example, has been under review during the period 2010–2011. Rising unemployment and claims of a reduced need for migrant workforce were used as a general justification for stopping new entries through the quota system (Italy, Portugal). While in Croatia some migrants were declared exempted from the quota system, in Austria the whole system has been modified with the introduction in July 2011 of a tier system, aimed at establishing better control over the skills composition of inflows.

- In Italy, the last quota decree for non-seasonal employment was enforced in December 2010, allowing 98,080 new entries. Since then, only seasonal workers have been admitted, on the basis of two different quota decrees in 2011 and 2012. The decrees allowed the admission of 60,000 seasonal workers in 2011 and 35,000 seasonal workers in 2012. A small number of non-seasonal workers (4,000 individuals) having completed introductory and language courses in their countries of origin have been allowed entry with the 2012 quota decree.
- In Slovenia, the economic crisis resulted in the lowering of quotas, reaching 24,000 for 2009 and 12,000 for 2010. The percentage of quota utilization saw a significant drop of 41 per cent in 2009 and more than 50 per cent in 2010. Changes in the labour market and in the Law on Employment and Work of Foreigners from 2011, which no longer enforces obligatory quotas, explain why no quota was set for 2011 and 2012.
- On a positive stance, some developments have been achieved in logistical and procedural aspects related to admission policies, such as the creation of a ‘one-stop shop procedure’ where the access to the labour market is issued together with the residence permit (Austria, Norway, Croatia); new systems for the management of the TCNs’ stay permit issue and renewal (Greece, Lithuania); or the centralization of migration management with an increase in coordination among various ministries, or the creation of a single institution (Austria, Estonia).

Concerns on the still negative economic situation in the EU have continued to drive national policies on employment. In the period 2010–2011, access to the labour market was subject to the Community preference principle, but also more and more to the specific needs of the national economy, for example via a direct link to shortages lists, which in some cases have been recently revised and shortened

(France, Spain). Romanian and Bulgarian nationals were affected by the pessimistic climate in the EU economies, which has caused the extension of the transitional provisions until the end of 2013.²³ Stricter controls and requirements over self-employment procedures have been established as a reaction to the increase of migrants who used this channel to legally remain in the territory (Czech Republic, Hungary, Romania). It is worth underlining, however, a particular attention during the two years under review on domestic workers, which is visible in the new set of criteria for their employment, such as the increase in Cyprus of the minimum gross salary of domestic workers, a basic knowledge of Greek or English and the submission of a bank guarantee both by the employer and the employee; or in new Acts. These have brought under State regulation certain categories of jobs that had previously been unregulated such as, among others, domestic workers (Hungary); and also new regulations that ensure working conditions for domestic workers similar to those in other sectors, meaning that the working relation has to be formalized with a written contract and the salary cannot be below the minimum wage (Spain).

No changes have been noticed in countries where work permits entail strict conditions on mobility across various sectors or different employers. Structurally, this is based on a temporary approach towards migration, which contributes to a framework of precariousness and exclusion and risks abuse in the workplace.

Family members

Family reunification policies have been substantially modified in various LINET countries, as an indirect tool for regulating migration inflow into the territory. In Belgium, restrictions were aimed at curbing family migration induced by the rather accessible acquisition of citizenship; in Denmark a points-system assessment was introduced in 2010 (but changed in 2012); faster procedures for the issue of temporary resident permits for family members were introduced in France, but only if the migrant in France holds a temporary permit for some high-skilled positions; in Hungary the concept of family was restricted and the union should have occurred before the migration; in Norway, the number of years before the possibility to ask for reunification increased to four, plus other requirements had to be met; in the UK a minimal income and language competences were inserted as additional requirements. In this context, in some cases the intervention of the court has imposed the relaxation of tight requirements in order to protect the right to family (Netherlands, Sweden).

²³ Those EU Member States that still applied restrictions to workers from Romania and Bulgaria on 31 December 2011 have opted for this measure, with the exception of Italy and Ireland that have provided free access since 1st January 2012. In 2012, transitional measures were therefore still in place in Belgium, Luxembourg, the Netherlands, France, Germany, United Kingdom, Malta and Austria.

Institutional and policy framework for integration

In the context of economic downturn, the integration of migrants has not been the priority concern for governments. In some cases (Bulgaria, Czech Republic, Slovakia), efforts towards integration were subordinated to the (economic) needs of the state of destination. Furthermore, self-sufficiency/economic independence remains one of the top integration priorities, together with knowledge of the language (sometimes tested even before departure, in the country of origin). In various integration strategies (Latvia, Romania, Netherlands), particular attention, pursuing the principles of inclusion and responsibility, was paid to the active participation in the economic, social and cultural life of the society. Nonetheless, a focus on a positive interaction between migrants and society of destination, in virtue of a shared responsibility, was still present in a number of LINET countries (Finland, Estonia, Ireland, Luxembourg, Poland, Portugal, Spain). Some examples of various integration strategies are provided as follows:

- In Belgium, the main prerogative of the State in terms of integration relies mostly on the conditions for accessing Belgian nationality. Until now, the acquisition of Belgian citizenship has been considered a major step towards integration. The reform of the code (July 2012) took the reverse stance, by conceiving the acquisition of Belgian nationality as almost the ‘final stage’ of the integration process.
- Tackling the anti-immigration atmosphere has been part of cross-ministerial integration policies in Finland. The current integration policy stresses that a successful integration requires positive attitudes and functioning interactions between different population groups. This is considered to be a responsibility of the political decision makers, the authorities and other public actors, as well as of every Finnish citizen.
- In Poland, the integration strategy underlines the temporary nature of the majority of the current inflows. Access to labour market and Polish language knowledge are specified as basic preconditions for integration.
- Comparing the II Plan for the Portuguese Integration of Immigrants (2010–2013) with the previous one, it is important to verify that the Second Plan highlights two new areas of intervention: diversity and intercultural dialogue, and elderly immigrants. Growing importance is also given to the area of employment, professional training and business dynamics.

Integration measures

The integration contract stands as a symbol of the emphasis put on the migrant’s responsibility over integration: as emended in 2010, in Denmark it lasts for seven years and specifies, among other things, the obligation of making an effort to become employed; the law of 16 June 2011 in France stipulated that a residence permit cannot be renewed in the case of deliberate intention of non-respect of the integration contract; since 2011 in Germany, if an immigrant does not participate

in an integration course, his/her residence permit can only be extended for one year, until he/she has successfully completed the integration course; in Italy the integration contract became operational in September 2011, based on a sort of points-based system; the welcome and integration contract was launched in Luxembourg in September 2011, but on a voluntary basis.

Apart from general language or integration courses, a range of other integration programmes were offered to migrants. Nonetheless, it is important to notice that in some countries migrants were not directly targeted in the labour market policy or in active labour market measures (Latvia, Luxembourg, Netherlands, Slovenia, Turkey), while in others, mainly or only refugees were (Lithuania, Malta, Croatia, Poland). Integration of migrants is not only a prerogative of governments, but IOs, NGOs, and civil society are also active in complementing national efforts over integration. Also, the involvement of local actors,²⁴ as well as the content and structure of the programmes, vary from country to country. In the period 2010–2011, among the integration programmes we can spot the following categories:

- Focus on young migrants: particularly on the transition from school to work or from compulsory education to further education (Austria); in France, with the support of the DAIC, several actions have been launched to facilitate their access to training in the framework of conventions or collaboration with large networks of enterprises; in Portugal the ‘Programa Impulso Jovem’ was aimed at decreasing the high unemployment rates among young people (18–30 years) enrolled in the Job Centres for at least 12 consecutive months. This programme was structured around various pillars: professional internships, sustaining the hiring, (professional) training, and entrepreneurship and support investments.
- Information sharing: one of the funding priorities in the Bulgarian integration strategy was the support and development of already existing informational centres for immigrants; in the Czech Republic the Foreign Nationals Integration Support Centres aim at ensuring information and consultancy activities in social and legal fields. In 10 out of the 14 regions the centres were opened in 2009 and 2010. A new centre was founded in Prague in November 2011; in September 2010 the Ministry of Culture of Estonia launched a web portal Etnoweb (www.etnoweb.ee) that provides news from communities and government institutions and upcoming cultural events; a similar tool was developed in Hungary, the website ‘migransintegracio.hu’, which became operational in 2010; the Romanian government launched the 2011 media campaign “The future starts with a smile” along with dissemination seminars on the positive effects of immigration.
- Fight against discrimination: in Finland, the AFRO-project advocates immigrant participation into society by promoting positive discrimination.

²⁴ It is worth mentioning the recent reform in Sweden that came into force on 1 December 2010. With this reform the State, through the Swedish Employment Service, has taken over the responsibility of coordinating the introduction measures from the municipalities. A first evaluation of this reform is presented in the Swedish LINET country report.

The project aims to tackle negative attitudes and the under-representation of third-country nationals in the labour market by enhancing their chances of finding jobs in the public sector as well as by preventing the problems caused by discrimination; in 2010, the National Commission for the Promotion of Equality in Malta implemented the project Strengthening Equality Beyond Legislation, which dealt with all grounds of discrimination, including racial discrimination and discrimination in employment. This project included research on under-reporting of discrimination and the drafting of Malta's first National Action Plan Against Racism.

In more detail, it is also worth noticing the range of positive actions developed in recent years in order to tackle discriminative practices.

- Appeal bodies/anti-discrimination agencies: a new appeal body, the 'Commission for decision making in foreign national residence affairs', has been established in the Czech Republic, with the aim to cover appeals on long-term visa or resident permits; the anti-discrimination agency in Italy (UNAR) has undergone a deep restructuring since 2009, with a view to building up synergies with relevant institutions and stakeholders at national and local level – since then, the cases managed by UNAR increased by around 300 per cent in the last two years, passing from 373 in 2009 to 1,000 in 2011; in Malta, the remit of the immigration appeals tribunal was extended to include, among others, competence to hear and decide appeals relating to the refusal, annulment or revocation of visas.
- Legislative framework: in February 2010 the Latvian Parliament adopted changes in the law 'Discrimination ban of Self-employers' by adding norms that cover discriminative acts against those who wish to become self-employed; changes have been introduced also in the Anti-discrimination Act in Slovakia; a new anti-discrimination law was enacted in 2010, which incorporated the package of EU anti-discrimination directives in the Polish legal system.
- Anti-discrimination strategies: anti-discrimination has been indicated as a priority in the migration policy in various LINET countries, for example through the adoption of action plans or strategies to combat racism and discrimination (Spain, Lithuania, Portugal). Other actions or services to support victims of discrimination can be quoted, such as the Irish racist incidents support and referral service or the extensive checks on discrimination practices launched in Sweden.

The irregular component of migration

This overview does not consider irregular migrants, who have arrived or stayed irregularly. A plethora of instruments have been used to estimate their number, such as State Medical Aid/health card issued (France, Spain), inspections, police criminal statistics, number of expulsions, regularizations, or even opinion polls (Norway). Often, irregular status forces migrants to work illegally, although sometimes

irregular work is also hidden behind regular work as a self-employer or part-time worker. Irregular workers are primarily those who do not have access to the formal labour market, either for lack of residence status or because they are inhibited by transitional provisions (in the case of EU nationals). The motivations for an employer to irregularly employ TCNs have been indicated in the LINET reports as to simplify administrative procedures and red tape or to cut costs (for example social security and health insurance that might make up about 40% of net wage). However, informality creates more space for exploitation.

In a wide range of LINET countries, irregular migrants were mentioned as a targeted group of political and legislative debate. The transposition of the provisions of the EU Directive 2009/52/EC on providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (Sanctions Directive), was one of the driving forces for measures adopted. They were coupled with more severe inspections and fines for employers who hire irregular migrants (Cyprus, Latvia, France), and the introduction of biometric residence permits (Finland, Hungary). On the other hand, some attempts to protect the rights of irregular migrants have been presented, besides the responsibility for employing irregular workers being more on the employer's side.

- Regularization programmes: In Belgium, the last regularization campaign took place between 15 September 2009 and 15 December 2009. The number of applications processed during the years 2010 and 2011 reached 33,509. In Greece, Law 3907/2011, voted by the Greek Parliament in January 2011, opened the possibility of regularization for irregular migrants or rejected asylum-seekers who can prove that have they been living in Greece for the past 12 years. In Poland, the number of lodged applications in the new regularization launched in 2012 amounted to 8,767, which exceeds the total amount of applications lodged in the previous two regularizations of 2003 and 2007.
- Actions against exploitation: In Italy, the Commission on Labour issues of the Chamber of Deputies carried out an in-depth inquiry from June 2009 until May 2010 on the phenomena of irregular employment and exploitation of the foreign workforce. The result was a new law introduced in August 2011 establishing the criminal offence of “illicit intermediation and labour exploitation” and imposing severe sanctions against people responsible for such an offence.
- Health-care coverage: In Sweden, the most debated issue has been the decision to extend the right to subsidized health care to irregular immigrants. Persons who are avoiding the enforcement of an expulsion or deportation order (‘hidden’) and those entering the country without having applied for a permit (‘undocumented’) shall have the equivalent right to health care as asylum-seekers. In Spain, however, the right of full access to the public health service for those inscribed in the Padrón Municipal, regardless of their regular status, has been withheld by the Spanish Government as of 1 September 2012 from those immigrants who are not in possession of a residence permit (excepting people under 18, pregnant women, and emergency cases).

Policy recommendations

- The analysis of the 30 LINET country reports indicates that in some countries there remains a need for comprehensive and reliable data collection for migration trends, which should also be consistent over time and across various data sets as well as widely accessible to the public. In other cases, disaggregated data on migrants' participation in the national labour market or detailed figures on gender/nationality bases are often not available either. In addition, discrepancies have been detected in available national data sets. Data on irregular migration is even more difficult to gather due to its nature but also to any coordinated attempt to estimate it. Without the support of systemic and continued statistical data collection and sound analyses, any development of national policies on migration will lack strategic evidence and grounded legitimacy.
- It is essential to promote national policies for the admission and employment of migrants that encourage a successful match between demand and supply of workforce. However, in many LINET target countries, the procedure for admission and employment of migrants is still considered as time-consuming, slow, expensive and eventually discouraging. In reaction to the economic crisis, the administrative process to obtain and renew a residence or work permit has become more restrictive and uncertain. Furthermore, red tape and costly procedures might produce as a practical consequence an indirect discrimination on nationality, as they discourage employers from recruiting migrants and create a critical delay in meeting the demand for the needed migrant labour force. Moreover, migrants can suffer from periods of uncertainty in relation to their permit to stay. Restrictions in admission policies were also registered for the family reunification channel. Such an approach, primarily driven by an indirect interest in decreasing the flow of migrants, may have serious consequences for the protection of the right to family as well as for the attractiveness of the State to migrants.
- In the period 2010–2011, the development of comprehensive migration and integration policy framework was still far from being completed in some member states. The lack of a clear division of tasks among a plethora of institutional actors involved in migration topics might have contributed to this delay. In some cases, integration strategies contain only general directions and recommendations, without being complemented by substantial action plans that specify concrete measures to be adopted. Being a cross-cutting issue, migration should be managed in coordination among various institutional actors. During the years under analysis, additional requirements have been imposed on migrants on the path to integration. In virtue of a bi-directional effort in the integration process, as stressed in numerous EU documents, proactive policies should be strengthened to promote a shared-responsibility approach. Looking at the active measures promoted, language and integration courses for migrants are provided by many countries in Europe. A wide participation of migrants in these integration facilities should be encouraged. Still, they are sometimes

restricted to a specific group only, such as refugees. Their full accessibility is also hampered by logistical factors such as their organization during working hours or their cost. However, language alone is not enough to solve labour market inefficiencies. Bottlenecks related to access to information concern both employers and migrants, in relation to the availability of suitable candidates or job opportunities. In this regard, innovative mechanisms should be promoted to ensure that clear information is provided to migrants and employers about procedures, rights and responsibilities, as well as labour market opportunities.

- The registered reduction of financial resources and funding for integration projects at governmental level linked to the ongoing economic crisis severely impinges on the integration process, by giving a negative signal to migrants and cutting integration measures that support integration advancement. Despite the economic crisis, efforts in promoting measures and initiatives to sustain the inclusion of migrants in the society should be not dismissed but mainstreamed in the policy debate.
- Public attitudes towards immigrants can be an important factor impeding or facilitating migrant integration. The acceptance of the long-term nature of migration is of crucial importance for the establishment of comprehensive policies on migration and concrete measures on integration. Positive policy advancements can be fostered by a wide dissemination of research findings and media coverage on migrants' contribution to the society and their often inadequate working conditions. Cases of demonstrations have been noted during the years under analysis on the side of migrants, against the background of difficult working conditions and increased threat of unemployment. There is a pressing need not only to promote but to guarantee control and effectiveness of anti-discrimination measures already in place in the field of employment, also ensuring that migrants are aware of their rights and supported in expediting legal remedies. Cases of exploitation and discrimination should be regularly addressed by the competent authorities.

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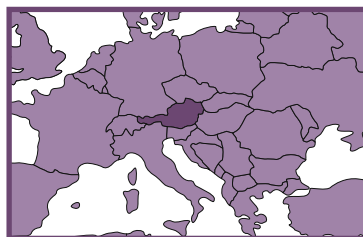
MIGRATION, EMPLOYMENT AND LABOUR MARKET INTEGRATION POLICIES IN THE EUROPEAN UNION (2011)

COUNTRY CASE STUDIES²⁵

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AUSTRIA

Gudrun Biffel²⁶



1. Migration trends

In 2011, Austria had a population size of 8.4 million and was set for continued growth as a result of immigration, since natural population growth has come to a standstill. In January 2012, the share of migrants (foreign born) in the total population amounted to 16 per cent (1.35 million), two thirds coming from third countries. The proportion of foreign citizens is lower at 11.5 per cent, due to the sometimes long-term stay and settlement of many migrants, particularly of third-country origin. The demographic balance is characterized by a net outflow of Austrians and a net inflow of foreigners. The population inflow over the course of 2011 amounted to 130,200 compared to an outflow of 94,600 persons. Thus, net immigration in 2011 rose to 35,600 – after amounting to 20,600 in 2009 and 27,700 in 2010 – raising total population levels by 0.4 per cent.

In 2011, 69 per cent of net immigration of foreigners originated from the European Economic Area (EEA), with Germans as the largest single nationality (with an annual net inflow of approximately 6,500). The inflow of persons from the EU10 is on the increase: in 2011 it amounted to 11,400, after a total of 5,100 in 2010. The doubling of the net inflow is a direct consequence of the lifting of transition regulations in May 2011; these had barred low-skilled labourers from accessing work in Austria while skilled workers had been able to access employment in Austria on the basis of labour market testing. In contrast, citizens from the EU-2 (Bulgaria and Romania) are not entering Austria in large numbers, which is also due to the continued application of transition regulations.

In 2011, the net inflow of third-country citizens reached a level fairly similar to that of the pre-crisis year of 2008, namely 12,700. The overall increase may be at least partially attributed to the community preference scheme and the introduction

²⁶ Prof. Gudrun Biffel is Director of the Centre for Migration, Integration and Security at the Danube University Krems.

of the red-white-red card, a points-based immigration model. Accordingly, in 2011 31 per cent of the annual inflow of foreign migrants were from third countries (1% more than in 2010). The composition of third-country nationals by citizenship changed in 2011: around 1,400 citizens of Bosnia and Herzegovina entered Austria (as opposed to 700 in 2010). In contrast, the net inflow of citizens from Serbia/Kosovo/Montenegro declined from 2,200 in 2010 to 600 in 2011. The net inflow of Turkish citizens is also declining, from 2,600 in 2008 to 600 in 2011. This declining trend is the combined effect of decreasing numbers of inflows and increasing outflows. On the other hand, net inflows from Russia and from Afghanistan are increasing, reaching 1,100 and 2,700 respectively in 2011, largely as a result of asylum applications.

Of all foreign-born migrants residing in Austria, about one third is from another EU Member State and two thirds are from third countries, which is quite the opposite of the flow data. According to the Labour Force Survey of 2011, 1.6 million inhabitants had a migrant background, (18.9% of the total population). The majority were foreign born (1.2 million), and 415,400 were second generation migrants²⁷ (Table 1). The largest third-country population was born in former Yugoslavia (354,600), followed by Turkey (167,000).

Table 1: Migrant population in Austria, 2011

Characteristics ^w	Population in private households	Migrants		
		Total	1. Generation	2. Generation
in 1.000				
Total	8,315.9	1,568.6	1,153.3	415.4
Country of birth of parents¹				
Austria	6,747.2	.	.	.
EU-Member State (excluding Austria)	522.8	522.8	425.2	97.5
Non EU-Member State	1,045.8	1,045.8	728.0	317.8
of wich: Ex-Yugoslavia	513.0	513.0	360.5	152.5
Turkey	280.4	280.4	168.0	112.4
Citizenship				
Austria	7,399.7	700.8	410.2	290.6
EU-Member State (excluding Austria)	364.1	339.8	310.1	29.7
Non EU-Member State	552.1	528.0	432.9	95.0
of wich: Ex-Yugoslavia	291.7	280.3	223.1	57.3
Turkey	113.2	110.8	87.9	22.9

²⁷ Born in Austria to parents who had migrated to Austria.

Characteristicsw	Population in private households	Migrants		
		Total	1. Generation	2. Generation
Country of birth				
Austria	7,064.0	415.4	.	415.4
EU-Member State (excluding Austria)	501.3	432.4	432.4	.
Non EU-Member State	750.6	720.9	720.9	.
of wich: Ex-Yugoslavia	359.5	354.6	354.6	.
Turkey	168.1	167.0	167.0	.
Year of immigration				
Born in Austria	7,064.0	415.4	.	415.4
before 1980	238.5	189.5	189.5	.
1980 - 1989	167.3	158.7	158.7	.
1990 - 1999	356.7	345.1	345.1	.
after 1999	489.4	459.9	459.9	.
after 2002	384.6	361.0	361.0	.
Age, Gender				
Men	4,066.8	752.5	538.4	214.1
< 15 years	629.3	137.6	26.7	110.9
15 - 29 years	790.8	156.9	105.0	51.9
30 - 44 years	896.3	202.7	177.0	25.7
45 - 59 years	914.2	151.5	141.1	10.4
60 years and over	836.2	103.9	88.6	15.2
Frauen	4,249.1	816.1	614.9	201.3
< 15 years	598.9	129.7	25.2	104.5
15 - 29 years	772.5	172.2	125.2	47.0
30 - 44 years	897.3	228.7	203.4	25.3
45 - 59 years	920.6	158.8	149.3	9.5
60 years and over	1,059.7	126.7	111.7	15.0

STATISTICS AUSTRIA, *Microcensus-Labour Force Survey 2011*.

The Alien register of the Ministry of the Interior provides additional information on the legal entry categories²⁸. Accordingly, some 41,000 EU/EEA citizens entered Austria in the course of the year 2011 and registered as 'settlers' (2010: 36,000), accompanied by around 4,800 third-country family members. About 51 per cent entered for work. Only one third of the annual inflow of 'settlers' are third-country citizens and two thirds are of another EU/EEA country. In addition, another 17,500 persons entered Austria on a temporary basis in 2011. Almost two thirds of the inflow were seasonal workers; some 26 per cent were third-country international students (4,600).

²⁸ For a detailed analysis of the database see Biffl et al 2011b.

2. Labour market impact

After a period of economic crisis, the employment decline of 2009 has been more than compensated in 2010 and 2011. Economic growth amounted to 2 per cent in 2010 and peaked at 3 per cent in 2011, while in 2010 and 2011 employment rose by 1 per cent and 1.4 per cent respectively. The main reason for the positive labour market performance of Austria was the massive promotion of active labour market policy (in particular reduced working hours). Another factor may have been the abandonment of the transition regulations for the EU-8 countries in May 2011 and the introduction of the red-white-red card for third-country skilled migrants in July 2011, leading to a substantial increase in labour supply. Accordingly, the ratio between the unemployed populace and number of vacancies declined to 2.4 in 2011, after having been 2.7 in 2010 and 3.9 in 2009.

Migrants are more than proportionately profiting from employment growth in 2010 and 2011. The employment upswing was in turn more pronounced for foreign workers than for natives (2010: +19,700 or 4.6%, 2011: +37,700 or 8.3%). Thus, the number of foreign workers has increased by 51,900 or 11.9 per cent between 2008 and 2011, while the number of Austrian wage and salary earners has declined over that period by 11,600 or 0.4 per cent. Accordingly, the share of foreign workers in total dependent employment continued to rise throughout the recession and in the following upswing, reaching an annual average of 14.7 per cent in 2011. The share of foreigners among the self-employed reached 11.3 per cent in 2011 and this has also increased, particularly as a consequence of rising self-employment among women from the EU-12, who are increasingly working on their own account in social services as well as in health and care services.

While the relative employment development was better for foreign workers than natives, the above-average increase in the labour supply of foreigners as a result of the reduction in transition regulations for the EU-8 and the introduction of the points system of migration for third-country citizens (r-w-r-card) heightened competition for jobs. Consequently, unemployment figures amongst foreigners (registered unemployed) increased by 2,400 or 5 per cent to 50,600 in 2011, while total unemployment declined by 4,100 or 1.6 per cent relative to 2010, to 246,700. Displaying a contrasting pattern to that of nationals, the male unemployment rate declined from 10.9 per cent in 2009 to 9.4 per cent in 2011, while it increased for foreign women from 9.1 to 9.4 per cent. According to the LFS, in 2011 the unemployment rate of natives was 3.6 per cent compared to 6.6 per cent of EU citizens and 9.7 per cent of third-country citizens. The span in unemployment rates is higher for women than men.²⁹ This data may be taken as a first sign of substitution of 'long-term' foreign workers (who should be allowed to access unemployment benefits) by new immigrant workers. This development should be seen in the context of an increasing skills mismatch of foreign worker supply and demand due to different growth rates by skills.

²⁹ While native women have an unemployment rate of 3.8 per cent, women from the EU face rates of 7.6 per cent and women of third countries 10.1 per cent (a span of 6.3 percentage points).

The skills composition of migrants and Austrians differs, indicating a certain degree of complementarity in employment. Migrants tend to add in especially at the low and high ends of the skill spectrum. While their share in total employment amounts to 12.2 per cent on average,³⁰ it reaches 20.8 per cent among low-skilled labourers (ISCED 0-2) and 12.7 per cent among university graduates (ISCED 5-6). Citizens from other EU countries represented 4.5 per cent of all employees in 2011. They constituted, however, 8.1 per cent of all employed university graduates (men: 7.6%, women: 8.4%) and only 2.3 per cent of all low-skilled labourers. In contrast, citizens from a third country represented 7.7 per cent of all employees but 18.5 per cent of all low-skilled labourers (men 21.2%, women 15.9%).

It can be taken from Table 2 that the skills composition of third-country migrants has been improving since 2004. Then, the share of low-skilled labourers amongst third-country nationals amounted to 42 per cent compared with 35.9 per cent in 2011, while the share of university graduates hardly rose from 10.7 per cent to 11 per cent. The development of the skills composition of EU citizens was fairly stable until 2010; however, between 2010 and 2011 the skills structure of EU citizens improved significantly³¹.

Third-country women display considerably lower degrees of labour market integration in comparison with natives in Austria. For example, the female activity rate was at 69.5 per cent (similar to that of women from the EU-27), while the rate for third-country migrant women was at 55.9 per cent. Austria is amongst the EU Member States that have particularly pronounced gender segregation by industry and occupation. A closer look shows that the lower labour force participation of third-country women in Austria is mainly the result of lower rates for Turkish women. Research indicates that this is the combined effect of a low average educational attainment level, of a more traditional gender division of labour between market and household work, a behavioural pattern that is promoted by the Austrian tax and cash transfer system,³² and to a certain extent of foreign worker policy (BKA, 2010). In 2010, about one third of all employees would have had to change industry in order to obtain an equal distribution of men and women across the 27 industries (NACE 2008). While women tend to cluster into health and social services, education, clerical work and retailing, the male population is concentrated in engineering and other technical professions, in financial services and management. The gender segregation of foreign workers is even more pronounced than that of natives.

³⁰ Of the 3.5 million employees 430,000 (12.2%) were foreign citizens. Of this number 158,600 (37%) were EU-27 citizens and 63 per cent of third countries.

³¹ Their share among the low-skilled declined from 9.8 per cent to 7.5 per cent, while the share among the highly skilled increased from 31.3 per cent to 33.7 per cent.

³² Single earner tax breaks as well as cash benefits for childcare and domestic care for the sick and elderly contribute to the limited outsourcing of care work from households to the market (BKA, 2010).

Table 2: Development of the composition of employment by educational attainment level and nationality (15–64 years old), 2004, 2008–2011 (%)

Nationality	Educational attainment level	2004	2008	2009	2010	2011
Nationals	ISCED 0-2	15.5	14.3	13.5	13.8	13.4
	ISCED 3-4	67.7	69.2	68.8	68.8	67.9
	ISCED 5-6	16.9	16.5	17.6	17.4	18.6
	Total in %	89.5	89.3	89.5	88.5	87.8
	Total Persons	2,876,648	3,089,915	3,089,372	3,070,735	3,098,292
EU	ISCED 0-2	9.6	8.1	9.2	9.8	7.5
	ISCED 3-4	58.8	62.2	58.0	58.9	58.8
	ISCED 5-6	31.7	29.7	32.7	31.3	33.7
	Total in %	3.4	4.3	4.2	4.7	4.5
	Total Persons	108,326	147,242	145,137	162,711	158,604
Third Country	ISCED 0-2	42.0	37.5	37.6	39.6	35.9
	ISCED 3-4	47.3	54.9	50.7	48.6	53.1
	ISCED 5-6	10.7	7.6	11.7	11.9	11.0
	Total in %	7.2	6.4	6.3	6.8	7.7
	Total Persons	230,245	221,964	216,111	234,894	271,541
Total	ISCED 0-2	17.2	15.5	14.8	15.4	14.9
	ISCED 3-4	65.9	68.0	67.2	67.0	66.4
	ISCED 5-6	16.9	16.5	17.9	17.6	18.7
	Total in %	100.0	100.0	100.0	100.0	100.0
	Total Persons	3,215,219	3,459,121	3,450,620	3,468,340	3,528,437

Source: Statistics Austria. LFS. Own calculations.

3. Institutional and legal framework for admission and employment

Employment data indicate that labour market testing was not a major impeding factor for skilled citizens of the new EU Member States to access work in Austria. After one year of employment in Austria the person is granted free access to the Austrian labour market with a so-called ‘confirmation of free mobility’, which includes family members. With the introduction of free mobility of labour for all citizens from the EU-10 in May 2011, the inflow of migrant workers from these regions increased, largely due to the number of low-skilled labourers who had faced barriers to entry until then.

Until mid-2011, third-country citizens were able to enter Austria either on the basis of key skills, as family members, asylum-seekers or for purposes of education. In July 2011, a points system was introduced, referred to as ‘Rot-Weiss-Rot-Karte’

(red-white-red card),³³ which replaced the key-skills quota and widened the scope for third-country workers to access the Austrian labour market. The system differentiates between four groups/pillars of skills, namely highly skilled persons, persons with scarce occupational skills, persons with other (medium to higher) skills, and university graduates. In addition, third-country graduates from Austrian universities are granted job search visas to look for employment in Austria. With the introduction of the red-white-red card, family members of third-country r-w-r card holders may apply for a partner card (Rot-Weiss-Rot-Karte plus) and thereby obtain not only settlement rights but also access to the labour market³⁴.

Access to work in regulated professions, however, such as those that have a particular responsibility towards human beings and their safety, remains difficult for migrants as special regulations apply that go beyond obtaining the necessary educational skills or getting them accredited.

4. Institutional and policy framework for integration

By 2010 almost all federal states had developed 'Integration guidelines' (Integrationsleitbilder) and were implementing integration measures in various fields. After the establishment of an expert council, advising the Ministry of the Interior on matters of integration (Expertenrat) and the integration council (Integrationsbeirat) in 2010, the latest element in the development of the institutional setting has been the appointment of a Secretary of State for Integration in the Ministry of the Interior at the beginning of 2011.

Another policy issue was the objective to raise the skill level of early school leavers as part of the 2010 government programme. One outcome has been the implementation of a system of co-funding by the regions and the federal government (§15a agreement) to fund the education of early school leavers, natives as well as migrants, such that they obtain school leaving certificates at no cost to them and may access further education (Initiative Erwachsenenbildung: Pflichtschulabschluss und Basisbildung). The funding model follows the European Social Fund scheme of co-funding. It came into effect in January 2012 (bmu.gv.at/basisbildung).

An increasing involvement of migrant parents, particularly mothers, in early language learning has also been a focus in 2010 and 2011, promoting HIPPY (Home instruction for parents of pre-school youngsters), often in combination with civic education. The aim was to raise awareness of the role of education for integration and to promote the employment of migrant women.

³³ For more on the R-W-R card http://www.bmask.gv.at/cms/site/attachments/5/0/4/CH0020/CMS1306164706818/2011-07-22_de_info_-_rwr-karte.pdf.

³⁴ A website has been created by the ministries involved (www.migration.gv.at).

5. Active labour market programmes

One of the most recent actions in integration efforts has been the cooperation of the Ministry of Labour and Social Affairs with the Secretary of State for Integration to provide information and guidance to migrants in their quest to have credentials, which were obtained abroad, accredited and validated. A website was implemented in early 2012 (www.berufsanerkennung.at) and intense cooperation with all relevant institutions involved has been achieved.

The Labour Market Service (LMS) invests increasingly in raising the skills levels of migrants; one major instrument is funding German language courses to raise the German language skills first to A2 level, and then up to B2 level of the EU-Reference framework (Integrationsoffensive). This is not only important for access to work but also for the ‘integration contract’, a prerequisite for the settlement right, as well as for the acquisition of Austrian citizenship. Apart from general German language courses, special courses with occupation-specific vocabulary to access work in specific occupations are offered, for example in health and social services, in childcare, in accounting, in metal and chemical industries, in tourist services, or in logistics. The budget expended was raised from EUR 23.4 million in 2008 to more than double the amount in 2011. The number of migrants receiving language support amounted to some 25,000 in 2011.

Apart from language training, migrants received special support, as some projects focus on youth, particularly on the transition from school to work or from compulsory education to further education. Others focused on mentoring and various employment projects, beginning with the establishment of competences and skills, validating them and adding on further education and training programmes to boost employability.

6. Discrimination in employment

Information deficiencies on the part of migrants about job openings may contribute to higher unemployment and discrimination at the entry port into employment. At least this is what is suggested by literature on Austria (Biffi et al., 2010; Krause-Liebig, 2011). Thus, discrimination on the part of employers appears to be a stronger argument against access to work, in particular for visible migrants (e.g. wearing a head scarf), than insufficient information about job openings. The latter may also partly explain the low labour force participation of Muslim women, particularly from Turkey, even though supply side factors like a low educational attainment level and a higher fertility rate may be important contributory factors as well.

The pessimistic views of nationals³⁵ on the integration process captured by the integration barometer (Statistic Austria, 2011) is contrary to the optimistic view of

³⁵ In 2011 13.1 per cent of the natives considered that integration was not working at all, compared to 17.9 per cent in 2010, while 32.1 per cent felt that it was working more or less “OK” (compared to 27.2% in 2010).

migrants relative to integration³⁶, which has even increased somewhat in 2011 in relation to 2010.³⁷

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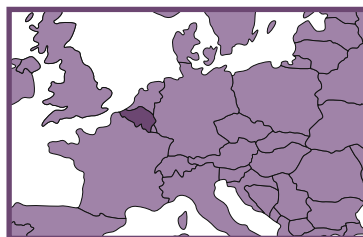
³⁶ The overwhelming majority of migrants say that they feel at home and welcome in Austria, specifically 86.5 per cent.

³⁷ Please see IOM, 2012. In 2011 13.1 per cent of the natives considered that integration was not working at all, compared to 17.9 per cent in 2010, while 32.1 per cent felt that it was working more or less “OK” (compared to 27.2% in 2010).

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BELGIUM

Marie Godin and Andrea Rea³⁸



1. Migration trends

On 1 January 2011, Belgium had 1,119,256 foreigners out of 10,951,266 inhabitants (10.2% of the population). Adding the persons born abroad and living in Belgium, the percentage reached 16.1 per cent. Although the process of acquisition of Belgian nationality is different between EU foreigners and non EU-foreigners, third-country nationals (TCNs) have generally acquired Belgian nationality more often than European foreigners (68%). Among migrant communities, we find that in the case of Moroccans, Turkish and Congolese, more than 60 per cent have opted for Belgian nationality (CEOOR, 2012).

The most significant foreign community in Belgium is composed of EU citizens, who account for 66.9 per cent of the total foreign population (748,268 of 1,119,256). Looking at the trend between January 2007 and January 2011 (Table 1), the overall migrant population increased by 3.4 per cent. The impact of the entry to Belgium of citizens of the new EU Member States can be observed (especially Poland, Bulgaria and Romania). The number of immigrants from several EU-12 countries (France, the Netherlands, Spain, Portugal) has also increased, a trend which contrasts with other European countries such as Italy (which is still the largest foreign community in Belgium), Greece and the United Kingdom to a lesser extent. The growing population from DR Congo as well as Russia is linked to the asylum flows from these two countries. US citizens and in particular Indian and Chinese citizens are becoming significant new third-country communities. The growing number of 'B' work permits delivered to highly skilled migrants from these countries of origin explains this evolution.

³⁸ Prof. Andrea Rea is Director of and Marie Godin is Researcher at GERME (Groupe d'Études sur l'Ethnicité, le Racisme, les Migrations et l'Exclusion – Group for the Study of Ethnicity, Racism, Migration and Exclusion) at the Université Libre de Bruxelles (Free University of Brussels). The authors would like to convey thanks to Sir Frédéric Poupinel de Valencé (Attaché – SPF Emploi, Travail et Concertation sociale, DG Emploi et Marché du travail) and Sir Bruno De Pauw (Adviser at the N.S.S.O – International Relations) for providing most of the data contained in this report.

Among migrants (both TCN and EU-citizens), the proportion of women is approximately 49 per cent. However, since the accession of the new EU Member States, a ‘defeminization’ process has been taking place. In 2005, Polish women represented 58 per cent of the Polish population in Belgium, Romanian women 57.6 per cent and Bulgarian women 57.9 per cent. In 2011, the percentage of Polish women fell down to 53 per cent of the Polish population, 49 per cent for Bulgarians, and 47 per cent for Romanians. However, several other migration flows from Eastern Europe are predominantly composed of women such as in the case of Ukraine (64%), Belarus (65%) and Russia (56%).

Table 1: Main nationalities in Belgium, 1 January 2007 and 2011

	2007	2011	Difference between 2007–2011 %
Italy	171,918	162,826	-5.9
France	125,061	145,272	13.9
The Netherlands	116,970	137,780	15.1
Morocco	80,579	84,735	4.9
Poland	23,212	49,661	53.3
Spain	42,765	47,996	10.9
Germany	37,621	39,841	5.6
Turkey	39,419	39,828	1.0
Portugal	28,724	34,464	16.7
Romania	10,195	33,600	69.7
UK	25,139	24,971	-0.7
DRC (Dem.Rep.Congo)	14,216	19,647	27.6
Bulgaria	3,900	17,275	77.4
Greece	15,742	14,799	-6.4
Russia	6,408	13,954	54.1
USA	11,149	11,535	3.4
China	7,845	9,476	17.2
Algeria	7,776	9,694	19.8
India	5,714	7,693	25.7
EU	617,250	748,268	17.5
Non-EU	314,911	370,988	15.1
Foreigners total	932,161	1,119,256	16.7
Total population	10,584,534	10,951,266	3.4

Source: DG SIE.

For the fourth consecutive year, the number of asylum-seekers has increased in Belgium (from 11,115 in 2007 to 25,479 in 2011), equal to 27.8 per cent in the last year. Asylum claims submitted in 2011 predominantly came from Afghanistan

(2,758, which doubled in the space of a year, especially related to unaccompanied minors), followed by Guineans (rising from 1,398 in 2010 to 2,134 in 2011). In 2011, Western Balkan countries are still well represented in the top 10 nationalities of asylum-seekers with: 1,109 coming from Serbia, 819 from Macedonia and 809 from Albania. In 2011, several 'prevention campaigns' held by the Immigration Office took place in these countries in order to reduce the number of applications (Immigration Office, Annual report 2011).³⁹

The last regularization campaign took place between 15 September 2009 and 15 December 2009. During 2010 and 2011, the majority of applications were processed, with respectively 24,000 and 9,509 persons regularized. For the future, the government has chosen to adopt a case-by-case approach towards regularization.⁴⁰

2. Labour market impact

With the economic crisis and the lifting of all restrictions for EU-8 Member States in 2009 (especially concerning Polish workers), the number of 'B' work permits issued dropped considerably. It seems, however, that the economic crisis did not have the same impact on all nationalities. After a slight decrease between 2008 and 2009 (-12.5%), the number of 'B' work permits for highly skilled Indian workers began to increase again between 2009 and 2010 (+9.3%). This finding is even more pronounced for highly skilled Chinese workers (14.9% between 2009 and 2010). On the contrary, after a rise in 'B' work permits delivered to Japanese, US American, Canadian, Russian and Brazilian qualified workers between 2008 and 2009, a diminution can be observed in 2010.

The National Institute of Social Insurance for the Self-Employed (INASTI) provides data on the number of foreigners registered as self-employed. The increase in self-employed foreigners is strongly linked to the enlargement of the EU.⁴¹ The number of self-employed Bulgarians, and more particularly Romanians, has especially increased since 2007.⁴² The number of self-employed has also increased for a number of EU-15 countries of origin such as France (from 1,288 to 1,410), the Netherlands (from 1,580 to 1,692), Italy (886 to 983) and Portugal (from 567 in 2008 to 640 in 2010). For non-EU countries the increase was at 16 per cent in 2009 (with an average over recent years of around 2.9%) (CEOOR, 2011).

³⁹ The considerable increase in the number of asylum-seekers from Balkan countries is directly linked to the decision to suppress visas for entering Schengen for FYROM, Serbian and Montenegrin citizens on 19 December 2009.

⁴⁰ Governmental agreement 1 December 2011.

⁴¹ Especially Polish, but since the period 2008–2010 there has been a decrease in their presence.

⁴² However, according to a study undertaken by UNISO (2011), 42 per cent of the Bulgarian and Romanian self-employed had no income from their official economic activities while being registered for three years with this status. As a result, the author concludes that there may be a high number of "false entrepreneurs" who may still work in the irregular sector and use the self-employment status as a means to gain a stay permit.

Between 2007 and 2011 the number of posted workers⁴³ nearly doubled.⁴⁴ Looking at the countries of the companies that send the most posted workers to Belgium, the majority are European: the Netherlands (89,864), Germany (37,975), France (35,982) and Luxembourg (19,742). Also, employers from Poland (57,629), Romania (23,204) and Portugal (15,891) are prone to using this new type of temporary migration.⁴⁵ The two main sectors for posted workers are construction and manufacturing.

The majority of visas issued in 2011 were short-stay visas. Of the 260,928 decisions (negative or positive), 225,109 were for short-stay visas (Type C visa, less than three months). Among the long-term visas (Type D visa, N = 27,269), the most commonly represented motives were: family (54%), studies (24%) and employment (12%).

Comparing three socio-economic indicators (employment rate, unemployment rate and activity rate) for the Belgian population and the foreign population in 2010, the position in the Belgian labour market of Belgians is better off than that of foreigners (Table 2).

Table 2: Activity, employment and unemployment rates by nationality, 2010

	Labour force (15 to 64 years old)	Employed	Unemployed	Activity rate %	Employment rate %	Unemployment rate %
Belgian	6,477,957	4,069,876	331,040	67.9	62.8	7.5
EU-27	471,068	293,634	36,153	70.0	62.3	11.0
TCNs	227,809	87,079	38,345	55.1	38.2	30.6
Total	7,176,834	4,450,590	405,538	67.7	62.0	8.4

Source: DG SIE – European Labour Force Survey.

Looking specifically at the unemployment rate, third-country nationals have a rate almost three times higher (30.6%) than it is for EU nationals (11%) and Belgians (7.5%). Moroccans, Turkish and Congolese citizens show the worst unemployment rate.⁴⁶ This can be due to the fact that women within the Turkish and Moroccan communities have the lowest employment rate (Employment Barometer, 2012). However, the gender variable is somehow relevant in the Belgian labour market: in 2010, the unemployment rate of TCN women (34.5%) was much greater than it was for Belgian women (7.7%) as well as for EU-27 women (11.4%) (EU Labour Force Survey).

⁴³ In the framework of the European Directive 96/71/EC.

⁴⁴ The number of posted workers can be analysed through the O.N.S.S. (National Office for Social Security) via the LIMOSA database, a compulsory declaration system for posted workers.

⁴⁵ These figures do not provide information about the nationality of the posted workers but reckon on the number of posted workers sent by companies abroad.

⁴⁶ On 1 January 2011, the unemployment rate of the Congolese in Belgium was 37.6 per cent, 37.3 per cent for Moroccans and 30.2 per cent for Turkish citizens, while citizens from newly accessed European countries had a lower unemployment rate with: 5 per cent among Polish, 5.5 per cent among Romanians and 8.6 per cent among Bulgarians. Finally, among the EU-15 citizens, Italians and Greeks were facing the most significant unemployment rates, of 20.2 per cent and 19 per cent respectively.

Both migrants and nationals have seen their employment rates decrease between 2008 and 2009, but less intensely for Belgians (0.4 percentage points) than for those born outside the EU-27 (1.2 percentage points). As mentioned previously, many foreigners have been acquiring Belgian citizenship especially since the change in the nationality code in 2000.⁴⁷ Even more so than in 2009, in 2010 the unemployment rate of non-EU-born (23.5%) was lower than the rate for TCNs (30.6%) (Table 3). At the regional level, it is in the Walloon Region that the situation of TCNs is worse, with an unemployment rate amongst TCNs at 38.7 per cent. However, it is in the Brussels-Capital Region that the rate of unemployment of non-EU-born is higher (28%).

Table 3: Unemployment rate per region, per country of birth and nationality, 2010 (%)

		Brussels-Capital Region	Flemish Region	Walloon Region	At country level
Nationality	Belgian	16.9	4.7	10.9	7.5
	TCNs	32.3	24.7	38.7	30.6
	Difference TCNs/B	15.4	20.0	27.8	23.1
	Total	17.4	5.2	11.5	8.4
Country of birth	Persons born in Belgium	14.5	4.3	10.5	6.9
	Persons born abroad (non-EU)	28.0	17.7	26.2	23.5
	Difference TCNs/B	13.5	13.4	15.7	16.6
	Total	17.4	5.2	11.5	8.4

Source: DG SIE - EU-LFS.

Looking at levels of education, the 2010 data provided by the EU-LFS clearly indicate that the proportion of people with a lower level of education is greater among TCNs (40.6%) and for people born outside the EU (37.2%). However, no matter the level of education, the level of unemployment for TCNs and the non-EU born is consistently higher.

3. Institutional and legal framework for admission and employment

In Belgium, it is the 'right to work' that opens the way to the 'right to stay'. The occupation of workers in the Belgian labour market is defined in the law of 30 April 1999 and its implementation decree of 9 June 1999. So far, the federal state has been in charge of adopting labour migration laws and the three regions (the Walloon, the Flemish and the Brussels-Capital regions), as well as the German-speaking community, are in charge of enforcing them.

⁴⁷ An institutional change occurred in this area, please check the following section on institutional setting.

As described in the previous IOM LINET report (IOM, 2012) the role of regional authorities is primarily to identify labour shortages in their territory and to deliver authorization to work, as well as work permits (A, B or C)⁴⁸ to potential workers. Bulgarian and Romanian workers still need a 'B' work permit to enter the Belgian labour market. The transitional measures to limit labour market access for Bulgaria and Romania were first extended until the end of 2011 and were renewed by a Royal Decree on 28 December 2011⁴⁹ until the end of December 2013.

In terms of legislative change, the last governmental agreement signed on 1 December 2011⁵⁰ planned to give more decision power to the regional authorities in the field of economic migration. First of all, a worker who obtains a work permit A in one of the three Regions will also be able to work in the two other regions. Secondly, the regional authorities will be able to provide a professional card to a self-employer (until now, this task has been undertaken by the Federal public service for Economy, SMEs, Self-employed and Energy). However, the authorization to stay will still be provided by the Federal administration via the Immigration Office. Lastly, the 'Blue-Card Directive'⁵¹ was transposed on 29 March 2012.

4. Institutional and policy framework for integration

Belgium does not yet have a clear-cut integration policy framework. The main prerogative of the State in terms of integration relies mostly on the conditions for accessing Belgian nationality. The main responsibilities in terms of migrant integration are with the federated entities (the three Regions as well as the three communities).

Until now, the acquisition of Belgian citizenship has been considered as a major step towards integration. The reform of the code proposes to take the reverse stance, by conceiving the acquisition of the Belgian nationality as practically the 'final stage' of the integration process, according to the general governmental agreement of 1 December 2011.⁵² On 25 October 2012, a new Belgian Nationality law was voted in with a large majority. With this new law, as mentioned by Huddleston

⁴⁸ There are three types of work permits to access the Belgian labour market (Art.3 Royal Decree of 9 June 1999): Work permit A can be obtained after having worked for four years with a B permit and gives access to any job with no time limitations, but over the years it has become quite obsolete with the change in the Belgian Nationality Code in 2000, since when people would opt for the Belgian nationality rather than applying for a work permit A; 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 not economic (motives such as studies, asylum and so on). The work permit B gives access to one employer only, is valid for a period of 12 months and is renewable by the same employer.

⁴⁹ 28 December 2011 - Changing the Royal Decree of 9 June 1999, related to the execution of the law of 30 April 1999 on the occupation of foreign workers to extend the transitional period following the accession of Bulgaria and Romania to the EU.

⁵⁰ http://www.premier.be/files/20111206/Accord_de_Gouvernement_1er_decembre_2011.pdf

⁵¹ Council Directive 2009/50/EC.

⁵² Governmental agreement 1 December 2011 (2.7.7. Réformer l'acquisition de la nationalité belge) http://www.premier.be/files/20111206/Accord_de_Gouvernement_1er_decembre_2011.pdf.

(2012), naturalization should be “migration-neutral”: firstly, applicants should be living in Belgium and be long-term residents; secondly, applicants should already be linguistically, socially, and economically integrated. Instead of automatically accessing Belgian nationality after seven years of residence, there will be a short procedure for those who meet certain strict conditions of social and economic integration and a long procedure for others.⁵³ In the debate of this law, job stipulation has been a controversial element, especially for the Francophone Green Party (Ecolo)⁵⁴, arguing that this new prerequisite discriminates against foreign women, since they are more likely than men to work part-time or with temporary contracts.

There is a distinct integration policy framework for each of the three Regions. Recently, there have been numerous debates on the implementation of an ‘integration path’ that would be similar to the one developed by the Flemish authorities (the so-called ‘*inburgering program*’).⁵⁵ In that respect, the President-Minister of the Brussels-Capital Region in charge of Social Cohesion, Charles Picque, in a note entitled ‘*parcours d’accueil*’⁵⁶ maintained that an integration path should be compulsory, especially in regard to language proficiency (French or Dutch). As for the Walloon Region, it has been decided that only the first step in the integration process for newcomers, namely civic orientation, will be mandatory. The second module, based on socio-professional orientation, will be accessible on a voluntary basis.⁵⁷

5. Discrimination in employment

Integration policies for immigrants should also be linked to the new set of diversity policies that have recently been implemented and that top up the legal aspects of the fight against discrimination. Diversity policies are defined both at the federal and regional levels. At the federal level, their main objective is to promote diversity within the federal administration. As mentioned recently by De Keyser et al. (2012), immigrant men and women are systematically under-represented in public administration as well as in education. In this regard actions are focused primarily on improving recruitment methods, on using objective and anonymous procedures and on training recruiters with respect to diversity issues (see IOM, 2012).

The Centre for Equal Opportunities and Opposition to Racism published, in September 2012, a barometer of diversity in employment. This scientific instrument has been designed for measuring the state of diversity in Belgian management and more broadly for assessing the attitudes of individuals in the labour market,

⁵³ Thus, nowadays there are four ways to become Belgian: by birth, after five years of legal residence, after 10 years and via the naturalization procedure.

⁵⁴ See : ‘Réforme du code de la nationalité : « Discriminante » selon Ecolo’, *Le Soir*, July 16 2012, Martine Vandemeulebroucke et G.M.

⁵⁵ Flemish Act of 28 February 2003 on the Flemish Integration policy, Belgian State Gazette 8 May 2003. Also for more details on the ‘inburgering concept’, see the concept note on integration and civic integration by the Flemish Government (September 2011).

⁵⁶ Released on July 10 2012.

⁵⁷ See ‘La première étape du parcours d’intégration sera obligatoire en Wallonie’, *Le Soir*, 3 July 2012.

which are categorized (amongst other things) according to their: age, origin, sexual orientation or disability. The barometer has measured the levels of three attitudes: discrimination, tolerance and participation.

To identify the degree of discrimination based on a person's origins during the recruitment and selection processes, a new study was commissioned by the Centre looking at the role gatekeepers play (Lamb & Eeman, 2011).⁵⁸ Behavioural tests indicate that a candidate of foreign origin is more likely (6.6 percentage points) to suffer from a discriminatory disadvantage and less likely (4.5 percentage points) to benefit from a discriminatory advantage when invited to a job interview. Nearly 44.2 per cent of human resource managers say that some religious symbols, such as headscarves, have an impact on the final selection.

In 2010, a study (IRB) was completed for the 'Round Tables on Interculturalism'.⁵⁹ In this research, four ethnic minorities (from Turkey, Maghreb, Sub-Saharan Africa and Eastern Europe) were asked to talk about their relationship with the Belgian majority as well as about their mutual relationships. In terms of discrimination, 75 per cent of foreign-born respondents said they have been discriminated against at least once during their job search.

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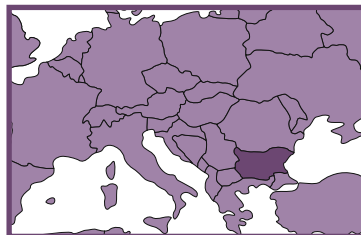
⁵⁸ The study 'Gatekeepers on the labour market' (2011) focuses on the recruitment and selection processes by human resources (or 'gatekeepers') and is based on a stratified sample of Belgian organizations. The sample was composed of 450 organizations and private and public companies. The interviews were conducted by telephone in the majority of cases (Barometer, 2012).

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BULGARIA

Neda Deneva⁶⁰



1. Migration trends

Emigration numbers are slowly declining but are still significantly higher than immigration numbers. However, immigration numbers are growing at a steady pace. This demonstrates a trend that Bulgaria is gradually becoming a final destination for some immigrants, especially after the country's EU accession in 2007.

The 2011 census by the National Statistical Institute (NSI) is the first census to provide any migration statistics. Accordingly, the number of foreign citizens residing in Bulgaria is 36,723 in total (including EU citizens), out of which women comprise a slightly higher share (55%). The number of third-country nationals is 28,233 (around 0.4% of the total population). The largest share of immigrants comes from the Russian Federation (11,991), Ukraine (3,064), and Turkey (2,741) (Table 1). Previous statistics of NSI account for much higher total numbers of foreigners with permanent residence: almost 70,000 in 2009, approximately 66,000 in 2008, and 63,500 in 2007. This sudden drop by half between 2009 and 2011 might be due to an inconsistency in the NSI methodological tools used in the different surveys.⁶¹

The number of asylum-seekers has decreased significantly since the highest peak recorded in 2002, of almost 2,900. In 2011 there were 890 asylum applications, which constituted a 13 per cent drop compared to 2010. The top countries of origin of asylum-seekers are Afghanistan, Iraq, Armenia, and Iran. Regular labour migration, however, only makes up one part of the overall populace of labour migrants in the

⁶⁰ Neda Deneva is a lecturer at the Department of Anthropology at New Bulgarian University.

⁶¹ According to World Bank report (2011), the stock of immigrants in Bulgaria in 2010 was 107,200, which is 1.4 per cent of the population. All these discrepant numbers come to demonstrate, that there is no consistent statistics for the overall number of regular labour immigrants in Bulgaria over the last years. Moreover, irregular migrants remain even more difficult to estimate. Data is collected by a variety of institutions, it is not compiled in comprehensive databases, and it is rarely freely available. There is no continuity in statistical data gathering.

country. Numbers of irregular migrants cited in 2011, for example, vary from 4,000⁶² to 180,000.⁶³

In terms of territorial distribution, most immigrants are clustered in a few big cities, with a clear preference for the capital city Sofia – 35 per cent, followed by Plovdiv and the surrounding region – 9 per cent, and the two seaside cities Varna and its region – 8 per cent, and Bourgas and its region – 5 per cent (National Strategy on Migration, Asylum, and Integration, 2011).

Table 1: Foreign Citizens by country and gender, 2011

Country of Origin	Total	Men	Women
European Union	8,444	4,890	3,554
Europe (non-EU)	18,413	4,751	13,662
Russian Federation	11,991	2,518	9,473
Ukraine	3,064	591	2,473
Macedonia	1,091	647	444
Moldova	893	303	590
Serbia	569	323	246
Other	805	369	436
Asia	8,403	5,662	2,741
Turkey	2,741	2,221	520
Armenia	1,167	556	611
China	749	405	344
Syria	729	573	156
Iraq	506	394	112
Vietnam	473	283	190
Lebanon	333	260	73
Other	1,705	970	735
North America	588	348	240
Africa	429	357	72
Latin America and the Caribbean	338	213	125
Oceania	62	42	20
Total (non-EU)	28,233	11,373	16,860
Total	36,677	16,263	20,414

Source: National Statistical Institute.

⁶² Statement of the Bulgarian Internal Minister, Tsvetan Tsvetanov, http://btvnews.bg/332904135-Pogvame_nelegalnite_imigranti_sled_vlizaneto_ni_v_Shengen.html

⁶³ Statement of the expert Nikolay Yarmov, unconfirmed by any other sources. <http://zaman.bg/bg/kampaniya-za-problemite-na-imigrantite-v-balgariya/>

The number of newly issued long-term and prolonged residence permits⁶⁴ remained constant between 2009 and 2011, with an average of 14,500. The majority of permits are issued to Turkish citizens, followed by Russian and Ukrainian citizens. There is a 50 per cent increase in the permits issued to Russians, and a serious drop in the case of Macedonians. In the case of permanent residence permits, the overall numbers decreased by 20 per cent, with an average value of 2,600 over the last three years (Table 2). Turkey is prevalent again, with residence permits doubling from 500 to 1,100, followed by Russia, Moldova and Ukraine. There is a very drastic drop of 85 per cent in the permanent residence permits issued to Macedonian citizens. In the case of permanent residence permits, the largest numbers have been issued to people of Bulgarian origin, coming from Turkey, followed by Moldova, Macedonia and Serbia. This tendency falls in line with the National Strategy for Migration 2008–2015, as discussed below.

Table 2: Newly issued permanent, long-term and prolonged residence permits issued to TCNs, 2009–2011

country	2009		2010		2011	
	prolonged and long-term	permanent	prolonged and long-term	permanent	prolonged and long-term	permanent
Turkey	5,059	503	5,406	1,198	5,443	1,139
Russia	1,934	271	2,569	322	3,782	216
Macedonia	1,588	1,208	767	543	491	172
Ukraine	697	204	732	204	756	198
Moldova	450	223	442	265	411	200
Serbia		264		134		105
USA	710		704		644	
other	3,712	535	3,542	622	3,418	444
Total	14,150	3,208	14,162	3,288	14,945	2,474
total permanent and long-term	17,358		17,450		17,419	

Source: Ministry of Interior.

⁶⁴ There are four types of residence permits issued to foreigners: short-term, prolonged, long-term, and permanent. Short-term residence permits are for up to 90 days, with a one-off possibility of extension. Prolonged permits are for a one-year period. Long-term permits are for an initial period of five years, with a possibility of renewal. Permanent residence permits are for an unlimited period of time (Law for the Foreigners in the Republic of Bulgaria). The main grounds for granting resident permits are for work, for studying, for family reunification, for business and investment, for asylum, or for Bulgarian origin.

2. Labour market impact

Employment growth has been negative since the beginning of the financial crisis in 2008, reaching -4.2 per cent in 2011, male employment decreasing at double the rate in comparison with female employment (Eurostat LFS). The unemployment rate has been growing steadily since 2008, when the lowest unemployment rate was recorded (5.6%), and rose to 11.3 per cent in 2011. The highest drop in employment numbers in 2011 in comparison to 2010 is in the sphere of construction work with a 23 per cent decrease, transportation with a 10 per cent decrease, and trade and retail with a 6 per cent decrease.

Immigrants in Bulgaria do not figure in the general statistical data on employment rates. One of the publicly accessible sources for labour migration is the data provided by the Employment Agency on the numbers of work permits issued per year. As of 2008, the number of issued work permits steadily decreased and reached its lowest level in an eight year period in 2011, with only 595 permits issued. A closer look at the dynamics of work permits issued per country shows that the most significant drop is observed for Turkish migrants.⁶⁵ The drop is most clearly reflected in two prevalent work categories – low-skilled and technical personnel. Vietnam also registered a sudden drop from 81 work permits in 2009 to 6 in 2011. This can be explained through the discontinued labour agreement for low-skilled workers' import in the industry, which was active only in 2008 and 2009. Signs of ethno-stratification can be already detected from these numbers: Russian and Ukrainian citizens with work permits tend to be engineers, US citizens scholars or athletes, Indians consultants, and Serbians athletes.

There are three large clusters of immigrant labour: highly skilled migrants, regulated by the EU Blue Card entry requirements⁶⁶, wage workers (mostly low-skilled or technical personnel) with work permits, and foreign businessmen and investors, with long-term residence. With the exception of Russians and other immigrants from the post-Soviet countries, who are well integrated, the majority of migrant wage workers are mostly engaged in ethnically dominated enterprises. Most migrant workers are employed in private businesses within their community (Staykova and Trifonova, 2010). According to Krasteva et al. (2011), two employment sectors – the trade and restaurant businesses – employ the majority of wage workers, especially Chinese and Arab immigrants. Wage labourers are typically employed by other migrants, rather than working for Bulgarian companies. This is a clear sign of an ethnically dominated labour regime. Construction and light industry also offer jobs for some groups of labour migrants – Turkish, Chinese and Vietnamese. Finally, call centres represent a recent form of employment for proficient French- and English-speaking immigrants, most commonly African immigrants.

⁶⁵ In 2009 Turkish citizens received 782 of the total 1366 work permits (or 57%), and in 2011 their number fell to 153 out of the total of 595 (or 25%).

⁶⁶ The EU Blue Card permit was transposed into Bulgarian legislation by June 2011.

While the number of work permits for self-employed immigrants is practically nonexistent⁶⁷, there are a number of immigrant businessmen or investors who operate as Bulgarian employers, having obtained a long-term residence permit.⁶⁸ Their average number in the period 2009–2011 was 1,100, with the biggest share coming from Turkey, followed by Russia and other countries in Eastern Europe and the South Caucasus, the United States, Macedonia, and China.

Unemployment is very low among immigrants, as both data from the Employment Agency since 2009 and previous studies indicate (Krasteva et al., 2011). In 2009 there were 1,510 third-country nationals registered as unemployed in the Employment bureaus, which was 0.6 per cent of the overall unemployment rate for the country. Since then, numbers dropped by a third, to reach 1,018 in 2011. The main country of origin is Russia, comprising 75 per cent of all registered, followed by Ukraine, approximately 12 percent.⁶⁹

3. Institutional and legal framework for admission and employment

No new developments have been registered in the institutional and policy framework for admission and employment, apart from the necessary changes to achieve alignment with EU legislation for the EU Blue Card and the Long-Term Residence Directives (see IOM, 2012).

Labour migrants have to go through a multiple-step procedure which involves two or more institutions in order to obtain the right to work legally in Bulgaria. The procedure involves receiving a work permit and a residence permit, which are interdependent, except in cases where a work permit is not required.⁷⁰ For the regulated professions, a work permit has to be accompanied by a recognized diploma and professional qualification.

Work permits are issued for jobs that require knowledge or skills that are not available in the local labour market at the moment of application. Work permits are not transferable to other positions or employers. In general, the procedures for

⁶⁷ According to Krasteva et al. (2011), for the period 2004–2009 only two work permits for self-employed were issued to third-country nationals. For the period after 2009 the Employment Agency did not provide any numbers at all.

⁶⁸ According to the Labour Law for the Encouragement of Employment a foreign businessman can open a company in Bulgaria, provided that it employs a minimum of 10 Bulgarian citizens.

⁶⁹ These numbers have to be interpreted cautiously, and not only in relation to the migration policy adopted. Many migrants do not register as unemployed, but remain engaged in irregular employment or choose not to engage in formal working activities (for example, women from the Arab community). Irregular migrants and also asylum-seekers do not have access to this status. Finally, according to qualitative studies, there is a high incidence of 'no response' to survey questions on unemployment, which skews the statistics further (Krasteva, 2008).

⁷⁰ Foreigners with permanent residence permit, asylum-seekers and refugees, international officers and intergovernmental civil servants on special agreements, athletes and sports coaches, academic personnel, and foreigners with short-term employment.

employing foreign labour force are criticized both by employers and by migration analysts. This was affirmed by the Confederation of employers and industrialists in Bulgaria, who also suggested amendments in the legislation for removing fees for the issuing of work permits and reducing the “unrealistically high requirements for personal finances for a foreigner’s daily subsistence” (Krasteva et al., 2011).

The process of diploma and professional qualification recognition is coordinated by the National Centre for Information and Documentation (NACID), which has been active since 2009 as part of the Ministry of Education, Youth and Science. In the field of higher education recognition, NACID is responsible for the recognition of BA and MA degrees obtained abroad. PhDs are no longer recognized by a centralized institution, after the dissolution of the High Attestation Committee (VAC) in 2010. It is now the discretion of individual higher education institutions to recognize postgraduate degrees obtained abroad.⁷¹ The total number of recognized higher education diplomas is 2,472 (between April 2009 and July 2012).⁷² About half of these are from institutions outside the European Union. The numbers of recognized diplomas from third countries are spread relatively evenly throughout the last three years, with a peak of 432 in 2010, and an average of 340 in 2009 and 2011. The most prevalent country of origin is Russia with 346 diplomas since 2009, followed by the United States with 253, Turkey with 173, Ukraine with 129 and Macedonia with 76.

4. Institutional and policy framework for integration

In 2011, the National Strategy for Immigration and Integration 2008–2015 was replaced by a new updated National Strategy on Migration, Asylum and Integration 2011–2020. These two strategies, along with the National Programme for Integration of Refugees 2011–2013 are the main documents which set the foundation for developing a national policy for migration management and integration (Vankova, 2010).

After a preliminary evaluation of the first strategy, different experts (Vankova, 2010) and civil and economic organizations (the Economic and Social Council) have recommended setting up an integrated administrative body on migration, for example a Migration Agency to the Council of Ministers. Such a body could facilitate statistical and other data gathering and analysis and better coordinate the different institutions engaged in the migration process. In addition, the easier procedure for acquiring Bulgarian citizenship for foreigners with Bulgarian origins (primarily from Macedonia and Moldova) did not produce the intended goal of attracting migrants with Bulgarian origins. Research has demonstrated that in most cases new citizens do not settle in Bulgaria, but rather use the newly acquired privileges of EU freedom of mobility to search for employment in other EU Member States (Krasteva et al., 2011).

⁷¹ The process of recognizing unfinished courses of study abroad of students, who wish to transfer to a Bulgarian institution of higher education, is also transferred to the respective institution, rather than centralized.

⁷² This is the number of diplomas recognized, and not the number of individuals who obtained a diploma recognition, because some people figure in the register with more than one diploma or degree.

The main emphasis of the new strategy is on implementing Schengen requirements for securing external EU border and effective control of immigration. Along these lines the Strategy formulates the following priorities: 1. securing the external EU border; 2. effective counteraction of irregular migration; 3. effective counteraction of human trafficking, 4. providing high levels of protection to asylum-seekers, refugees and persons with humanitarian status; 5. introduction of labour migration policies in response to the demographic and economic needs of the country; 6. attracting highly skilled Bulgarian emigrants and foreigners of Bulgarian origin for permanent settlement in Bulgaria; 7. campaigning against corruption. In addition, there is a new element focused on migrant integration. Information centres have been established as part of this initiative in 2010–2011 in the three largest cities. The 2011 Strategy also suggests restarting consultations on labour agreements with third countries (Moldova, Ukraine, Armenia) that had previously been abandoned.

In Bulgaria the cases of street violence are numerous, as attacks by neo-Nazi groups on migrants demonstrate. The Helsinki Committee in Bulgaria has stressed that attacks against foreigners happen on a regular basis. Many of these cases remain unreported and do not even enter the public space. However, these cases and the numerous extreme right websites show the presence of strong negative and violent opinions toward migration.

5. Active labour market programmes

Integration activities were developed under the European Integration Fund and its managing body in Bulgaria, the Ministry of Labour and Social Policy. Its funding priority programme for the period 2007–2013 directly follows the priorities of the National strategy of the Republic of Bulgaria for Migration and Integration 2008–2015. The main target group of the funded projects are third-country nationals with permanent or long-term residence permits, with a special emphasis on newcomers. The fund has four priorities: 1. implementing the main principles for integration policy of immigrants in the EU; 2. development of indicators and methodology for coordination policies; 3. capacity building for applying integration policies and coordination at different levels of the integration process; 4. sharing experiences and best practices with other member states.

The first priority involves introducing flexible forms of acquiring education, experience and information. The first main activity for this priority is supporting the development and functioning of already existing information centres for immigrants. The centres have a key role in encouraging civic participation, providing information on rights and obligations in Bulgaria, and orientation to the respective institutions and administrative bodies. Other activities are organizing integration courses in Bulgarian language, history, culture, and civic orientation or organizing awareness campaigns (this activity was discontinued after 2008). The second priority involves activities for gathering data, research and analyses of policies and practices of integration of migrants. The third priority involves activities for improving the coordination at national, regional and local levels between the participants in the integration process, with an emphasis

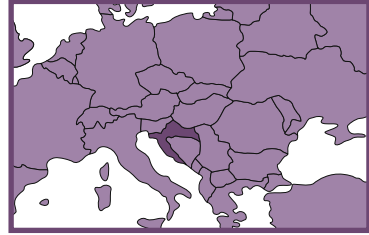
on trainings. The fourth priority aims at activities for establishing and maintaining international contacts and expert groups. It is mainly directed at state institutions, but may also include NGOs and other social partners.

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CROATIA

Zeljko Pavic⁷³



1. Migration trends

According to the latest population census of 2011, the Republic of Croatia has 4,290,612 inhabitants, which is a slight decrease in comparison to the 2001 census (4,437,460 persons). The total number of foreign nationals who held residence in Croatia on different legal bases (temporary residence, business permits, permanent residence permits) on 31 December 2011 was 30,059 persons, which corresponds to around 0.7 per cent of the total population. This number represents a decline when compared to the pre-crisis level (using 2008 as reference year), due to a lower labour market demand and a government policy of quota reduction. Demography experts predict that the negative demographic trends (vitality statistics) and the very low activity rate of nationals (around 45%) will result in an increased number of foreign workers in the near future, despite the currently weak economic situation and high unemployment.

Most of the foreign nationals residing in Croatia come from countries of the Yugoslav successor states, mainly from Bosnia and Herzegovina and Serbia. A more detailed comparison between 2008 and 2011 reveals that the decline in the number of immigrants from Bosnia and Herzegovina and Serbia can be attributed to a drop in the number of temporary residence permits and business permits issued. Croatia continues to be a transitory country in terms of irregular migration directed to the EU. Given its particular geographical position in the Adriatic Sea, most irregular migrants enter Croatia along the border with Serbia and Bosnia and Herzegovina. In 2009, 1,823 illegal border crossings were detected; this number rose to 2,221 in 2010 and further to 3,046 in 2011 (data from the Ministry of the Interior). With the accession to the EU, and especially after entering the Schengen area, which is expected to happen in 2015, this trend is likely to become more pronounced.

⁷³ Zeljko Pavic is Director of Audeo (marketing research and public polling agency).

The educational level⁷⁴ of labour migrants in Croatia in 2011 is shown in Table 2. There is a clear difference between educational levels of male and female labour immigrants; 35.8 per cent of women are highly skilled (educated) compared with 14.9 per cent of male workers. Labour migrant women are also significantly better educated than national women, while labour migrant men show similar educational levels to national men.

Table 1: Number of foreigners with regular status in RoC by nationality, 31/12/2011

Nationality	Temporary residence permits	Business Permits	Permanent residence permits	Total 2011	Total 2010	Total 2008	Percentual change (2011/2008)
Austria	293	3	292	588	614	553	+6.3
Bosnia and Herzegovina	5,793	20	5,063	10,876	12,171	14,614	-25.6
China	506	1	361	868	847	803	+8.1
France	190	1	77	268	292	275	-2.5
Germany	893	5	1,333	2,231	2,172	2,022	+10.3
Great Britain	251	0	142	393	392	304	+29.3
Hungary	212	3	96	311	344	265	+17.4
Italy	591	6	447	1,044	1,070	911	+14.6
Macedonia	763	9	885	1,657	1,659	1,891	-12.4
Russia	504	3	134	641	539	461	+18.9
Slovenia	811	1	1,247	2,059	1,971	1,829	+39.0
Serbia	1,382	3	1,263	2,648	2,579	2,699	-2.9
USA	280	0	199	479	455	430	+11.4
Other	3,585	9	2,402	5,996	5,682	5,059	+5.5
Total	16,054	64	13,941	30,059	30,787	32,116	-6.4

Source: Ministry of Interior of the Republic of Croatia (2012).

Table 2: Foreign labour migrants by education in comparison with national workers, 31/12/11 (%)

Educational level	Male		Female		Total	
	Share within male domicile workers (2011)	Share within male immigrants	Share within female domicile workers (2011)	Share within female immigrants	Share within total employed persons (2011)	Share within total immigrants
Low-skilled	14.8	14.2	19.2	3.8	16.8	13.1
Medium-skilled	67.0	68.0	54.8	57.9	61.4	66.9
Highly skilled	19.2	14.9	26.0	35.8	21.8	17.2
Unknown	0.0	2.9	0.0	2.5	0.0	2.8
TOTAL	100	100	100	100	100	100

Source: Ministry of the Interior of the Republic of Croatia, Croatian Bureau of Statistics (2012a).

⁷⁴ Low-skilled (ISCED 0-2, pre-primary and lower secondary education), medium-skilled (ISCED 3-4) and highly skilled (ISCED 5-6, tertiary education).

2. Labour market impact

An attempt to estimate the share of migrant labour in total employment growth is very complex due to at least two circumstances: different methodologies in employment calculation and unreliable estimates as to the real number of labour migrants working in Croatia in the past and at present. The closest indicator for the number of foreign workers in Croatia would be the number of issued work and business permits, but this indicator is far from perfect since certain categories of immigrants do not need work or business permits to enter the labour market.⁷⁵ In addition, as migrants comprise a very small part of the total population, data from the Labour Force Survey for migrants, even if this existed, would be highly unreliable.

According to the data of the Croatian Employment Service, the demand on the Croatian labour market continued to stabilize in 2011, after the sharp decline in 2009 and stagnation in 2010. According to CES evidence⁷⁶, the sectors where migrants are traditionally employed – construction, manufacturing, accommodation and food service activities – showed an increased demand. Vacancies in construction rose by 24.1 per cent, after the decline of 17 per cent in 2010. It should be mentioned, however, that vacancies in construction amounted to only 8,484 in 2010 while the number of vacancies in this sector between 2000 and 2008 had been about 15,000 yearly. Vacancies in manufacturing rose by 11.9 per cent and vacancies in accommodation and food service activities remained on the same level.

Nonetheless, yearly quotas for work permits continue to decrease after a peak in 2008 (Figure 1). The numbers of issued work and business permits for foreign nationals indicate a growing number of foreign workers in the last decade followed by a sharp decline in 2010 and a further decrease in 2011. Table 3 shows the numbers of migrant workers, namely work and business permit holders by nationality. Evidently, most workers are Bosnia and Herzegovina nationals – around 50 per cent in 2011, although this represents a decrease of 5,731 persons in comparison to 2008.

Some sectors in the Croatian labour market are characterized by a mismatch between labour market supply and demand, and these sectors have been filled with labour migrants. This is especially the case in construction, shipbuilding and tourism. According to the Employers Survey for the year 2011 (Croatian Employment Service, 2012b), around 16.8 per cent of all employers had problems finding workers. Most of them (33.5 %) had difficulties finding skilled workers, and, in 81.7 per cent of those cases, this difficulty was described as ‘very serious’. Yet, compared to previous employers surveys, this problem appeared somewhat less significant (37% in 2008).

⁷⁵ In addition, no reliable estimates of foreign nationals’ share within the informal economy are available. This is relevant, bearing in mind that the informal economy is included in employment estimates based on the Croatian Labour Force Survey.

⁷⁶ The data are calculated from the CES monthly statistical bulletins from 2008 to 2011 and are based on vacancies declared to the CES by employers.

In terms of sectors, a change in the composition of the work permits is also visible as most new work permits in 2012 (614) were allocated to shipbuilding, followed by tourism and food services (145), as well as science and education (64). In 2011 most new work permits were allocated to the sector of construction, whereas in 2012 this number fell to only four new permits. As in 2011, there will be no new seasonal permits.

The comparison of data on illegal employment and the number of issued work and business permits suggests that the share of illegal migrant employment in total migrant employment is relatively large (around 10% in 2011).⁷⁷

Figure 1: Yearly work permits quotas for foreign workers, 2008–2012



Source: Official Gazette of the Republic of Croatia, 25/2012, 88/2011, 19/2011, 150/2009, 21/2009, 106/2008.

Table 3: Number of work and business permit holders in Croatia by nationality 2008, 2011

	2008	2011
Bosnia and Herzegovina	8,291	2,560
China	516	233
Italy	304	232
Slovenia	240	176
Russia	195	174
Serbia	488	139
Macedonia	586	133
Germany	231	132

⁷⁷ As a rough estimation, the sum of the number of aliens detected in illegal employment with the total number of issued work and business permits in the same year, divided by the latter number, can give a proxy for illegal employment among migrant employment. This amounts to 10.5 per cent in 2011, a consistent increase as of 2009 (5.3%).

	2008	2011
Austria	259	129
France	147	86
Czech Republic	168	80
Great Britain	97	59
Slovakia	141	49
USA	141	43
Ukraine	73	40
Other	901	918
Total	12,778	5,183

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

3. Institutional and legal framework for admission and employment

In November 2011 the Croatian Parliament endorsed a new Aliens Act (Parliament of the Republic of Croatia, 2011). This law came into force on 1 January 2012 and brought about some important changes. One of the most important changes is a completely new type of permit called ‘the permission to stay and work’, which merged work and business permits. The new Act (Article 76) also provides a list of migrants who are exempt from the quota system (although they still require work or business permits).⁷⁸

Nationals of countries of the European Economic Area are in a more favourable position on the labour market. Their legal status is regulated by provisions of the Aliens Act which will come into force when Croatia becomes an EU Member State. Specifically, this category of migrants would have the right to temporary residence for longer than three months when in possession of valid travel documents and an employment contract with a Croatian employer. In this way EEA migrants would not need to have a work permit to work in Croatia. Also, according to the new Aliens Act (Article 156), all family members of EEA nationals who are allowed temporary residence permits for more than three months are entitled to the same type of residence permit.

The legal position of migrants in the labour market continues to be weak, as no significant changes have occurred over the period 2010–2011. Migrants can still only be employed in a job for which they were issued a work permit, and only with employers who applied for those work permits in the name of the workers.

⁷⁸ Among which: daily commuters, self-employed migrants, professional athletes, artists, foreign nationals employed in NGOs, scientific researchers/teachers/professors.

4. Institutional and policy framework for integration

The Migration Policy for 2007/2008 remains the only official document concerning Croatian migration policy.

Since migrants are not specifically mentioned in the *National Plan for the Stimulation of Employment for 2011 and 2012* (Ministry of Economy, Labour and Entrepreneurship, 2011) it is apparent that migrant employment, as in the previous NPSE, is not one of the priorities of the active labour market policy. Exemptions include asylum-seekers, refugees and victims of human trafficking, who are cited as target groups for the following three programmes: 1) co-financing of the employment of unemployed persons from the register of CES; 2) financing of education according to needs of the labour market and 3) employment of the particular groups in public work programmes.

5. Discrimination in employment

In the Ombudsman report for the year 2011 (Office of the Croatian Ombudsman, 2012), it is stated that there were 58 complaints in the field of status and civil rights, mostly related to the acquirement of citizenship or other rights regulated by the Aliens Act. This represents a decrease when compared to 94 complaints in 2010 (which was the largest number in the past five years). Of the total number of 22 complaints in the field of health insurance, five were related to problems with the payment of health insurance of people who have regular temporary or permanent residence permits. Almost all of these cases concerned people who did not have enough money to pay health insurance or, consequently, to extend their temporary residence, as already shown in the previous IOM LINET report (IOM, 2012).

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CYPRUS

Nicos Trimikliniotis⁷⁹



1. Migration trends

According to official statistical figures,⁸⁰ the positive trend of net migration observed during the last decade persists: in 2011, net migration increased to 18,142, an increase from 15,913 in 2010.⁸¹ Long-term immigrants (Cypriots and foreigners arriving for settlement or for temporary employment for one year or more) numbered 23,037, compared to 20,206 in 2010. The number of emigrants (Cypriots and foreigners who had resided in Cyprus for at least one year) was estimated at 4,895 in 2011 compared to 4,293 in 2010. In fact, the Statistical Services show that the population increase in 2011 is mainly explained by the net migration balance (18,142 persons) and to a lesser extent by the natural increase (4,118 persons). From non-EU countries, the principal countries of origin are Sri Lanka, Russia and the Philippines, and from the EU they are Greece, the United Kingdom, Poland, Bulgaria and Romania.

According to data provided by the Ministry of the Interior, the number of total valid permits of third-country nationals in 2011 was 64,419. In 2011, there were 7,101 valid student permits, while the stock of refugees, asylum-seekers and irregular migrants had not changed significantly from 2010.⁸² In recent years, there was a considerable reduction in the number of asylum applications: in 2011 there were only 172 applications (184 persons), in 2010 there were 2,544 (2,878 persons) and 2,663 in 2009 (3,199 persons).

There is some discrepancy in the figures kept by various government departments regarding the number of employed EU nationals and third-country nationals

⁷⁹ Dr. Nicos Trimikliniotis manages the Centre for the Study of Migration, Interethnic and Labour Relations, University of Nicosia, and is project leader on reconciliation, discrimination and migration at PRIO (Peace Research Institute Oslo) Cyprus Centre.

⁸⁰ Demographic Report 2010–2011 issued by the Cyprus Statistical Services.

⁸¹ This Report covers primarily the territory of the Republic of Cyprus, and not Northern Cyprus.

⁸² In April 2010, there were around 2,400 persons recognized as refugees or granted humanitarian protection, and around 2,000 asylum-seekers.

(TCNs). In 2011 there were 378,300 persons employed, out of whom 61,934 were EU nationals and 60,349 TCNs (Table 1). According to the labour force survey, there are significantly more women employed than men in the TCN working population: amongst TCNs, there are 7,531 men and 19,802 women; amongst EU citizens, there are 21,402 men and 16,972 women (in 2009).⁸³

Table 1: Number of employed foreign nationals, 2008, 2010–2011

Year	2008	2010	2011
EU Citizens	42,630	53,875	61,934
Third Country	53,693	60,550	60,349
Total*	96,433	114,425	122,283

Source: Social Insurance Service, Statistical Department, Statistical Branch.

*Note: The actual number of these totals shown here may vary from the aggregate of foreign nationals employed by sector due to persons having more than one occupation and thus counted multiple times.

2. Labour market impact

Although it was expected that the economic crisis would lead to a mass exodus from the legal job market for TCNs and EU nationals (with the implication of a decline in the total number of migrants in Cyprus), this did not transpire. This has led to socio-political tensions as the increase in migration flows has been taking place against the background of increased unemployment for Cypriots. One possible reason is perhaps that well over a third of all TCN nationals are employed in private households and thus their employment has been sheltered by the reduction of aggregate income through the substitution effect of the households that employ them. Indeed, TCNs largely work in private household service (domestic workers, carers and so forth) and other services (Table 2). Other sectors (such as construction, the restaurant and the hotel sector), which have experienced a poor recovery and are shedding jobs, are employing TCNs and EU nationals substantially. Domestic workers/cleaners and carers consist almost entirely of Asian, and primarily Filipino, Sri Lankan and Indian women; recently some Eastern Europeans have also begun to work in these fields. On the other hand, there are industries consisting entirely of men (such as construction), or entirely of women (such as domestic work).

Studies also show extensive use and abuse of undeclared work, particularly affecting EU workers (CNRP, 2012). The vulnerability of workers, particularly migrant workers, widespread discrimination and unequal treatment are factors eroding labour relations.⁸⁴ Various forms of ‘atypical employment’ are increasingly used, undermining collective agreements and creating a two-tier system of workers: those covered by collective agreements and those who are not.

⁸³ Statistical Service, Republic of Cyprus: Labour Force Survey 2009 (Nicosia: 2010).

⁸⁴ See Ioannou 2012; Trimikliniotis 2011.

Table 2: Distribution of third-country migrant workers in sectors of the economy, 2008, 2010–2011

Economic Activity	2008	2010	2011
Agriculture, Forestry and Fishing	3,764	4,399	4,250
Mining and Quarrying	54	51	51
Manufacturing	3,797	3,795	3,329
Utilities	23	114	143
Construction	5,064	4,533	3,955
Wholesale and retail trade, Motor Repair	6,512	7,331	6,829
Hotels	1,966	1,587	1,696
Restaurants	5,247	4,358	3,669
Transport, communication and storage	964	1,896	1,868
Financial Intermediation	571	871	987
Real estate (Previously including all other business activities)	2 986	225	225
Support activities for business, other service activities	–	1,271	1,986
Science, professional and technical activities	–	1,869	1,006
Other community, social activities	1,604	926	1,006
Arts and entertainment	–	656	693
Public administration	1,207	1,283	1,335
Education	585	700	657
Health and Social Work	1,071	1,161	1,082
Employment in private households	19,560	24,541	25,801
With overseas organizations	77	89	917
Non-stated economic activity	641	–	97
Total	55,692	61,656	61,581

Source: Ministry of Labour, Social Security Division.

Notwithstanding the trend of employment for nationals and migrants,⁸⁵ it is apparent that the total demand for labour is higher than the supply, at least in the sectors where migrant workers are employed. Secondly, there are a number of institutional means used to avoid the substitution of local workers by migrant workers. If employers on a regional basis want migrant workers to work for them they must first exhaust the search for local workers and then apply for a permit to hire TCNs. Thirdly, migrant workers actually generate economic growth, as more jobs at the higher echelons of the economy are created for Cypriots, whilst migrant workers take posts at the lower echelons of the labour market hierarchy. This kind of low-skilled and low-paid jobs might not be acceptable to locals because they do not measure up to the social backgrounds and aspirations of the unemployed.

⁸⁵ The Cyprus National Reform Programme (CNRP) 2012 argues that there has been clear evidence of the displacement of Cypriots since 2009.

The CNRP (2012) considers that there is evidence on a large number of irregular and/or undeclared workers employed in Cyprus drawn mainly from two sources:

- The inspection mechanism put in place for fighting undeclared and illegal work: During the period 2009–2011 inspections were carried out for 7,500 employers, who employed 25,000 employees, out of which 11,286 (45%) were EU nationals and 2,674 (11%) were third-country nationals. Of the 25,000 employees, 26 per cent were undeclared, amongst which 32 per cent were EU national workers and 53 per cent TCNs.
- The PES District Offices: a significant proportion of migrant workers were working undeclared during the previous years.

Again, we must be cautious in drawing conclusions and generalizing these findings as the inspection unit acts on the basis of targeted employers and often tipped information on undeclared work rather than random checks.

3. Institutional and legal framework for admission and employment

Following the assumption that immigration would be temporary, work permits in Cyprus are still 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.⁸⁶ In addition, work permits are granted on an annual basis and with a maximum period of initially six and then four years. The 2011 ECRI Report on Cyprus raised concerns about a ‘marriage industry’ that has emerged between third-country nationals and Cypriots, as a result of the policy for migrant workers’ visas not to be extended beyond four years, which makes the chances of obtaining citizenship for third-country nationals virtually impossible.

The immigration policy and practice of the Republic of Cyprus of not allowing TCNs on short-term contracts to apply for long-term residence under the EU Long-Term Residence Directive is bound to be unlawful following a recent significant decision of the Court of Justice of the EU, which ruled that the fact that a third-country national possesses a residence permit with formal limitation does not prevent him/her from laying claim to said EU Directive, concerning the status of third-country nationals who are long-term residents.

In May 2010 the Council of Ministers reviewed the policy regarding the employment of migrant domestic workers.⁸⁷ The review led to a new set of criteria and policies including the adoption of the term ‘domestic worker’ instead of ‘housemaid’, the submission of a bank guarantee by both the employer and the employee, the requirement of basic knowledge of Greek or English and at least one year’s experience

⁸⁶ 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.

⁸⁷ Decision Number 70.352.

in a similar position. It was decided that the responsibility for evaluating applications would be transferred from the Ministry of the Interior to the Department of Labour of the Ministry of Labour and Social Insurance.⁸⁸ In 2010, the following were decreed by the Council of Ministers:⁸⁹

- An increase of the minimum gross salary of domestic workers by 10 per cent in two phases: 5 per cent from 1 January 2011 and 5 per cent from 1 July 2011;
- the temporary residence and employment permits issued to domestic workers will be for a duration of two years instead of four;
- a revision of the fees required for all categories of employment, visitors, immigration permits, long-term resident status and family reunification, in order to achieve a comprehensive and rational policy that reduces as much as possible the burdens for low-income workers, recipients of public assistance, the disabled and the elderly.

Amongst the latest developments in 2012, in June, the Aliens and Immigration Law was amended to stipulate that employers who hire ‘illegal immigrants’ could face a fine of up to EUR 20,000 and/or four years of imprisonment.⁹⁰ In August, the Ministry of the Interior announced that there is a new and accelerated procedure for granting immigration permits to TCNs who intend to invest in the Republic of Cyprus.⁹¹

4. Institutional and policy framework for integration

The overall coordination of the general policy on integration rests with the Ministry of the Interior, which coordinates an inter-departmental policy. Since 2007 there exists a Committee of Experts, in addition to a representative of the Ministry of the Interior who holds the coordination role, which consists of representatives from the Ministries of Health, Labour and Social Insurance, Education and the Ombudsman’s Office. There is also an Advisory Committee consisting of the above plus representatives from trade unions, Employers’ Associations (OEV and KEVE) and interested NGOs. Since the adoption of the first National Action Plan for the Integration of Immigrants Residing Lawfully in Cyprus 2010–2012 at the end of 2010, a number of actions have taken place. In fact, the programme is approaching its completion and will be up for review in early 2013.

The current economic crisis has intensified the debates on migration and anti-immigrant sentiments. Indicative of this is the sustained campaign by the media and

⁸⁸ However, in August 2012 this transfer is yet to take place, due to under-staffing of the Department of Labour.

⁸⁹ The Council of Ministers discussed and decided on 8/10/2010.

⁹⁰ Prior to the amendment, the corresponding fine had been CYP 5,000 (EUR 8513,81) and/or three years of imprisonment.

⁹¹ The Ministry invokes Regulation 6(2) of the Aliens and Immigration Regulations, which allows the Minister of the Interior to issue immigration permits to applicants who are third-country nationals, provided that they fulfil a set of criteria.

anti-immigrant politicians, who have targeted migrants and particularly asylum-seekers as scroungers of welfare benefits and free health care.

An important development in integration measures in the education system over 2010 and 2011 was the revision of curricula designed to empower teachers to combat discrimination. In primary schools the new curriculum was partly introduced in 2011, to be expanded in 2012 and its introduction will be finalized in two years; in secondary schools the introduction of the new curriculum is still in its early stages. The new curricula pay particular attention to issues of diversity and multiculturalism, while a team of experts is in the process of assessing the curricula from the perspective of disability, gender, multiculturalism and making use of new technologies. An anti-racism dimension has also been added in the teaching of all subjects. In addition, the teaching of the mother tongue of migrant and ethnic communities is seen by the Educational Reform team as crucial for the empowerment of these students; it is currently implemented only in schools belonging to the Educational Priority Zones,⁹² but there are plans to implement this measure in all schools throughout Cyprus.

5. Discrimination in employment

For 2010 and 2011, it has to be reported that the regime governing the employment of TCNs remains bureaucratic and restrictive, tying particular workers to particular employers and particular jobs, and confined to specific sectors of the economy. The policy of restriction has been criticized by the Ombudsman's Office in its capacity as Equality Body for denying asylum-seekers the right to work for six months from filing their asylum claim, and thereafter restricting their right to work exclusively in the sector of farming and agriculture, where salaries are low and conditions are particularly harsh. This amounts to discrimination that violates the state's obligations under national labour law and international law, and the Ombudsman's Office has recommended a policy revision.

A recent study of the hotel industry (INEK, 2012)⁹³ shows widespread non-compliance with collective agreements and violation of basic rights and benefits. The problem is particularly acute for non-Cypriot workers (both TCNs and EU workers), women and younger workers. Non-Cypriot workers are concentrated at the lower echelons of the labour hierarchy and are discriminated against with regard to a number of benefits that derive from the collective agreements and other statutory rights.⁹⁴

⁹² That is, schools especially selected from impoverished areas with a high concentration of migrants or Turkish speakers.

⁹³ Field work carried out between October 2011 and February 2012 in the districts of Paphos and Famagusta based on questionnaires translated into English, Bulgarian, Romanian and Polish: sample of 338, men = 45.3 per cent, women = 54.4 per cent, no reply = 0.3 per cent. There were 51.2 per cent Cypriots and 48.8 per cent non-Cypriots. I would like to thank Dr. Loukas Antoniou, who conducted this study.

⁹⁴ Such as 13th salary or Christmas Gift, Easter Gift or 14th salary, the right to five-day week, Cost of Living Allowance.

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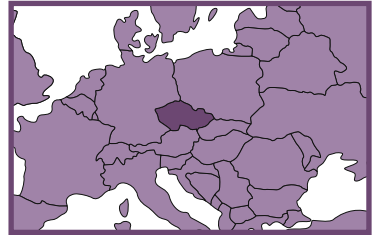
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CZECH REPUBLIC

Jan Schroth⁹⁵



1. Migration trends

After two consecutive years of decline the number of foreigners in the Czech Republic began increasing gradually by about 11,000 in 2011, to 436,389 (MoI, 2011). This figure represented 4 per cent of the inhabitants⁹⁶ of the Czech Republic. More importantly, migration has played a crucial part in population growth during recent years. It made up 90 per cent of the growth in 2011. Despite this, the total population of the Czech Republic decreased for the first time in 10 years by 28,567 people, to 10,504 million.

The dynamic of immigration was still very slow compared with the first nine years of the new century, with the peak being 444,410 foreigners in May 2009 (Table 1). In total, around 22,590 migrants immigrated in 2011 (of whom more than 8,000 were third-country nationals)⁹⁷, which was about 9,500 more in comparison with 2010. At the same time, emigration persisted among Ukrainians (-8,000 compared to 2010), Vietnamese (-2,400) and citizens of Moldova (-1,854) and Mongolia (-235), similarly as in recent years of the economic crises. Contrary to 2010, the balance was positive among citizens of Slovakia and Poland. The Russian population has been growing consistently in recent years, as has the portion of citizens of new EU countries, Romania and Bulgaria.

In 2011, third-country nationals (TCN) amounted to 281,257 people, nearly 64.5 per cent of the total number of migrants.⁹⁸ More than 75 per cent of foreigners originated from only five countries: Ukraine (29.2% of foreigners), Slovakia (16.9%), Vietnam (14.9%), Russia (7.5%) and Poland (4.3%) (CZSO, 2011).

⁹⁵ Jan Schroth is a consultant at IOM Prague.

⁹⁶ Including EU nationals. Only third-country nationals: 2.8 per cent.

⁹⁷ The number does not include immigrants with short- and long-term visas (only 8,265 foreigners with residence permits that can be received after one year of stay are included in the category by the CZSO).

⁹⁸ This represents a slight decrease in terms of percentage (68% in 2010).

Table 1: Top 15 nationalities development 2008, 2010–2011

Citizenship / Year	2008	2010	2011	2010–2011
All nationalities	432,503	425,301	436,389	11,088
Ukraine	131,932	124,339	116,371	-7,968
Slovak Republic	73,446	71,780	83,481	11,701
Vietnam	61,115	60,301	57,914	-2,387
Russia	30,297	31,941	33,196	1,255
Poland	19,273	18,242	19,089	847
Germany	13,792	13,871	16,532	2,661
Moldova	10,042	8,872	7,018	-1,854
Bulgaria	6,403	6,927	7,813	886
United States	5,941	6,074	7,116	1,042
Mongolia	5,745	5,576	5,341	-235
China (including HK)	5,352	5,437	5,599	162
Romania	4,091	4,415	5,214	799
Belarus	4,307	4,364	4,510	146
United Kingdom	4,363	4,356	5,067	711
Kazakhstan	3,905	4,271	4,902	631

Source: MoI.

A total number of 10,462 long-term visas were granted in 2011 (after 10,600 in 2010) (Table 2). About one third were for remunerated category visas (of which 2,047 were for employment and 838 for business activities).⁹⁹ The largest portion, around 60 per cent, were visas for study and educational reasons (one third in 2010) and 1,400 visas were granted for family reasons (MoI, 2011).

Table 2: Visa applications in 2011

Purpose of visa	Granted	% of denied applications
Employment	2,047	31.9
Business	838	71.2
Family reunification	1,395	32.4
Study	3,441	13.1
Other educational purposes	2,533	17.1
Research and science	39	4.9
Others (cultural, sport, invitation, etc.)	169	8.6
Total	10,462	32.7

Source: MoI.

⁹⁹ From a total of 3,500 applications there were about 70 per cent denied in these categories.

2. Labour market impact

The Czech economy displayed an increase of 1.7 per cent GDP in 2011 (2.3% in 2010). Total employment did not reach the pre-crisis levels. Vacancies for foreigners diminished dramatically at the beginning of the economic crisis and third-country nationals were the most affected. However, work has remained consistently the most commonly declared purpose of stay for third-country nationals as well as EU immigrants. At the end of 2011, a total number of 310,921 foreign nationals were active on the labour market (an increase of about 4,500 compared to 2010).¹⁰⁰ The number of foreigners registered at the labour office as employees was 217,862 (an increase of 2,500 compared to 2010).

In 2011, the number of employees with work permits (mostly third-country nationals) decreased dramatically, as in 2010, by 12,500 to 36,800. On the other hand, an additional 90,059 foreigners were registered as entrepreneurs. Many of them applied for trade licences after losing employment contracts in order to maintain their residence permit. This became frequent practice at the emergence of the financial crises and the increase in unemployment (the number of foreign entrepreneurs increased by 16 per cent between 2008 and 2009), and still persists.

Table 3: Employment of foreigners by status in employment, 2008–2011

Status / Year	2008	2010	2011	2010–2011
Total	318,462	306,350	310,921	4,571
Registered at labour offices	230,709	215,367	217,862	2,495
Trade licence holders	87,753	90,983	90,059	-924
In %:				
Registered at labour offices	72.4	70.3	70.1	-0.20
Trade licence holders	27.6	29.7	29.9	0.20

Source: MoLSA.

Among the employment permit and trade licence holders only Slovaks, Bulgarians and Romanians showed a significant annual increase, but numbers from other traditional countries like Ukraine, Mongolia, Moldova and Vietnam decreased, similar to 2010.

In 2011, more than three quarters of foreigners with work permits worked in manual occupations. Of them, 23.6 per cent were auxiliary workers, 18.8 per cent mechanics and 17.5 per cent menders. There was a significant decrease of about 6,000 foreign workers in the construction industry. Compared to 40.7 per cent of natives, only 25.6 per cent of foreigners were employed in high-skilled occupations (MoLSA, 2012). Since the education structure of foreigners is very similar to that of natives (15% with tertiary or elementary, and the rest with secondary education), it is evident that they cannot fully utilize their skills.

¹⁰⁰ About half of them were TCNs. The 154,600 EU nationals only have information duty to declare their employment.

The unemployment rate in the Czech Republic slowly declined in 2011, from 9 per cent to 8.5 per cent, out of which EU citizens represented 0.11 per cent and third-country nationals¹⁰¹ 0.09 per cent only. There is no evidence that foreigners compete with natives in the labour market. Data shows that regions with the highest number of foreign workers usually register an unemployment rate far below the average. At the same time, migration increases the overall employment level when 4 per cent of foreigners make up more than 6.3 per cent of the total workforce (MoLSA, 2012).

According to new published data, the employed third-country nationals have lower wages than native employees. Where the median Czech monthly salary was almost EUR 800, the median monthly salary of Ukrainians was about EUR 600, and that of Vietnamese and Russians approximately EUR 700 (Institute of Sociology of the Academy of Sciences, 2012). On the other hand, the majority of employees from EU countries earn more than Czechs. However, many foreigners are forced to work longer hours than Czechs to earn these salaries – when Czechs work on average 44 hours per week, Vietnamese work 54, and Ukrainians 52 (Opinion Research Centre, CVVM, 2012).

A widespread phenomenon of employment that is hidden behind self-employment has been detected. This alternative strategy is often perceived as an easier way to get a job, especially in unqualified occupations, such as cleaners, cashiers, welders, and so forth. The main reason is that employers are not willing to employ them directly because of high taxation and low flexibility. As a result, a considerable number of foreigners have a trade licence, but in fact work as employees (Leontiyeva, 2011). In addition, in 2010, among the total of 14,186 foreign workers investigated, there were 6,232 (44%) cases of illegal work identified. Citizens of Ukraine accounted for 58 per cent of them, followed by citizens of Vietnam (19%) and Mongolia (12%) (MoLSA, 2011).

3. Institutional and legal framework for admission and employment

At the beginning of 2011 the government approved a proposal for a ‘new system of economic migration’ submitted by the Ministry of the Interior as a long-term concept of immigration policy,¹⁰² which should be incorporated into a new alien act planned for 2013. Some of the main concepts include that economic migration is to be governed primarily by the needs of the Czech Republic and with regard to permanent settlement, the migration of skilled and highly skilled migrants should be favoured; the migration of low-skilled persons should be primarily based on the principle of temporary migration. According to the MoI, the new system aims to implement, amongst others, the principle of circular migration, especially

¹⁰¹ The unemployment of third-country nationals is not monitored statistically – it is only a calculation as a deduction of Czech and EU numbers from the total amount.

¹⁰² The proposal was based on the conclusions on an ‘Approach of the Czech Republic in the field of prevention and fight against illegal migration and negative effects related to migration’ analysis, which was approved by the Government in May 2010.

concerning labour migration, while at the same time considering the element of permanent settlement to be of significant importance. The MoI also says that the Czech Republic will strive for greater cooperation with third countries. Bilateral agreements on social security with most European countries and Australia, Canada, Chile, Israel, Japan, Korea, the United States, Syria and India (the last two signed in 2010) may be observed in this way to some extent (MoLSA, 2011).

One of the fundamental changes in the immigration system was the Alien Police reform, effective from 1 January 2011. The purpose was to shift certain administrative tasks to the MoI in order to separate the administrative agenda from control and policing activities. Together with the former responsibility for issuing all permanent residence permits, the responsibility for issuing long-term residence permits and deciding on long-term visas was also shifted from the police to the Ministry.

At the same time, the comprehensive Alien Act amendment brought about additional significant changes for foreigners in the beginning of 2011. Following the previous restrictive measures in reaction to the economic crises and decline in vacancies, long-term visas (including those for the purpose of employment) have been newly issued for a maximum period of six months instead of two years. The need for proof of secured funds, required for certain types of permits, including permanent residence, was also tightened.

As indicated in the previous IOM LINET report (IOM, 2012), since June 2011 residence permit cards carry biometric data instead of passport stickers, and foreigners have to pay around EUR 100 for every new card. In addition, there has been a significant increase in the amount of the health insurance payment limit, which must be at least EUR 60,000. Special measures have also focused on foreign entrepreneurs.

The amendment also brought some changes in connection with the transposition of the EU Sanctions Directive¹⁰³ in November 2011. Besides Czech Green Cards, EU Blue Cards can also be issued as of January 2011. The Blue Card Directive was transposed into the Aliens Act amendment half a year prior to the mandatory term, but only four Blue Cards had been issued by the end of 2011.

4. Institutional and policy framework for integration

The MoI, responsible for implementation integration policy, continued to expand the network of Foreign Nationals' Integration Support Centres. In 10 out of 14 regions the centres were opened in 2009 and 2010. A new centre was also founded in the capital, Prague, in November 2011. One of the main tasks of this centre is to create a Concept of Integration of Foreigners in Prague, where the highest density of foreigners can be found, at almost 15 per cent of all inhabitants. The aim of the centres is to ensure information and consultancy activities in social and legal fields.

¹⁰³ 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.

In March 2011 an updated Concept of Integration of foreigners was approved by the government. Economic independence (self-sufficiency) remains one of the integration priorities. The other principles are proficiency, orientation in the host society and relations between immigrants and common society, and education of the second generation of immigrants. The target groups for integration policies are all TCNs, having legally resided in the country for at least one year.

5. Active labour market programmes

The MoI as the main coordinator of the integration policy prioritizes labour market integration projects and up to now the role of local governance in the integration of foreigners has not been very broad. The current situation is even more complicated due to the recent MoLSA structural reform of labour offices, when the network was centralized and a limited number of regional offices lost their former independence.

Despite the fact that all employed foreigners support the state employment and social policy system through taxation, the activation programmes (such as retraining and counselling, and state financial support of socially useful jobs), as well as unemployment benefits, are available for third-country nationals with permanent residency only. Despite growing numbers of potential applicants who have lost their jobs in recent years, only several thousand third-country nationals were registered at the labour office claiming assistance. Only 1,243 third-country nationals (1,412 in 2010) received the unemployment benefit, which represented only 0.2 per cent of all the claimants in 2011 (MoLSA, 2012).

Besides the state activation programmes provided by the labour offices, there exist a variety of projects provided by NGOs, Foreign Nationals' Integration Support Centres as well as private bodies focused on labour market integration of TCNs.

6. Discrimination in employment

In reaction to the financial crises and growing unemployment rates, the administrative procedures for obtaining employment visas and permits, as well as their extensions, became more restrictive. Administrative deadlines for state institutions have often been delayed and the results often uncertain. Even when applicants obtain an employment permit with the assistance of the employer, in some cases the visas are not granted. In addition, an increasing number of employers have no interest in hiring employees in the long term as this is associated with higher levels of legal protection for employees, against and after dismissal.

Despite the growing number of NGO projects (funded by the EU and the state to a large extent) focused on employment and legal assistance to foreigners, discrimination remains a fundamental problem. This is supported by the lack of efficient, solid enforcement and sanction mechanisms of the state including police, prosecutors and judiciary. Where migrants, who do not get paid for their work or

who face other forms of exploitation, have been overcoming their fear in growing numbers and report (usually through NGOs) to the police and have their situation addressed, investigations are often aborted because of a lack of evidence.

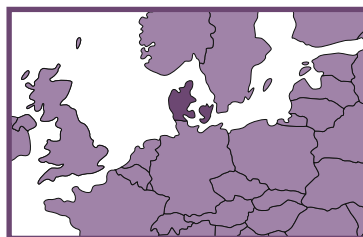
The continuing crisis and high unemployment rates have not affected natives' perception of migrants significantly since 2009. In March 2012, about 50 per cent (55% in 2010 and 2011) of Czechs responded positively to the question whether they think it is right to employ foreigners in the Czech Republic in March 2011, while 42 per cent (39% in 2010 and 2011) expressed the opposite view (Opinion Research Centre CVVM, 2012).

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DENMARK

Sally Khallash and Jeffrey Saunders¹⁰⁵



1. Migration trends

As of 1 January 2011, immigrants¹⁰⁶ and their descendants constituted 10.1 per cent of Denmark's population (immigrants' proportion of the Danish population comprised 7.7%, their descendants 2.4%). Sixty per cent of immigrants originate from 'non-Western countries'.¹⁰⁷ In 2011, Denmark's immigrant population grew by 14,482 persons. The number of immigrants from Western countries grew faster than the number of non-Western immigrants (by 8,348 persons or 5.1%, while the non-Western immigration population grew by only 6,134 persons or 2.4%). Migrants from Western countries constituted 57 per cent of migrants to Denmark in 2011 (Danmarks Statistik, 2011). A third of immigrants had Danish citizenship in 2011.

Table 1 shows the 12 most important countries of origin of migrants to Denmark along with the relative age distributions. Note that Western immigrants from Western European and Nordic countries are more heavily weighted towards the population aged 60 years and older, while Polish migrants' age distributions mirror those of migrants from non-Western countries (Danmarks Statistik, 2011).

In 2011, most residency permits in Denmark were granted to citizens of EU and EEA countries. Sixteen per cent came to Denmark as salaried employees and 16 per cent came for educational purposes (Table 2). The number of business migrants to Denmark fell by 13.5 per cent within a year, whilst the number of permits granted

¹⁰⁵ Sally Khallash is a Researcher at the Copenhagen Institute for Future Studies and PhD fellow at the Department of Economics, CBS. Jeffrey Saunders is a Project Manager and Senior consultant at the Copenhagen Institute for Future Studies.

¹⁰⁶ According to the Danish Immigration Service, immigrants are persons born abroad. The migrant's parents are neither Danish nationals nor born in Denmark. If there is no information on either of the parents and the person is born abroad, the person is registered as an immigrant.

¹⁰⁷ Western countries are defined as all EU countries plus Andorra, Iceland, Liechtenstein, Monaco, Norway, San Marino, Switzerland, Vatican City, Canada, the United States, Australia and New Zealand. Non-Western countries are defined as all other countries.

for study remained nearly the same. While family reunification increased from 2008 to 2010, the introduction of a points assessment system for family reunification migration visas in 2010 led to a sharp decline in 2011. Between 2010 and 2011, the number of family reunification migrants fell by 37.2 per cent.

Table 1: Immigrants in Denmark – by age and country of origin, 2011

	0–9 years	10–19 years	20–29 years	30–39 years	40–49 years	50–59 years	60+ years	Total
Total	2	6	23	22	20	13	14	428,904
Western (Total)	3	4	26	20	15	12	20	170,758
Of which								
Germany	3	5	16	14	17	13	33	28,463
Poland	5	5	28	25	15	13	10	26,580
Norway	1	2	25	15	13	14	30	14,717
Sweden	1	2	20	16	13	17	33	13,170
Great Britain	2	2	9	17	25	20	25	12,056
non-Western (Total)	2	7	21	24	23	13	10	258,146
Of which								
Turkey	1	2	13	30	29	14	11	32,479
Iraq	1	17	21	19	23	13	6	21,326
Bosnia- Herzegovina	0	6	21	18	21	19	15	17,775
Iran	1	4	16	17	28	23	9	12,477
Lebanon	2	2	21	25	32	12	6	12,057
Pakistan	2	3	15	25	22	15	16	11,730
Former Yugoslavia generally	0	4	13	17	28	18	21	10,765

Source: Danmarks Statistik, 2011.

Table 2: Resident permits issued to migrants, 2008–2010

	2008	2009	2010	*2011 (estimate)	Portion 2011 (%)
Business (A)	12,638	9,168	10,851	9,389	16
Jobplan, etc.	2,624	3,616	5,395	4,280	7
Other paid work and self-employed	3,109	2,897	2,575	2,050	4
Study (B)	20,235	16,837	15,273	15,358	27
Education	7,358	6,145	5,751	5,756	10
Au pair	2,937	2,773	2,649	2,409	4
Trainees	3,142	2,160	1,647	1,466	3
EU/EEA (C)	30,544	24,305	25,361	27,395	47
Salaried employee	17,837	11,019	10,560	11,673	20
Education	6,817	7,974	8,954	9,034	16
Family members to EU/EEA citizens	4,773	3,824	3,492	2,537	6
Family reunification (D)	4,407	5,211	5,410	3,396	6

	2008	2009	2010	*2011 (estimate)	Portion 2011 (%)
Family reunification	3,749	4,479	4,768	2,902	5
Spouse or partner	3,071	3,662	3,869	2,163	4
Other paid residency cases	658	732	642	494	1
Asylum (E)	1,453	1,376	2,124	2,249	4
Asylum status	1,242	1,279	1,961	2,057	4
Convention status	311	414	797	957	2
B-status/de facto status	367	413	669	584	1
Quota asylum-seekers	564	452	494	516	1
Other reasons	211	97	163	192	<1
Humanitarian reasons	157	55	111	121	<1
Total (A+B+C+D+E)	69,277	56,897	59,019	57,787	100

Source: Danish Immigration Service, 2012.

According to National Police estimates there are between 20,000 and 40,000 irregular immigrants in Denmark, representing 4 to 8 per cent of the legal migrant population in the country (BT, 2012). Police have stepped up their enforcement activities. In 2010, the government detected 552 persons who were unlawfully residing in Denmark. In 2011, the number rose to 717. Many of the irregular migrants work distributing newspapers, in construction and cleaning. There is a risk that this group could become a permanent underclass in Denmark (DR, 2012).

2. Labour market impact

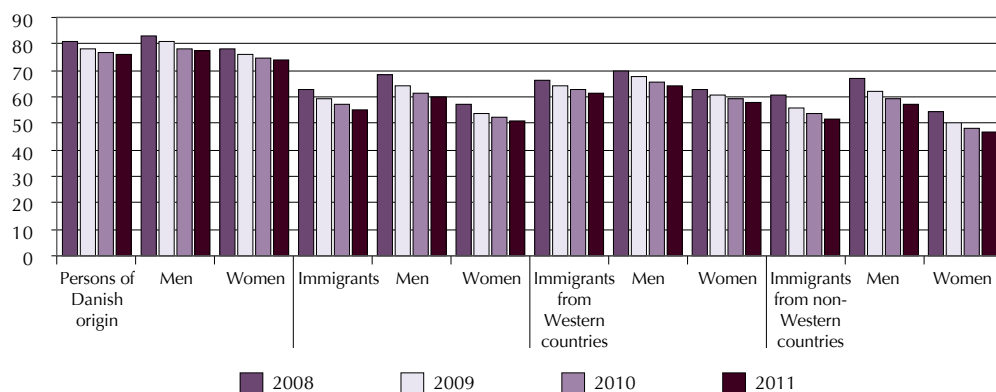
The independent Danish Economic Council readjusted its assessment for economic growth, expecting that the recovery would be fragile and that unemployment would continue to grow over 2012 and 2013 from 110,000 persons to 130,000 (Danish Economic Council, 2012). This has led to a great deal of debate as to whether the Danish labour market is actually facing a labour market shortage and whether it can absorb migrants to Denmark (Kingsley et al., 2011). The Economic Council of the Labour Movement (ECLM) – an organization that works for Denmark’s labour organizations – expects that only 9,000 jobs will be created in 2013, which does little to replace the 180,000 jobs lost¹⁰⁸ in the service, building and manufacturing sectors (ECLM, 2012).

From 1996 to 2008 employment rates for non-Western immigrants rose significantly. This twelve-year trajectory has been reversed by the economic downturn, and employment rates steadily declined for all ethnic groups in Denmark during 2011. All labour market groups have been adversely affected by the economic downturn and are below peak participation rates reached in 2008. Men have been more adversely affected than women.

¹⁰⁸ The ECLM’s estimate is 50,000 more lost jobs than the Danish Economic Council.

Labour market participation rates among migrants from non-Western countries have shown the greatest declines and their participation rates are currently approaching 50 per cent in 2011 (versus 76.6% for Danish and 61.3% for Western migrants). Immigrant men from non-Western countries have been hit hardest by the economic downturn (Figure 1). Non-Western immigrant women, however, have the lowest participation rates, having fallen below 50 per cent.

Figure 1: Employment participation rates by migrant group, 2008–2011



Source: Danmarks Statistik, 2012.

In general, non-Western migrants earn lower wages than native Danes and migrants from Western countries (Table 3). Danes are twice to four times as likely as non-Danes to be top executives. In 2011 Western immigrants, however, had a larger proportion of high-income wage earners than either the Danish-born population or non-Western immigrants. Non-Western immigrants were the most likely to be among the low-wage income earners and other income earners (Danmarks Statistik, 2012).

Table 3: Insertion in the Danish labour market by migrant group, 2011

Occupation 2011	Western Immigrants		Non-Western Immigrants		Danish-born Population	
	Numbers	%	Numbers	%	Numbers	%
Self-employed	6,503	8	11,288	10	186,243	8
Assisting Spouse	343	0	351	0	4,588	0
Top executives	2,014	2	790	1	96,310	4
Highest wage earners	20,106	24	13,262	12	533,870	22
Middle wage earners	6,686	8	5,736	5	287,371	12
Bottom wage earners	24,115	29	40,349	37	944,707	39
Other wage earners and unspecified wage earners	24,806	29	38,685	35	391,532	16
Total	84,573	100	110,461	100	2,444,621	100

Source: Danmarks statistik, RASB1, 2012.

Immigrants – especially immigrants from non-Western countries – are also more likely to be self-employed in Denmark than persons of Danish origin, especially men. One possible explanation for these statistics is that non-Western immigrants and their descendants more frequently create their own jobs compared to the Danish population as they are less likely to find regular full-time employment in the Danish marketplace. There are significant differences among migrants of Western origin and non-Western origin and Danes in terms of areas of activities. Self-employed migrants from Western countries work in the wholesale and retail (11.1%), agriculture (10.4%), health services (8.7%), advertising (8.4%), and travel (6.4%) sectors. Self-employed migrants from non-Western countries work in the hotel (29.5%), wholesale and retail (19.2%), transportation (8.8%), and travel (6%) sectors.

Non-Western immigrants tend to have higher rates of sick leave and for longer periods of time than ethnic Danes (CABI, 2011). Part of the explanation may be attributed to non-Western immigrants' generally lower levels of education and greater propensity to work in less-skilled jobs in industries such as transport, cleaning and industrial, which statistically leads to more physical impairment among employees than other industries.

3. Institutional and legal framework for admission and employment

From 2001 to 2010, the previous 'blue bloc' government made a continuous effort to limit the entry of low- and medium-skilled immigrants into the Danish society. This is reflected in the restrictions on family reunification, transfer of costs associated with the application process over to the applicant, and more strict requirements for residency. These initiatives suggest that the Danish Government targets mainly resourceful migrants with the ability to pay for their stay in Denmark. The new Government (September 2011) has instituted a number of new changes, including reorganizing the administration of immigration and integration, cancelling a study attempting to assess the future impact of immigration on Danish society and culture,¹⁰⁹ and removing the points system for family reunification cases.

As of October 2011, the new coalition government closed the Ministry of Refugee, Immigration and Integration Affairs and transferred its responsibilities to other ministries:

- Humanitarian residence and Danish citizenship to the Ministry of Justice;
- Danish as a second language instruction to the Ministry of Children and Education;

¹⁰⁹ The new government proposed a new integration barometer in place of the study. This new barometer would measure migrants' labour market integration; educational attainment; language acquisition; housing and safety; employment and criminality statistics (DRb, 2012).

- Integration policy, prevention of radicalization and integration studies to the Ministry of Social Affairs and Integration;
- Integration of refugees and immigrants into the labour market and the educational system (including introduction programmes) to the Ministry of Employment;
- The assessment and recognition of qualifications to the Danish Agency for Universities and Internationalization.

On 15 May 2012, the Danish government changed the rules for immigration that apply to all family reunification applications.¹¹⁰ The new rules include:

- the abolition of the fees for application, renewals, extensions for permanent residence and eventual appeals for rejected applications;
- abolition of the points system;
- migrants need only to have a greater, but not a significantly greater attachment to Denmark;
- abolition of the immigration test and introduction test in Danish that used to take place six months after the applicant was granted a family reunification visa;
- the reduction of the requirement for means of subsistence from DKK 100,000 (EUR 13,400) to DKK 50,000 (EUR 6,700) (Nyidanmark, 2012).

The Danish government's policy still prioritizes the attraction of highly skilled migrants over low- and medium-skilled migrants. There exist several schemes by which a migrant can gain a work and residence permit in Denmark, designed to meet specific professional or labour market needs. When processing applications, the Danish Agency for Labour Retention and International Recruitment assesses whether there are available and qualified professionals residing in Denmark or the EU/EEA who can carry out the job in question and whether the nature of the job is specialized enough to warrant a residence and work permit. The figure below presents the various migration schemes for gaining entry to Denmark via a business visa, ranging from the pay limit scheme, which allows highly paid migrants easier access to the country, to the self-employed scheme (Figure 2). These different immigration vehicles incorporate varying requirements for education and professional assessments, depending on the migrant's profession. The pay limit scheme is the single largest source of residency permits through the job plan scheme (51%). Most migrants coming to Denmark for the purposes of work come from South and East Asia.¹¹¹

Some fees are intended to transfer costs associated with the migration process away from the Danish state towards migrants.¹¹² In 2011, the process might have cost

¹¹⁰ The previous regime is described in the IOM LINET report 2010 (IOM, 2012).

¹¹¹ India = 41%, China = 21%, Pakistan = 9%.

¹¹² The fees for family reunification and permanent residency were repealed in 2012.

from approximately EUR 100 (DKK 750) to over EUR 800. This is a significant cost when one considers that the migrant also had to provide a guarantee of DKK 100,000 (EUR 13,500) (Nyidanmark, fees, 2011).

Figure 2: Overview of various schemes for migrating to Denmark for work purposes



Source: Ministry of Justice, 2012.

4. Institutional and policy framework for integration

According to the October 2011 immigration and integration reorganization, responsibility for integration of migrants in Denmark is shared among the Ministry of Social Affairs and Integration (formerly the Ministry of Integration) and Denmark's 98 municipal governments. Municipalities are in charge of local Job Centres and are, therefore, responsible for labour market integration at the local level.

In 2010 an introductory programme for newly arrived labour-market and education migrants, EU citizens, and spouses of labour migrants was added. Also in 2010, regulations on the establishment of integration councils in municipalities and the creation of the Advisory Board for Ethnic Minorities were added (Nyidanmark, integration, 2011).

5. Discrimination in employment

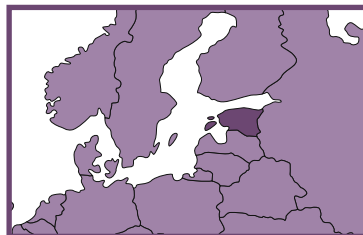
The enforcement of discrimination cases has been heavily criticized as the Board of Equal Treatment placed under the Ministry of Social Affairs and Integration cannot raise cases on its own, but must await complaints. A study by the European network of legal experts in the non-discrimination field, released in 2011, notes that the Act on the Prohibition of Discrimination in the Labour Market does not cover cases of discrimination based on citizenship.

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ESTONIA

Kaia Philips¹¹²



1. Migration trends

The Estonian population gradually decreased over the course of the last decade from 1,372,071 in 2000 to 1,339,662 inhabitants by 1 January 2012 (Statistics Estonia). The preliminary data from the Census¹¹³ show that even the Estonian population decreased. Only 1,294,236 permanent residents were enumerated in the Population and Housing Census, a decrease of 5.5 per cent from the last Census (2000). In total, there were 1,101,761 Estonian citizens, an increase by 80 per cent to 85 per cent of the total population compared with the previous Census.

Estonia's net migration with respect to other countries has been negative, especially during 2010 and 2011¹¹⁴ (Table 1). While the gap between emigration and immigration was diminishing during the period 2007–2009, in 2010 the gap widened remarkably and net migration was -2,484 persons (compared to -774 persons in 2009), and the net migration in 2011 was -2505 persons. The increase of negative net migration is mainly due to rising emigration, which increased by 13.7 per cent in 2010 and 17.4 per cent in 2011. At the same time, immigration decreased by 27.7 per cent in 2010, yet increased by 31 per cent in 2011. A total of 2,810 people migrated to Estonia in 2010 and a further 3,709 in 2011.

Immigration from the former Soviet countries is now supplemented by immigration from the EU Member States, in particular from nearby Finland, Sweden, Latvia and from Germany (Table 2). The most important country of origin is Finland followed by the Russian Federation. In 2010 and 2011, it can be seen that immigration increased mainly from third countries such as Ukraine, Belarus, Russia, but also from countries in Asia, Oceania and America. Instead, the number of immigrants from

¹¹² Kaia Philips is Associate Professor of Statistics, University of Tartu, Estonia.

¹¹³ The Census ran from 31 December 2011 to 31 March 2012.

¹¹⁴ However, a positive migration balance in 2010 as well as in 2011 can be observed for Asia and Africa and for countries like Russia, Ukraine and Belarus.

EU countries increased only in the case of Ireland and Finland. Among immigrants, more than half of the people (around 55%) have Estonian citizenship, while among emigrants the share of people with Estonian citizenship was more than 90% in 2011.

Table 1: Net migration by region/country, 2009–2011 (number of people)

Region	2009	2010	2011
Europe	-1,016	-2,442	-2,649
EU-27	-1,733	-2,852	-3,783
EU-15	-1,884	-2,924	-3,723
Ukraine	205	39	217
Belarus	27	13	46
Russia	487	375	955
Africa	1	23	24
Asia	175	28	168
America	63	-71	-39
Oceania	3	-22	-9
Total	-774	-2,484	-2,505

Source: Statistics Estonia.

Table 2: Immigration by region/country, 2009–2011 (number of people)

Region	2009	2010	2011
Europe	3,464	2,570	3,281
EU-27	2,337	1,741	1,671
EU-15	2,035	1,577	1,583
Norway	37	28	26
Switzerland	6	9	8
Ukraine	237	112	272
Belarus	41	22	58
Russia	757	622	1,200
Africa	13	27	25
Asia	225	125	221
America	168	83	159
Oceania	14	5	23
Total	3,884	2,810	3,709
Total of third-country nationals	1,547	1,069	2,038

Source: Statistics Estonia.

According to data from the Ministry of the Interior and Population Register on 1 April 2012, the total figure of the registered population of Estonia was 1,361,917¹¹⁵. The number of residents with the citizenship of another state was 120,617 (8.9%) and the

¹¹⁵ Unfortunately it is complicated to give only one number of inhabitants, as the Statistics Estonia publishes data using the reference point as 1 January each year, while the Ministry of the Interior uses the reference point as 1 April.

number of residents of undetermined citizenship was 93,774 (6.9%). The majority of people with citizenship of other states were citizens of the Russian Federation (around 79%), followed by citizens of Ukraine, Finland, Latvia, Lithuania and Belarus.

The educational level of the immigrant population is somewhat higher than the educational level of the native population and it has been quite stable over the years since 2008. In 2011, the share of people with tertiary education among immigrant population is around 33.8 per cent while the share among the native population is around 29.8 per cent. There are also differences at the lowest educational level (ISCED 0-2), the share of people with below upper secondary education being around 12.7 per cent among immigrant population in 2011, while among the native population it was 20.8 per cent.

According to Police and Border Guard Board (PBGB) statistics, the number of persons applying for residence permits on the basis of family migration has decreased over the years (Table 3). In 2011, out of a total of 4,307 residence permits issued, 31.8 per cent were for family reasons and 33.2 per cent for employment. For the first time in 2011, the number of residence permits for employment exceeded the number of residence permits for family reunification.

Table 3: Issued and renewed temporary residence permits by purpose, 2009–2011¹¹⁶

Type of migration	2009	2010	2011	Share in 2011 (%)
Issued temporary residence permits				
Family migration (settle with a spouse or a family member)	1,136	1,063	1,371	31.8
Employment	1,063	941	1,430	33.2
Engagement in enterprise	72	68	142	3.3
Studying	392	459	464	10.8
Sufficient legal income (whose sufficient legal income ensures his or her subsistence in Estonia)	56	44	62	1.4
International agreement	1,050	976	838	19.5
Total	3,769	3,551	4,307	100.0
Renewed temporary residence permits				
Family migration (settle with a spouse or a family member)	1,492	1,558	1,672	31.2
Employment	233	276	385	7.2
Engagement in enterprise	3	1	4	0.1
Studying	193	202	252	4.7
Sufficient legal income	57	40	59	1.1
International agreement	1,922	4,006	2,980	19.5
Total	3,900	6,083	5,352	100.0

Source: EMN 2012b.

¹¹⁶ According to the Aliens Act, the legal income is lawfully earned remuneration for work. Income received from lawful business activities or property, pensions, scholarships, support, benefits paid by a foreign state and the maintenance ensured by family members earning legal income, are deemed to be legal income.

2. Labour market impact

The year 2011 initially saw a rapid recovery from recession, which was followed by a slowdown in growth in the fourth quarter. All in all, 2011 turned out to be more favourable for the labour market than expected and new jobs were created in several fields of activity. In the first months of 2010, the number of vacancies started to increase noticeably, reaching positive year-on-year growth in February and continuing to grow at an accelerating pace. The creation of jobs and the employment of the registered unemployed are currently being supported by different active labour market measures.

The employment rate of working-age (15–64 years old) people for the immigrant and native population was similar in 2010 and 2011 (around 60% in 2010 and 65% in 2011). Over the period 2008–2011, the native population was over-represented in public administration, agriculture, wholesale and retail trade, construction, financial and insurance activities and professional, scientific and technical activities, but also in education; at the same time the share of foreign-born population is higher in mining and quarrying, manufacturing, transport and electricity. Comparing 2010 and 2011, the most remarkable change is the decreasing share of immigrant population working in manufacturing. In accordance with the structure of employed persons by the size of enterprise, in 2011 the share of native population is higher in smaller enterprises while the immigrant population is employed to a greater extent in larger enterprises.

In 2011, the unemployment rate in the age group 15–64 was 12.8 per cent in total, 11.4 per cent for the native population and 17.4 per cent for the immigrant population. The economic downturn resulted in a rise in unemployment among the immigrant population by 17.4 percentage points in comparison with 2008. Among native-born individuals the rise in unemployment was 9.8 percentage points. The differences started to diminish in 2011. However, the unemployment gap is still higher than it was in 2009.

3. Institutional and legal framework for admission and employment

The goals of the ‘Estonian migration policy in 2009–2013’ include “ensuring the demographic and economic sustainability and conflict-free co-existence of all people residing in Estonia”. According to this policy document, Estonia gives priority to migrants who have skills that are important for the Estonian economy, and is open mainly for top specialists and employees with special skills. Although parliamentary elections took place in Estonia in 2011, the migration and asylum issues were not a focus of the pre-election debates and the elections did not bring about any significant changes in the Estonian migration and asylum policy. The following points have been set forth as important in relation to citizenship and immigration in the activity programme of the coalition for the years 2011 to 2015:

- In order to improve the competitiveness of the Estonian economy, a favourable environment will be created for bringing students and top specialists to Estonia.

This will facilitate creating research and competence centres in Estonia and ensuring a high-quality labour force for the companies.

- There are restrictions against the massive import of low-skilled foreign labour force.

One of the most important debates in the field of migration in 2010 concerned the opening of the labour market to foreign labour. The Employers' Confederation in their 'Manifesto of Employers for 2011-2015'¹¹⁷ suggested the opening of the Estonian labour market for foreign labour from third countries (see IOM, 2012).

On 1 October 2010 the new Aliens Act came into force, which more elaborately dealt with studying and working in Estonia (see IOM, 2012). According to the amendments to the Aliens Act that came into force on 19 June 2011, employers are no longer required to contact the Unemployment Insurance Fund (UIF) in order to obtain an extension of a temporary residence permit for employment if they wish to continue an employment relationship with an immigrant who has obtained a residence permit for employment at the mentioned employer, and whose residence permit must now be extended. On 1 July 2011, an amendment updated the notification obligation of employers in the event that an immigrant has obtained a temporary residence permit for employment. The employer is also required to inform the Police and Border Guard Board (PBGB) if the immigrant starts work or if the alien fails to start work. Previously, the Act prescribed that if an alien has acquired a temporary residence permit for employment, the employer has the obligation to notify the PBGB in writing within one week: 1) of the changes in the conditions of employment; 2) of the premature termination of the contract and 3) of the termination of the employment relationship (Estonian Public Service Academy, 2012a). In addition, the EU Blue Card came into force as part of the Aliens Act on 19 June 2011.

In 2011, issues related to the misuse of residence permits raised a lot of scrutiny in the field of immigration. While during previous years approximately 20 per cent of the persons coming to Estonia on the basis of employment migration applied for a temporary residence permit in order to work as a member of a managing body of a company, in 2011 the share of applicants under these conditions rose to 60 per cent.¹¹⁸ It was revealed that this kind of temporary residence permit is misused in order to acquire a basis for settling in Estonia or for more easily staying in the Schengen area¹¹⁹. The following activities were put in place (Estonian Public Service Academy, 2012a):

- Parliamentary debates as well as initiatives for amending the Aliens Act and the creation of a special committee of the Riigikogu (Parliament).

¹¹⁷ Published on 30 August 2010.

¹¹⁸ According to the data of the Ministry of the Interior, 338 temporary residence permits for employment as a member of a managing body of a company were granted in 2009, in 2010 the number was 612 and on 8 July 2011, there were already 580 persons with this kind of residence permit.

¹¹⁹ The Police and Border Guard Board (PBGB) initiated the declaration of invalidity of 65 residence permits for employment as a member of a managing body of a company due to the discovery that holding a residence permit is not justified.

- The Ministry of the Interior started developing the draft of the Aliens Act amendments act, which establishes terms and conditions for granting residence permits that allow more efficient preliminary control. The Ministry of the Interior is considering establishing requirements for the size of the membership fee of the managing body and the previous activities of the person as well as previous economic activities of the company.
- Following the regulation's entry into force on 11 July 2011, residence permits for employment as a member of a managing body of a company that are subject to the immigration quota would no longer be granted in 2011 and during the first half year of 2012.
- The new immigration quota established for 2011 was 1,344 (0.1% of the permanent population of Estonia). On 19 January 2012, the government established 0.075% of the permanent population of Estonia as the immigration quota, which is 1,008.

4. Institutional and policy framework for integration

In 2008, the national programme for Integration in Estonian Society for the years 2008–2013 was developed. The priorities of the Integration Plan for the years 2011–2013 were approved by the Government of the Republic on 30 June 2011. For the period 2011–2013, the general priorities were, among others, improving Estonian language learning in schools as well as in informal environments and supporting citizens' associations and the career counselling of young people.

The subject of integration has been an important discussion theme in Estonia for many years, focusing mainly on integrating Russian-speaking ethnic minorities who have stayed in Estonia after the collapse of the Soviet Union. However, over time, more attention has been paid to new immigrants. As of 2010, all new immigrants have the possibility to participate in the new immigrants' adaptation programme offered by MISA (see IOM, 2012). The programme comprises: 1) learning the Estonian language, 2) lectures introducing the life, culture and values of Estonian society, and preparation for employment. Due to the fact that the demand for the trainings is high, the volume of the programme will be increased in the coming years. Additionally, a training programme for the support persons of new immigrants from third countries was organized in 2011.

In order to better participate in society and to provide information on such opportunities, various cooperative activities and web portals¹²⁰ were supported. For example,

¹²⁰ For example, the web portal Etnoweb (www.etnoweb.ee), which was created in 2010 by the Ministry of Culture for improving communication between various culture organizations and minority communities, and everyone who might be interested in this information. Etnoweb provides an overview of cultural minority groups, news from communities and government institutions, upcoming cultural events, calls for proposals, lists of potential partners for projects, and contact information of the consultants and officials.

translation into Russian of the analyses of the election platforms of the political parties was supported from the Integration Plan during the 2011 Riigikogu (Parliament) elections, with the aim of informing and including non-Estonian speaking residents into the political debates (Estonian Public Service Academy, 2012a).

Estonian Integration Monitoring 2011 (As, 2012) mapped the relevant areas and target groups of integration with a view to providing input for the new National Integration Programme (2014–2020). Some of the most important findings pointed out in the report are the following:

- According to the integration index – an aggregated index that measures linguistic, legal and political levels of integration – the proportion of moderately, strongly or fully integrated people among Estonian residents of other ethnicities has been stable between 2008 and 2011, at approximately 61 per cent. Hence, integration has not increased in recent years. It has rather polarized – deepened in both positive and negative directions. The proportion of strongly integrated residents increased from 27.5 per cent in 2008 to 32 per cent in 2012. During the same period, the proportion of people who had not integrated at all also rose from 7.5 per cent to 13 per cent.
- Ethnic differences in labour market integration widened during the period of economic recession. The difference in unemployment between ethnic Estonians and people of other ethnicities is larger than before the crisis; the gap has also increased for the proportion of permanently employed (in 2007 and 2010, 96% and 90% of ethnic Estonians and 95% and 84% of other ethnicities, respectively).
- Among Estonian residents with undetermined citizenship, the wish to acquire Estonian citizenship has become more frequent. While in 2008, 51 per cent of the respondents with undetermined citizenship indicated their wish to have Estonian citizenship, this number rose to 64 per cent by 2012.
- While in 2008, 64 per cent of ethnic Estonians (rather) agreed with the argument that “Including non-Estonians in managing the Estonian economy and the state is beneficial for Estonia”, in 2011, 70 per cent agreed with that statement.
- The survey also highlights that for new immigrants, the main problems related to language learning are the lack of adequate information on language courses and learning opportunities and the limited number of state-financed Estonian language courses in English.

5. Active labour market programmes

The Government is paying an increasing amount of attention to tackling the causes of high unemployment among ethnic minorities (for example by providing language courses in order to improve competitiveness in the labour market, or career counselling for young people).

Non-Estonians as a labour market target group are not a homogenous risk group for whom the same solutions would apply. The Estonian Integration Monitoring 2011 highlights the following target groups on the labour market, which require the most attention:

- For young people aged 15–29, opportunities of using knowledge and skills in the labour market are important, therefore, high-quality and accessible career counselling (also in Russian) is necessary. Another important issue is learning Estonian already in school or alongside acquiring higher education.
- Men with a mother tongue other than Estonian are a group very much affected by the economic crisis, although the unemployment rate is starting to decrease. For this target group, alternative labour market opportunities and deeply rooted stereotypes concerning career choices are critical areas;
- The unemployed aged 40+ (51% of the unemployed with a mother tongue other than Estonian) frequently have problems accessing ongoing training or retraining, combined with difficulties developing language skills. Career counselling and psychological counselling (overcoming barriers related to learning or choosing new professions), readily available information about the needs of the labour market and learning opportunities are necessary.
- For adult school dropouts (16% of people with a mother tongue other than Estonian have basic education or lower), the problem is a combination of limited education and language skills. It is important to find flexible opportunities for acquiring education while working, combined with language learning opportunities.

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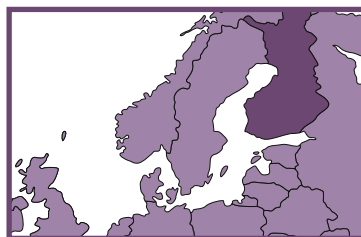
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FINLAND

Sirkka Komulainen¹²¹



1. Migration trends

In Finland, the number of migrants remains relatively low compared to other European countries. In 2011 there were 183,133 foreign nationals in Finland, a 9 per cent increase on the previous year. By April 2012, foreign nationals represented about 3.5 per cent of the total population of Finland (5,406,814). The largest migrant groups to Finland come from neighbouring countries. In 2011, main origin countries of immigrants continued to be Estonia – nationals of this country accounting for 18.6 per cent of the total foreign born population – and Russia (16.2%). Sweden (4.6%), Somalia (4.1%) and China (3.4%) followed (Table 1).

Table 1: Foreign nationals in Finland 2010–2011

Foreign citizens	2010	%	Annual change %	2011	%	Annual change %
Estonia	29,080	17.3	14.0	34,006	18.6	16.9
Russia	28,426	16.9	0.8	29,585	16.2	4.1
Sweden	8,510	5.1	0.0	8,481	4.6	-0.3
Somalia	6,593	3.9	18.4	7,421	4.1	12.6
China	5,559	3.3	7.3	6,159	3.4	10.8
Iraq	5,024	3.0	26.3	5,742	3.1	14.3
Thailand	5,021	3.0	11.7	5,545	3.0	10.4
Turkey	3,973	2.4	4.3	4,159	2.3	4.7
Germany	3,715	2.2	2.4	3,806	2.1	2.4
India	3,468	2.1	9.5	3,793	2.1	9.4
Others	68,585	40.8	7.8	74,436	40.6	8.5
Total	167,954	100	7.9	183,133	100	9.0

Source: Statistics Finland, Demographic statistics.

¹²¹ Sirkka Komulainen is Senior Researcher at the Institute of Migration, Turku.

According to Statistics Finland, 29,500 persons immigrated to Finland in 2011, rising from 26,400 in 2010. The increase in immigrant inflow in 2011 is the largest ever in the history of the Republic of Finland. Net migration by foreign nationals to Finland grew by 2,000 persons in 2011 compared with the previous year. In terms of emigration, 12,650 persons left Finland in 2011 (Statistics Finland, 2012b).

Net migration to Finland from EU Member States was also greater in 2011 compared with 2010, following a trend already observed in the previous years. In 2011, 14,900 EU nationals moved to Finland. EU migration increased from 2010 by 2,750 persons, and emigration from Finland to other EU Member States rose by 600 persons.

The refugee inflow, partly originating from a resettlement quota, remained fairly low by European standards. Asylum applications for the year 2011 were 3,088, a decrease of about 25 per cent on the corresponding figure for 2010, and half the volume of 2009. The most significant change in the profile of asylum-seekers was the almost complete absence of EU citizens among the applicants. In 2010, asylum-seekers in Finland included citizens of Bulgaria and Romania.

The Finnish Immigration Service collects data on residence permit applications (Table 2). The overall number of residence permit applications filed in 2011 was 23,725, a decline of approximately 3 per cent from the corresponding figure for 2010, but still higher than the level recorded in 2009. Most residence permit applications (43%) were filed on the grounds of family ties. Preliminary figures for 2012 indicate that, in the first months of 2012 the number of residence permits applied by persons from outside the EU had declined by 20 per cent compared to the corresponding period in 2011 (Asa, 2011a).

Table 2: Grounds for residence permit applications in 2008, 2009, 2010 and 2011

	2008	2009	2010	2011
Employment (other than self-employment)	6,848	3,953	4,502	6,391
Self-employment	67	95	117	103
Finnish origin	486	697	710	106
Studies	4,832	4,653	5,438	5,813
Other grounds	3,247	2,883	3,169	975
Family ties	7,424	8,509	10,611	10,291
Total	22,904	20,790	24,547	23,679

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

Note: 'Other grounds' for residence permit applications may be, for example, a stable intimate relationship and the intention to marry or that one has become a victim of human trafficking (Finnish Immigration Service, 2012d).

In the berry-picking industry, according to data from the Ministry of the Interior, seasonal employment of nationals of countries subject to visa requirements in Finland concerns on average 12,000 persons per year. In 2011, 2,700 of those came from Thailand.

According to Statistics Finland (2012c), in 2011 Finnish citizenship was granted to 4,550 foreign nationals permanently resident in Finland. The number slightly exceeded the 2010 level (4,350). Among the recipients of Finnish citizenship, 1,000 were aged 14 or under.

The number of third-country nationals found to be illegally present in Finland has shown fluctuations during the period 2005–2010 (Table 3).

Table 3: Number of TCNs illegally present in Finland 2005–2010

2005	2006	2007	2008	2009	2010
2,757	1,689	1,966	5,375	6,660	3,755

Source: Asa, 2011b.

Over 70 per cent of third-country nationals found to be illegally present in Finland between 2008 and 2010 were male. The largest age group was that of 18–34 years. Citizens of Somalia, Iraq and the Russian Federation were the three nationalities most frequently found to be illegally residing in Finland in the period 2008–2010 (Asa, 2011b).

2. Labour market impact

Unemployment in Finland declined in the second half of 2011. However, the Ministry of Employment Economy estimates that weaker economic prospects, together with lower consumer confidence, will affect unemployment rates. At the same time, serious problems in labour availability are expected to emerge in several social and health care occupations, as well as in sales work, teaching and in financial administration. A study by Statistics Finland in 2011 suggested that some 30 per cent of the organizations that sought labour in 2011 experienced difficulties in filling vacancies (Asa, 2011a).

The Job Vacancy Survey of Statistics Finland shows that there were 72,600 open job vacancies in the first quarter of 2012, 34 per cent of which were hard-to-fill vacancies (Table 4).

Table 4: Job vacancies 2011/I – 2012/I

	Year/Quarter	
	2011/I	2012/I
Job vacancies	59,000	72,600
Part-time	22 %	17 %
Fixed term	53 %	49 %
Hard-to-fill vacancies	36 %	34 %

Source: Statistics Finland, 2012d.

Note: The measurement for the first quarter was taken on 1 March 2012.

Of all the job vacancies in the first quarter of 2012, 71 per cent (or 51,200), were in private enterprises. Compared with the same quarter of 2011, the number of job vacancies went up, particularly in manufacturing (3,700), public administration, education, and human health and social work activities (3,100), as well as in trade (2,700) (Statistics Finland, 2012d).

In certain sectors, such as construction, cleaning and gardening, the number of migrant workers has notably increased in the last few years (Ministry of the Interior, 2012a). Data on residence permit issuance by occupation and nationality, provided by the Finnish Employment and Economic Development Offices, indicate that most immigrants in Finland are employed in low- or medium-skilled sectors. In 2011, the three main sectors for which first-time permits were issued were agriculture, gardening and catering. Top sectors for first-permit renewal were transport (mostly issued to Russians), cleaning and catering (mostly to Chinese and Turkish).

The immigrant unemployment situation in Finland is particularly worrisome by European comparison, and this applies to third-country nationals in particular. Labour force is in demand across various sectors but the main obstacle to immigrant employment appears to be the lack of Finnish language skills. According to Finland's Labour Force Survey, the overall unemployment rate in Finland was 8.6 per cent in the first quarter of 2011, decreasing from 9.3 per cent in the corresponding period of 2010. Of the total number of unemployed job-seekers in 2011, 17,300 were foreign nationals. Of these foreign unemployed job-seekers, EU/EEA citizens accounted for 4,000 at the end of October, up 200 from 2009 (Asa, 2011a). The unemployment rate in 2010 was proportionally the highest amongst certain groups (measured by language): Somalian (12.3%), Kurdish (10.8%) or Persian (9.9%). Those with Chinese or German as their mother tongue had a lower than average risk of being unemployed (Statistics Finland, 2012e).

The health sector is anticipated to entail the most severe labour shortages in the future. Migrant care workers in Finland tend to initially get jobs where the required skills levels are lower than those of qualified nurses, even if they have the right qualifications, due to initial language difficulties (Ministry of the Interior, 2012a). There are various problems that relate to the nature of the work tasks. For example, health-care jobs require a very good command of the Finnish language. The significance of language skills and an insufficient or inadequate provision of language courses are a matter of continuous public debate. Furthermore, employers' willingness to recruit immigrants is not very high, which is partly attributable to attitude. Finally, over the last few years more Finnish nurses have emigrated, than foreign nurses have immigrated to Finland.

Other significant barriers to immigrant employment include insufficient provision of information regarding employment opportunities in Finland or employers lacking knowledge of issues around work permits and other practicalities. Solutions have been sought to solve both attitudinal and practical problems in recruitment (Ministry of the Interior, 2011a).

Labour migration is promoted in view of the Finnish labour market shortages and declining active population trends. Support structure projects – ALPO and MATTO – continue to be part of the Action Plan for continental Finland funded by the European Social Fund, with funding granted for the 2007–2013 period. These projects aim at developing work-related immigration and integration. In 2010–2011, the AFRO project has specifically aimed at improving the employment of third-country nationals by means of positive discrimination (Ministry of Employment and the Economy, 2012a).¹²²

3. Institutional and legal framework for admission and employment

There have been some notable changes in the 2010–2011 period to the legislation and labour market policies regarding immigration into Finland. The amended *Act on the Integration of Migrants and Reception of Asylum Seekers* as well as the new *Nationality Act* came into force in September 2011. Amendments have also been made to the *Aliens Act* concerning residence permits.

The Ministry of the Interior set up 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, in order to adapt its legislation to the EU Blue Card Directive. As of 1 January 2012, Finland adopted the EU ‘Blue Card’ residence permit, which is intended for highly qualified third-country nationals (Ministry of the Interior, 2011b). Other amendments to the *Aliens Act* – adopted on 1 April 2011 – were aimed at incorporating provisions of the EU Return Directive. The amended provisions concern the option of voluntary return and the duration of detention (Asa, 2011b). Amendments have also been proposed to the Nationality Act 32, in view of promoting employment-based immigration. In addition to increasing participation in society, the proposal aims to improve the position of foreigners who have studied in Finland.

Another important recent change regarding the employed immigrants in Finland is connected with the improved cooperation between the immigration admission and the income tax administration systems. Immigration officers are now permitted to access foreign national employers’ tax details. The tax officers may also obtain information from the immigration officers regarding a foreign national’s stay and employer (Ministry of the Interior, 2012b).

¹²² The ALPO and MATTO projects have been extensively discussed in Migration, Employment and Labour Market Integration Policies in the European Union (2009–2010). More details on the AFRO project are provided in section 6 of this chapter.

4. Institutional and legal framework for integration

The Amendments to the *Act on the Integration of Migrants and Reception of Asylum Seekers* which came into force in September 2011 have broadened the scope of the Act to include all migrants in Finland. The previous Act formulated in the 1990s mostly concerned refugees and Ingrian Finns. Immigrant integration services had previously been predominantly designed for unemployed immigrants, whereas the current Act takes into account a wider range of immigrant categories, including the family members of labour migrants. The new Integration Act aims to facilitate integration from the early stages of immigration and to promote equality between immigrants and the native population (Asa, 2011a).

Up to the end of 2011, the preparation of the integration programme was steered by the Ministry of the Interior, and since the beginning of 2012 by the Ministry of Employment and the Economy. The handover was owing to the fact that immigrant integration issues in their entirety were transferred from the Ministry of the Interior to the Ministry of Employment and the Economy from the beginning of 2012, in accordance with the 2011 Government Programme (Finnish Government, 2011). Regionally, responsibility for integration lies with the Centres for Economic Development, Transport and the Environment.

At present, the concept of integration refers to interactive development between an immigrant and society (a ‘two-way’ integration process). The purpose of this development is to provide the immigrant with the knowledge and skills needed in society and working life, such as basic information about the culture and services in Finland, as well as the rights and obligations of residents of Finland. Another function is to help the immigrant maintain his or her native language and cultural customs. An individual integration plan is prepared for each immigrant, with the aim of supporting his or her acquisition of language skills and other knowledge and skills needed in Finnish society. People involved in the preparation of the integration plan include the immigrant in question, a representative of the municipality where the immigrant resides, and the Employment and Economic Development Office. A central element for integration in Finland is the learning of the Finnish or Swedish language.

The promotion of immigrant integration was also one of the objectives of amending the *Nationality Act*. The amendments which came into force in September 2011 resulted in the reduction of the minimum length of residence required for obtaining Finnish nationality from six years to five, and in the possibility for temporary residence in Finland to be taken partially into account under certain circumstances. In addition, applicants that have achieved a good command of Finnish or Swedish will have the opportunity to obtain Finnish citizenship after four years of residence in the country. The revisions to the Nationality Act also include an exhaustive list of the certificates accepted as proof of linguistic proficiency in Finnish or Swedish when applying for Finnish citizenship (Finnish Immigration Service, 2012b).

One of the key objectives of the Nationality Act is to promote the social integration of foreign nationals living permanently in Finland. Naturalization affects a person’s

legal status, but also has a bearing on supporting his/her integration. Citizenship brings civil rights and civic duties, which enable full participation in the country's political, social, economic and cultural life and grants a foreign national full membership of Finnish society (Finnish Immigration Service, 2011). This was supported by making the acquisition of Finnish citizenship more flexible than it had been previously.

5. Active labour market programmes

The Government Immigration Policy Programme 2006–2011 aimed to promote work-related immigration to preclude the future shortfall in labour and to strengthen the skills matrix of the population base (Ministry of the Interior, 2011e). One of the top programmes of the current Government is *The Future of Immigration 2020*, under which a new strategy for immigration is being prepared. The programme is led by the Ministry of the Interior. The strategy will evaluate migration flows to Finland in the future, labour migration, international student flows, international protection, family reunification, irregular migration and integration objectives. The strategy will be prepared for Government review in early 2013. The aim is naturally to increase the employment rate of immigrants. The Government Programme highlights the integration of immigrants, a managed and systematic placement of refugees in municipalities, as well as speeding up the processing of asylum applications (Ministry of the Interior, 2012c; Asa, 2011a).

The Act on Unemployment Security was 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. This right will be applicable regardless of the reason behind granting the residence permit, if other prerequisites for eligibility to unemployment benefits are met. This reform means that a foreigner's right to labour market support is not contingent on the reason for having been granted residence permit A (Employment and Economic Development Office, 2011). Entitlement to the labour market allowance is conditional on the recipient being an active job-seeker at his/her local employment office.

6. Discrimination in employment

In the last few years, Finnish media debates have increasingly revolved around the European financial crisis. The economic slowdown has also resulted in an increasingly critical public opinion on immigration. Opinion polls suggest that anti-immigrant attitudes prevail in the current climate. A recent poll by STTK (The Finnish Confederation of Professionals) suggests that intolerant attitudes towards internationalism, bilingualism, multiculturalism, diversity and immigration are on the rise.

The AFRO project aims at improving immigrant participation in society by promoting positive discrimination in the labour market. The project aims to tackle

negative attitudes and the under-representation of third-country nationals in the labour market notably by enhancing their chances of finding jobs in the public sector. In 2010 and 2011 the project piloted a training programme that prepares immigrants for public sector and public security occupations, empowered immigrant organizations, and worked on changing negative attitudes towards immigrants in public, private and educational sectors. The project has produced a review on the discrimination of 'visible' migrants as well as a guide for the public sector concerning the recruitment of immigrants. The project aims to find best practice models for positive discrimination by unravelling stereotypes of immigrants, highlighting good case examples and promoting cooperation between business, labour and immigrant organizations as well as ministries. The project is funded by the European Integration Fund, Uusimaa Centre for Economic Development, Transport and the Environment and the Ministry for Employment and the Economy (Ministry for the Employment and the Economy, 2012a).

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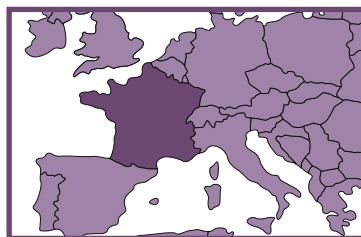
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FRANCE

Emmanuel Hassan¹²³



1. Migration trends¹²⁴

The number of initial residence permits issued to non-EU/EEA nationals in France continued to rise in 2010, reaching 188,387. Albeit remaining below the peak level of 191,850 first permits recorded in 2004, this figure represents an increase of 1,000

¹²³ Emmanuel Hassan is an independent consultant.

¹²⁴ 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 the 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 the Interior on the number of initial residence permits. Only publicly available data (up to 2010) 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.

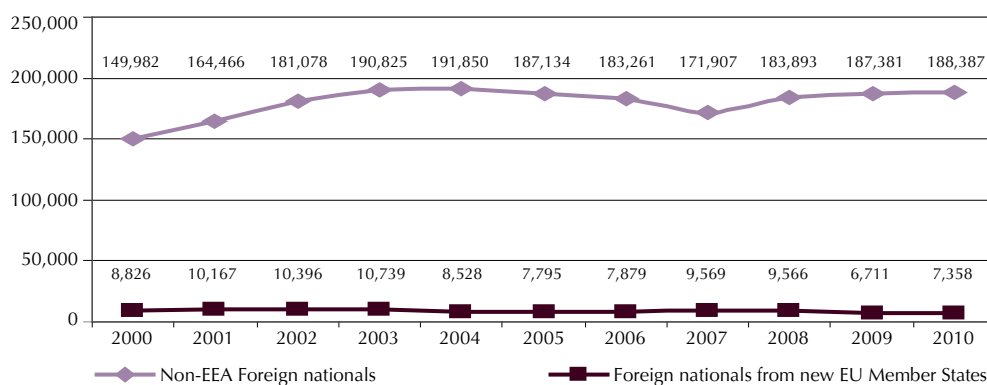
Official statistics on population and nationality in France often distinguish between immigrants and foreigners.

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).

permits compared to that of 2009 and of almost 10 per cent on the corresponding data for 2007 (Figure 1). The main non-EU/EEA countries of origin of foreigners issued with first residence permits in France in 2010 were Algeria, Morocco, China and Tunisia. The annual number of initial residence permits issued to foreign nationals from the recently acceded EU Member States remained below 10,000 in 2010, although it increased by 9.6 per cent on an annual basis, to 7,358.

Figure 1: Number of first residence permits delivered to third-country nationals, 2000–2010



Source(s): MIOMCTI-DSED.

Note(s): 1. Metropolitan France only. 2. ‘Third-country nationals’ include non-EEA foreigners and EU foreigners from new Member States. 3. Data on initial residence permits included also long-stay visas equivalent to a residence permit (VLS-TS). 4. Data for 2010 are provisional.

A breakdown by entry purposes shows opposite trends of an increasing share of student and work migration, and a decreasing share of family and humanitarian migration in the second half of the past decade. These tendencies were confirmed in 2010 and were mostly the result of the reorientation of the French migration policy from 2006 towards ‘chosen immigration’: encouraging selective work migration while attempting to restrain family migration. As a response to the job crisis, new legal dispositions were adopted in 2011, which have contributed to putting this focus on labour migration aside – at least until early 2013. This is likely to be reflected in data for 2011 and 2012.

After having steadily increased over the period 2005–2008, the number of initial residence permits delivered for work purposes dropped by 7.4 per cent in 2010. The sharp decline of the number of initial residence permits delivered for work purposes, also noticeable in 2009 (–9.4%) (Secrétariat Général du Comité Interministériel de Contrôle de l’Immigration, 2011b), is most likely a consequence of the global economic downturn. The number of initial residence permits delivered for family purposes decreased by 3.8 per cent between 2009 and 2010, confirming the downward trend in family migration during the second half of the past decade.¹²⁵

¹²⁵ The rise in initial residence permits for family purposes in 2006 (Table 1) was principally due to the legalization 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

Student migration shows an opposite trend. The number of initial residence permits delivered for study purposes continued to grow in 2010. It jumped from 53,160 to 59,779 between 2009 and 2010, an increase of 12.5 per cent.

Table 1: Initial residence permits delivered to third-country nationals by category of entry

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Absolute figures											
Work	14,843	18,185	20,956	12,457	11,298	11,905	11,678	11,751	21,352	19,251	17,819
Family	62,970	68,601	75,649	93,605	94,384	95,242	98,646	87,537	83,465	85,486	82,235
Students	45,099	49,466	54,936	52,317	49,305	46,294	44,943	46,663	52,163	53,160	59,779
Humanitarian	6,439	8,251	9,050	11,429	13,595	22,334	16,665	15,445	17,246	18,538	17,521
Other	20,631	19,963	20,487	21,017	23,268	11,359	11,329	10,511	9,667	10,946	11,033
Total	149,982	164,466	181,078	190,825	191,850	187,134	183,261	171,907	183,893	187,381	188,387
In percentage											
Work	9.9	11.1	11.6	6.5	5.9	6.4	6.4	6.8	11.6	10.3	9.5
Family	42.0	41.7	41.8	49.1	49.2	50.9	53.8	50.9	45.4	45.6	43.7
Students	30.1	30.1	30.3	27.4	25.7	24.7	24.5	27.1	28.4	28.4	31.7
Humanitarian	4.3	5.0	5.0	6.0	7.1	11.9	9.1	9.0	9.4	9.9	9.3
Other	13.8	12.1	11.3	11.0	12.1	6.1	6.2	6.1	5.3	5.8	5.9
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Source(s): MIOMCTI-DSED.

Note(s): 1. Metropolitan France only. 2. Data on initial residence permits included also long stay visas equivalent to a residence permit (VLS-TS). 3. Data for 2010 are provisional.

Finally, humanitarian migration declined in 2010. The number of initial residence permits delivered for humanitarian purposes fell by 5.5 per cent compared to its level in 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 third-country nationals was still issued for family purposes in 2010. The low proportion of residence permits issued for work purposes should nevertheless be nuanced. Work migration is structurally underestimated in metropolitan France. Indeed, family ties have become the main decision factor for granting residence permits since the suspension of labour migration in 1974. In fact, a large proportion of family migrants participate in the French labour market (Haut Conseil à l'Intégration, 2012).

In 2010, 43.7 per cent of residence permits delivered to non-EU foreigners were issued for family purposes, against only 9.5 per cent for work purposes. The share of initial residence permits delivered for study purposes totalled 31.7 per cent, while the share of initial residence permits issued for humanitarian purposes amounted to 9.3

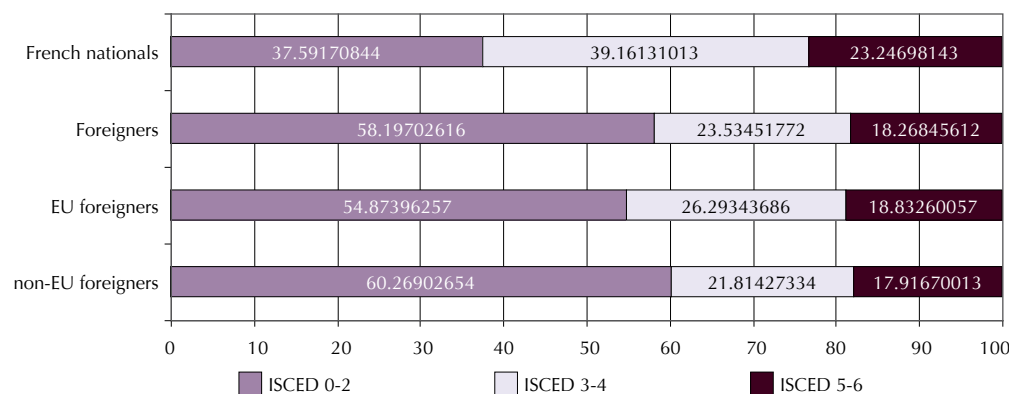
afterwards. The downward trend in family migration over the second half of the past decade also echoes the reorientation of the French immigration policy during that period.

per cent. The proportion of initial residence permits delivered for work purposes in 2010 did not significantly differ from its share at the beginning of the past decade. The same is true for initial residence permits delivered for family purposes.

In absolute value, according to Census data, the number of foreigners (people residing in France who do not possess French nationality) residing in Metropolitan France in 2008 (the last year for which data are available) was 3,603,415, corresponding to 5.8 per cent of the total population. Non-EU foreigners accounted for 64 per cent of all foreigners in 2008, up from 63.4 per cent in 1999. They were mostly from Turkey, Algeria and Morocco.

Despite some improvements, foreigners continued to be on the whole less educated than French nationals in 2010.¹²⁶ That year, only 17.9 per cent of non-EU foreigners had a tertiary education level. This share was slightly higher for EU foreigners, though it remained well below that of French nationals.¹²⁷ During the same year, more than 60 per cent of non-EU foreigners had a low education level while this share amounted to only 37.6 per cent for French nationals. The distribution of non-EU foreign population by level of education in 2010 is similar to the education profile of newly arrived migrants in France in the most recent years. Excluding student migrants, nearly 40 per cent of the newly arrived migrants had a low level of education, while only 19 per cent of them had a tertiary education level when they arrived in France (Domergue, 2010).¹²⁸

Figure 2: Distribution of the foreign population by education level in 2010



Source(s): INSEE, LFS.

Note(s): 1. Metropolitan France only. 2. Population aged more than 15. 3. ISCED 0-2: pre-primary and lower secondary education; ISCED 3-4: upper and post-secondary education; ISCED 5-6: tertiary education.

¹²⁶ Data on the distribution of the non-EU and EU foreign populations by education level in metropolitan France can be approximated from the French Labour Force Survey. Yet, data distinguishing between EU and non-EU foreigners are only publicly available for the latest edition of the French Labour Force Survey, namely 2010. Such limitations do not allow for comparisons over time.

¹²⁷ Other studies also showed that EU immigrants in France are more educated than non-EU immigrants (for example, Moguéron et al., 2010).

¹²⁸ The sample comprises the signatories of the 'Welcome and Integration Contract' in 2009.

2. Labour market impact¹²⁹

The economic situation in France showed signs of improvement in 2010, with real GDP growth reaching 1.7 per cent, although prospects are uncertain.

The activity rate of EU foreigners increased sharply in 2010, to 73 per cent, while that of non-EU foreigners declined to less than 60 per cent. The percentage of the working-age population of French nationals who participated in the labour market remained unchanged between 2009 and 2010. With an activity rate of 70.3 per cent in 2010, French nationals participated less than EU foreigners in the labour market. Although the decrease in the participation of non-EU foreigners in 2010 could be attributable to the unfavourable economic situation in 2009, such participation remained nearly constant during the second half of the past decade. Moreover, the activity rates of French nationals and EU foreigners grew steadily over that period.

The employment rate of EU foreigners showed a significant improvement in 2010 – reaching almost 67 per cent – while that of non-EU foreigners and French nationals declined by 0.9 and 0.2 per cent to 45.8 and 64.6 per cent respectively.

While the unemployment rate of French nationals grew by 2.3 per cent in 2010, those of EU and non-EU foreigners dropped by 5.6 and 1.3 per cent respectively. Non-EU foreigners remained considerably more unemployed than EU foreigners in 2010. Their unemployment rate peaked at 23.2 per cent; that of EU foreigners was 8.5 per cent. With an unemployment rate of 8.9 per cent, French nationals were slightly more likely to be unemployed than EU foreigners.

The labour market indicators presented above show that the labour market situation of non-EU foreigners remains less favourable than that of EU foreigners and French nationals. They are less active and employed and more vulnerable to unemployment. Despite some improvements in terms of unemployment, their situation in terms of activity and employment deteriorated in 2010.

One possible explanation is that the economic downturn in France in 2009 was still negatively affecting non-EU foreigners in 2010, despite the economic rebound.

¹²⁹ 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 on 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 the 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.

It should, however, be stressed that the labour market situation of EU foreigners was already poor compared to that of French nationals and EU foreigners before the economic downturn. Clearly this poor labour market situation is in part due to structural differences between non-EU foreigners on the one hand, and EU foreigners and French nationals on the other (for example, education level, marital status, geographical localization of employment, age, and nationality).

Table 2: Activity, employment and unemployment rates of the French nationals and foreigners, 2005–2010

	2005	2008	2009	2010	2005-2010	2009-2010
	In percentage				Annual growth rate	
Activity rate						
French nationals	70.3	70.3	70.9	70.9	0.2	0.0
Foreigners	63.8	74.8	64.1	64.4	0.2	0.5
EU foreigners	71.5	70.4	70.8	73.0	0.4	3.1
non-EU foreigners	59.6	61.7	60.4	59.7	0.0	-1.2
Employment rate						
French nationals	64.3	65.4	64.7	64.6	0.1	-0.2
Foreigners	52.7	55.7	52.7	53.2	0.2	0.9
EU foreigners	66.2	65.8	64.4	66.8	0.2	3.7
non-EU foreigners	45.4	50.0	46.2	45.8	0.2	-0.9
Unemployment rate						
French nationals	8.5	7.0	8.7	8.9	0.9	2.3
Foreigners	17.4	14.1	17.8	17.3	-0.1	-2.8
EU foreigners	7.4	6.5	9.0	8.5	2.8	-5.6
non-EU foreigners	23.9	19.0	23.5	23.2	-0.6	-1.3

Source(s): INSEE, LFS.

Note(s): 1. Metropolitan France only. 2. Population aged between 15 and 64.

However, the poor labour market performance of non-EU foreigners persists even after controlling for these structural effects. Some empirical studies using multivariate statistics have indeed found that immigrants in France are more likely to be unemployed than non-immigrants. The probability of them being active or employed was also lower (for example, Vergudo, 2009; Algan et al., 2010; Meurs et al., 2006; Domingues Dos Santos, 2005).¹³⁰ Admittedly these likelihoods vary according to immigrants' countries of origin. Yet Vergudo (2009) finds that only migrants from Southern European countries are in a better position than French nationals on the French labour market, while those from North and Sub-Saharan Africa are more likely to be unemployed or inactive. This result is confirmed by Domingues Dos Santos (2005) for migrants from Portugal.

¹³⁰ These studies, however, do not seem to control for employment occupations or sectoral activities.

Migrant women – in particular from third countries – display lower participation in the French market compared to migrant men. The activity rate of non-EU foreign women amounted to 45.4 per cent in 2010, compared with 67.1 per cent for French women and 66.1 per cent for EU foreign women. The employment rate of non-EU migrant women (33.1%) was just above half that of French and EU foreign women (60.9% and 59% respectively). The unemployment rate of non-EU foreign women (27.1%) was nearly three times higher than that of French and EU foreign women (10.6% and 9.2% respectively). Young migrants also have particularly unfavourable labour market integration outcomes in France. In 2010, a third of young active foreigners were unemployed, compared to 22.5 per cent of active French nationals in the same age group.

Low- and high-skilled foreigners were less hit by the uncertain macro-economic environment in 2010 than French nationals with similar education levels. However, the positive effects of education on labour market performance in France remained lower for foreigners than for French nationals. For instance, the unemployment rate of high-skilled non-EU workers amounted to 15.6 per cent during that year, against only 5.2 per cent for the high-skilled French workers. The high unemployment rate of non-EU foreigners with a tertiary education level can have several causes. One of them is the lack of recognition of their qualifications and certificates when they enter France.

According to Domergue (2012), more than three quarters of the newly arrived migrants with a tertiary education level, who signed a ‘welcome and integration contract’ (CAI – Contrat d’Accueil et d’Intégration) in 2009 and who were not students, did not ask for the recognition of their qualifications and certificates in 2010. However, partly because of recent arrival on French territory, almost half of these people intended to make this request soon. Nearly 20 per cent of them who did not apply for the recognition of their qualifications and certificates did not ask for information about this possibility. Other reasons include the lack of will to undertake the necessary steps for the recognition of their qualifications and certificates, the lack of recognition of their diplomas in France, and the futility of the recognition in the case of diplomas issued by a French higher education institution abroad. Among those who have applied for recognition of their diplomas and certificates, 27 per cent did not obtain any recognition, 46 per cent received a recognition that corresponded to a tertiary education level or lower, and 27 per cent declared they did not know what kind of recognition they obtained.

The incidence of temporary work among foreign workers increased in 2010. Foreign men and women continued to hold temporary employment contracts in much larger proportion than French men and women. The incidence of part-time work among foreigners remained stable between 2009 and 2010. Foreign women, particularly non-EU, were much more involved in part-time work than foreign men and French women.

The sectorial and occupational structures of foreign employment did not vary much between 2009 and 2010. Construction and services made up nearly 80 per cent of

foreign employment. Non-EU foreign workers were involved more in services and less in construction than EU workers. Also, non-EU foreigners were relatively more represented in low-skilled blue collar occupations than EU and French nationals.

3. Institutional and legal framework for admission and employment

The Immigration, Integration, and Asylum Law of 16 June 2011 (*Loi n° 2011-672 du 16 juin 2011 relative à l'immigration, à l'intégration et à la nationalité*) (hereinafter Law 2011) is a straight continuation of the new orientation of the immigration policy initiated in France from the second half of the past decade, as it allows for stricter control concerning immigration and access to citizenship. Also, the Law 2011 contains some innovations such as the criminalization of 'grey marriages',¹³¹ the possibility of creating specific temporary waiting zones, the ban from returning to the territory, and placement under electronic surveillance (GISTI, 2011a).

Not only has the law transposed the European Directives on common standards and procedures in Member States for returning illegally residing third-country nationals (2008/115/EC 'Return Directive'), on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (2009/50/EC 'Blue Card Directive'), and on minimum standards on sanctions and measures against employers of illegally staying third-country nationals (2009/52/EC 'Employer Sanctions Directive'), but it has also introduced new dispositions regarding waiting zones, residence, work, expulsion orders, detention and house arrest, asylum, and nationality.

On this latter point, the Law 2011 amends some provisions regarding the evaluation criteria for the condition of integration. Before the Law 2011, a foreigner wishing to be naturalized had to show a sufficient knowledge of the French language and of the rights and obligations associated with French citizenship. The Law 2011 extends these conditions. The foreigner must show a sufficient knowledge of history, culture, and the French society and adhere to fundamental principles and values of the Republic. In addition, the foreigner must sign the 'charter of rights and obligations of the French citizen'.

Against a background of rising unemployment, the French Minister of the Interior issued a circular providing instructions to administrative authorities to reduce the delivery of work permits for migrant employees as well as the changes of status authorized from student to worker on 31 May 2011. This circular – which provoked controversial public debate and was set to be revoked by the new left-wing French government elected in May 2012 – seems aimed at reducing the 'chosen immigration', thus putting aside the prevailing objective of French immigration policy since the

¹³¹ 'Grey marriages' refer to marriages concluded between a non-national and a French national in a vulnerable situation, to the detriment of the latter, who is considered as being exploited by the other partner in this contract.

2006 reform. It is along the same lines that the government decree of 11 August 2011 should be interpreted, which halved the number of occupations included in the regional shortage list (from 30 to 14).

4. Institutional and policy framework for integration

There are no significant changes in the institutional and policy framework for integration compared to that described in the previous IOM LINET report (IOM, 2012). However, such framework is likely to change following the presidential elections of 2012.

At the time of writing, 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 the Interior, Overseas, Territorial Authorities, and Immigration (*Ministère de l'Intérieur, de l'Outre-Mer, des Collectivités territoriales et de l'Immigration*) was in charge of all questions related to the reception and integration of legal migrants on French territory.

In 2010, the 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, 2011b):

- '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 the French Office for Migration and Family;
- '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 centralized or decentralized. 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 for the creation of enterprises by foreigners, and the promotion of diversity in enterprises;
- 'Action 13': Support for the reinsertion of older migrants in their country of origin;
- 'Action 14': Naturalization and access to nationality.

In addition, the European Commission contributes to these actions through the European Refugee and the European Integration Fund.

The *French Office for Migration and Integration* (OFII) was created in 2009 as a public agency under the authority of the Ministry of the Interior to replace the National Agency for the Reception of Foreigners and Migration (ANAEM). The OFII plays a key role in the implementation of the French integration policy. It is also responsible

for the integration of migrants that are granted a long-stay resident's permit for the first time. This responsibility includes the 'reception and integration contract' (*CAI*).

The signature of the CAI between the migrant and the State has been mandatory since 1 January 2007. 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, of 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.

The Immigration, Integration, and Asylum Law of 16 June 2011 maintains the obligations related to the CAI. It even increases the relevance of the CAI since it stipulates that a residence permit cannot be renewed in the case of deliberate intention of non-respect of the contract, in particular regarding the fundamental values of the Republic, the active participation in the required training courses, the accomplishment of the skills assessment, and aIn 2010, 101,335 contracts were signed, against 97,736 a year before. Some 15.7 per cent of the foreigners who signed the contract in 2010 originated from Algeria, 14.9 per cent from Morocco, 7.7 per cent from Tunisia, and 4.8 per cent from Turkey (Secrétariat Général du Comité interministériel de contrôle de l'immigration, 2011b).

Since 2009, a skills assessment is mandatory for all signatories 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. Organized 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.

Out of 97,776 signatories of the CAI, 21,000 were prescribed language training in 2009. Around two-thirds of them were women. Fifty-two per cent of signatories originated from Asian countries, principally Turkey and Sri Lanka, and 24 per cent were from the Maghreb (Le Quentrec-Creven, 2012). In 2010, 62,095 skills assessments were carried out, compared to 55,618 in 2009 (Secrétariat Général du Comité Interministériel de Contrôle de l'Immigration, 2011b).

Despite the relevance of the services offered, the CAI displays some weaknesses. The services described above are not considered sufficient to allow for the integration

of migrants in French society.¹³² In particular, the effectiveness of the language training can be questioned. This calls for a concrete national accreditation of training associations. In October 2011, the DAIC and the General Delegation to the French Language and the Languages of France initiated discussions on an accreditation process (FLI – *Français Langue d'Intégration*) for the associations providing language training (Haut Conseil à l'Intégration, 2012).

The relevance of this skills assessment can be questioned since it does not constitute a proper skills assessment, but rather a guidance and counselling session. It is mandatory and also applies to migrants who are not willing to work in the short term.¹³³ Yet, the new skills assessment associated with the CAI is generally well perceived by new migrants.¹³⁴

In order to take into account the characteristics of foreign communities and their environment, the French integration policy has also been decentralized. It involves all relevant regional and local stakeholders (Secrétariat Général du Comité interministériel de contrôle de l'immigration, 2011). However, some criticism has been raised regarding the regional integration policy. In particular, it is not clear how such policy is monitored and coordinated with national initiatives. It is also unclear how regional initiatives are evaluated.¹³⁵

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¹³² Haut Conseil à l'Intégration (2011).

¹³³ Haut Conseil à l'Intégration (2012).

¹³⁴ A majority of the new migrants that were prescribed a skills 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 (Régnard and Domergue, 2009).

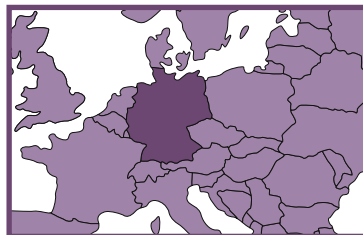
¹³⁵ The 2011 report from the Secrétariat Général du Comité Interministériel de Contrôle de l'Immigration (2011b) does not provide enough information on these issues.

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GERMANY

Wolfgang Bosswick¹³⁶



1. Migration trends

In describing the foreign population in Germany,¹³⁷ two different statistical sources are to be distinguished: the Central Register of Aliens (*Ausländerzentralregister*, AZR) and the continuous update of the population statistics register (*Bevölkerungsfortschreibung*). Both sources differ significantly regarding the size of the foreign population stock: whereas in the AZR only those non-nationals whose stay in Germany exceeds three months are accounted for, 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 and Krack-Roberg, 2006).¹³⁸

According to the latest official statistics derived from the continuous update of the population register, approximately 7.73 million foreigners were living in Germany

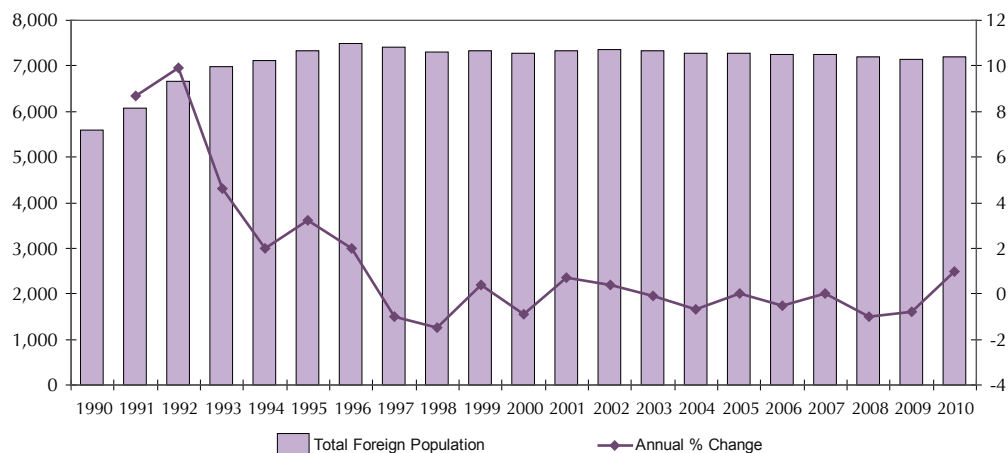
¹³⁶ Wolfgang Bosswick is co-founder and managing director of the EFMS – European Forum for Migration Studies, University of Bamberg, Germany.

¹³⁷ 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 (namely naturalized 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 nationality criteria, personal migration experience and naturalization of the respondent as well as of his/her parents.

¹³⁸ 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').

at the end of 2011. With a total population of 81.83 million people, foreigners constituted about 9 per cent of the entire population (BAMF, 2012).

Figure 1: Evolution of the foreign population in Germany, 2005–2010¹³⁹



Source: DESTATIS 2012; data from the continuous update of the population statistics.

Foreigners who are registered in the AZR constituted 6.93 million at the end of 2011, a slight increase compared with the 2010 figure (6.75), which is mainly ascribed to EU citizens (155,860), and among them the majority coming from Poland, Romania, Bulgaria and Hungary (Table 1).

Table 1: Foreign population in Germany 2005–2011

Citizenship	2005	2006	2007	2008	2009	2010	2011
TCNs	4,498,967	4,455,231	4,407,645	4,366,159	4,326,868	4,310,291	4,331,706
EU-27	2,256,844	2,182,365	2,337,234	2,361,459	2,367,908	2,443,330	2,599,190
Total	6,755,811	6,751,002	6,744,879	6,727,618	6,694,776	6,753,621	6,930,896

Source: DESTATIS 2012; AZR data.

The AZR data allows for descriptions of some core characteristics of the foreign population: 18.3 per cent of all foreigners registered in the AZR were born in Germany.¹⁴⁰ The average age of the foreign population was 39.4 years (38.8 for TCNs versus 41.4 years for EU foreigners).

For the analysis of general migration trends (flow statistics), two official data sources are of chief importance: the international migration statistics (Wanderungsstatistik)

¹³⁹ All statistics refer to the number of foreigners at the end of the respective year.

¹⁴⁰ The *jus sanguinis* and the *jus soli* are both recognized in Germany. 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.

and the AZR. Neither set of statistics, however, encompasses sufficient information on labour migration.¹⁴¹ The international migration statistics counted 841,682 movements of non-nationals (altogether 958,156 movements) to Germany in 2011, compared with 606,314 in 2009 (Table 2). A breakdown by country of origin is not yet available for 2011. However, it is expected that the increase in inward migration in 2011 is primarily due to migrants from EU Member States.

Table 2: Inward and outward migration in Germany, 2011

	Inward migration		Outward migration		Net migration	
	2010	2011	2010	2011	2010	2011
Total	798,282	958,156	670,605	678,949	127,677	279,207
Non-German citizens	683,530	841,682	529,605	538,827	153,925	302,855
TCNs	285,079	not yet available	225,780	not yet available	59,299	not yet available
EU-26 (without German citizen)	398,451	not yet available	303,825	not yet available	94,626	not yet available

Source: BAMF 2012.

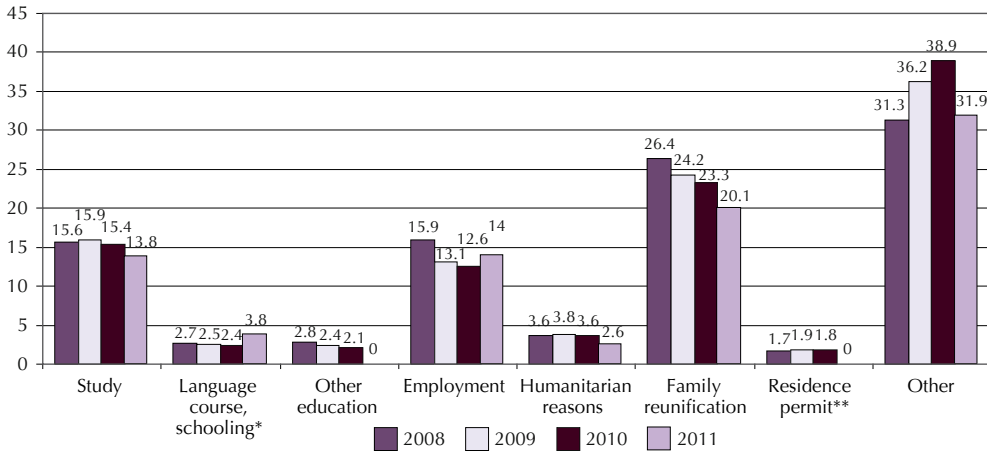
In 2010, around 22.4 per cent of total inward migration (Germans and non-nationals) occurred in the age group 18–24 (BAMF 2012:228); 40.4 per cent were women (BAMF 2012:228–229). Corresponding figures for 2011 are not yet available. Overall, people moving to Germany tend to be younger; therefore, inward migration has a positive impact on the age structure of the total population in Germany, though the country has not experienced a significant increase in net migration in recent years. The international migration statistics encompass neither the purpose of stay nor the qualification or skill level of migrants.

According to AZR data¹⁴², the primary type of entry for TCNs is still family reunification despite a continued decrease: from 27.9 per cent in 2001 to around 24 per cent in 2009, and down to 20.1 per cent in 2011 (Figure 2). In 2011, employment replaced study as the second most common reason for migration, rising to 14 per cent (from 13.1% in 2010). Study came as a third reason, declining by two percentage points on an annual basis, to a share of 13.8 per cent. The year 2011 confirmed the trends observed in the previous few years: a decrease in the share of TCNs entering Germany for family reasons, accompanied by an increase in the share of those admitted for employment, study and training.

¹⁴¹ International Migration Statistics derive exclusively from administrative (de)registration procedures: nationals and non-nationals are obliged to (de)register in the case of a change of residence across national borders. As these movements of people (cases, not persons as such) entering and leaving the country are counted, the figures overestimate the number of actual migrants (BMI/BAMF 2007: 12–13). In contrast to the international migration statistics, the AZR is based on persons and encompasses information on non-nationals whose stay in Germany exceeds three months. Therefore, the international migration statistics tend to exceed the number of migrants registered in the AZR.

¹⁴² Since 2006 AZR data allow for a differentiation of inflows by type of entry.

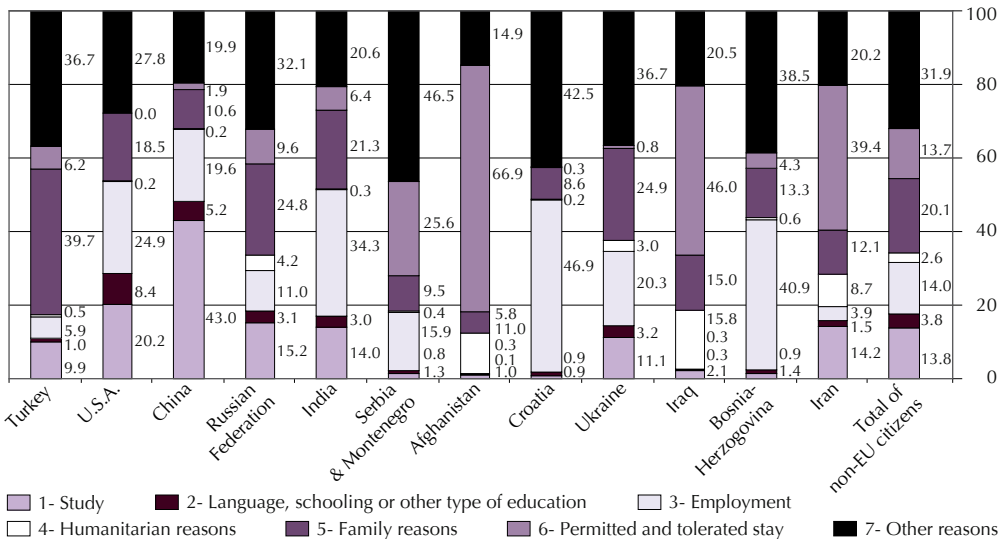
Figure 2: Type of entry of TCN, 2006–2010 (%)¹⁴³



Source: BAMF, 2012, P.36; AZR data.

Main categories of entry also vary by migrant group: family reunification was the predominant reason for entry among Turkish migrants (39.7%), while employment was the major push factor for migrants from Croatia (46.9%) and Bosnia-Herzegovina (40.9%) in 2011. The share of Chinese moving to Germany for college education decreased from almost 50 per cent in 2010 to 43 per cent in 2011.

Figure 3: Immigration by entry type and citizenship, 2011 (%)



Source: BAMF, 2012, p.36; AZR data.

¹⁴³ These categories have been included in the data collection in 2006; therefore, data is not available for 2005.

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 of people who applied for asylum for the first time (19,164 first-time applications in 2007; 22,085 in 2008; 27,649 in 2009; 41,332 in 2010; 45,741 in 2011 (BAMF, 2012). Acceptance rates have halved in 2011 compared with 2000 (from 3% to 1.5%). They stood at 9 per cent in 1995. The main countries of origin for first-time asylum applications in 2011 were Afghanistan (7,767), Iraq (5,831), Serbia (4,579) and Iran (3,352) (cf. BAMF, 2012a: 13, 46).

In 2011, 167,560 temporary seasonal workers and 19,405 contracted workers – mainly from Poland – came to Germany, a strong decrease from approximately 300,000 in 2010 (BAMF, 2012c: 242; BA, 2012d: 64). They still constituted the biggest group of labour migrants.

A study of the Hamburg Institute of International Economics (Hamburgisches WeltWirtschaftsinstitut, HWWI) from the period 2009–2010 estimates a lower limit for the irregular migrant population on the basis of police criminal statistics, and an upper limit based on various other estimation sources. For 2010, these estimations were, respectively, 136,500 and 337,077 persons, a decline by up to 200,000 people compared with the corresponding estimates for 2005.

2. Labour market impact

Foreigners who are employed or are seeking employment constitute about 8 per cent of the total labour force in Germany; for persons with a migration background,¹⁴⁴ this figure amounted to 18.4 per cent for 2011 (DESTATIS, 2012). Projections forecast a further increase of this share over the coming years due to the younger age structure of migrants (Deutscher Bundestag, 2010b: 85). Germany is also facing a general decline of its labour force due to an aging population, especially within the group of natives (ibid.: 84). One could expect that migrants might compensate for negative labour force growth. However, only a very weak compensatory effect has occurred so far 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*).¹⁴⁵ Thus, policies were introduced and some regulations concerning

¹⁴⁴ Persons with a migrant background include: a) all immigrants, that is 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 naturalized 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, that is with a non-German citizenship.

¹⁴⁵ See §§ 18-31 BeschV.

labour market access for immigrants were implemented – such as simplifying the recognition of qualifications achieved abroad (April 2012), and measures for further qualifying immigrants. The strong emphasis on formal certification in the German labour market has been reported to hamper the labour market access of immigrants that obtained their qualifications abroad (Liebig, 2007). Thus, the new legislation on the recognition of foreign qualifications is expected to bear positive results, although these cannot be assessed yet.

Labour market outcomes of migrants remained behind those of natives in 2011.¹⁴⁶ Persons with a migrant background, especially foreigners, still have lower employment rates and higher unemployment rates than the German population. On average, foreigners and residents with migrant background work in less attractive market positions, which are characterized by lower wages and precarious working conditions (BAMF, 2005). However, some groups of migrants, such as EU nationals, are better integrated into the labour market than others.

According to the Microcensus 2011, the activity rate in Germany was 80.4 per cent for native Germans with no migrant background; and 75.5 per cent for migrants. The gap in the activity rate among native and immigrant women respectively was more than double the average gap (around 11 percentage points, compared with the average of 5). The overall employment rate of persons with a migrant background (69.1%) was 10.4 percentage points lower than the employment rate of natives (79.5%). Again, immigrant women, especially from third countries, display particularly unfavourable outcomes in terms of employment. This is the case notably for women aged 15–24, probably as a result of both early patterns of family formation among TCNs, and difficulties of access to vocational education and training.

The overall unemployment rate decreased in 2011 in Germany, although the average figure for migrants continued to be twice what it was for natives (Table 3). Male migrants with a third-country nationality had the highest unemployment rate (14.3%). While the unemployment rate for TCN migrant women is about twice as high as it is for native women, the rate fell from 17.4 per cent in 2005 to 13.4 per cent in 2011; in general a positive trend has been observed since 2005, which is attributable to improved employment opportunities as a consequence of a higher demand in the nursing and domestic services sectors – a trend which is expected to continue in light of increasing population aging.

In 2011, more than 37 per cent of all employed persons with a migrant background worked in the service sector. The distribution is similar to that of the native population as the sector employed almost 45 per cent of all German workers. The second and third sectors were – both for the migrant and native populations –

¹⁴⁶ 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 born. 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.

manufacturing (32% and 28% respectively) and trade and communication (30% and 25% respectively).

Migrant self-employment is currently attracting a lot of attention in Germany. The number of self-employed migrants, especially those of foreign nationality, has increased since the year 2000. Foreigners have self-employment rates comparable even to natives, although they decreased in 2011 compared to previous years (DESTATIS, 2011; DESTATIS, 2012a). According to a study conducted recently (IAB, 2011), migrants who establish companies tend to create jobs in their companies more often than Germans.¹⁴⁷

Table 3: Labour force potential, unemployment rates by migration status, 2011 (%)

	Labour force potential			Unemployment Rate		
	All	Men	Women	All	Men	Women
Total Population	51.8	57.1	46.7	5.9	6.2	5.6
Without migration background	52.6	57.7	47.7	5.1	5.3	4.9
With migration background	48.8	54.8	42.8	9.5	9.8	9.1
of which EU-27	53.9	58.6	49.1	6.8	6.8	6.8
of which TCN	46.5	53.0	40.0	10.9	11.4	10.4
No German citizenship	58.9	68.4	49.4	11.3	11.4	11.2
of which EU-27	65.5	70.9	60.1	7.5	7.0	8.3
of which TCN	55.3	66.8	43.8	13.7	14.3	13.4

Source: DESTATIS 2012a, Author's calculation.

3. Institutional framework for admission and employment

An important change in the German legal framework affecting migrants' employment was the introduction of the new federal Law on the Recognition of Foreign Qualifications (*Berufsqualifikationsfeststellungsgesetz* BQFG), which came into force on 1 April 2012. The underlying objective of this new law is to facilitate the admission of holders of foreign qualifications in the German labour market in occupations corresponding to their level of qualifications, as part of a broader strategy to secure skilled labour supply to Germany. The main feature of the BQFG law revolves around establishing a claim for having a qualification assessed in a defined period of time (generally within three months from application), for the first time also for third-country nationals including potential labour migrants from abroad, who can seek recognition before arrival. It further prescribes a written positive assessment of skills and qualifications in case a formal recognition of the qualification is denied, and it provides for the consideration of

¹⁴⁷ For an in-depth discussion of migrant entrepreneurship in Germany see *Migration, Employment and Labour Market Integration Policies in the European Union (2010)* (IOM, 2012).

non-formal qualifications (operating experience) in cases where requirements are not sufficiently met by the formal foreign qualification.

The BQFG law, however, is a subsidiary law at the federal level, thus giving priority to existing regulations for specific groups which remain in force. This refers to established recognition procedures for specific professions (such as regulated handicraft professions which continue to be processed by the local chamber of handicrafts), and in the case of ethnic Germans, the applicant may choose whether his/her claim will be assessed according to the BQFG or to the old BFVG regulations. It deals with both regulated and non-regulated professions (mainly dual system alternance training) which are subject to federal law (approximately 450 professions). It does not interfere with the recognition of school-leaving certificates up to university degrees, nor does it interfere with professional qualifications dealt with by Länder law.

The new law did not introduce institutional changes, and left existing recognition responsibilities as they had been. As a federal law, it introduced the new regulations only for professions that are subject to federal legislation. The only major change of institutional responsibilities in the context of the new law is the self-organization of the Chambers of Commerce in Germany, creating a central recognition institution on their behalf for the professions in their domain (IHK-FOSA).

Pursuing its efforts to attract highly qualified workforce, the federal Government introduced a new permit to remain dedicated to this group on 27 April 2012, by transposing the EU Blue Card Directive into German law. The new law has lowered the annual income threshold to be admitted on the dedicated permit from EUR 66,000 to EUR 44,800 (EUR 34,944 in professions in high demand). The *Vorrangprüfung* (approval by the Bundesagentur für Arbeit) is waived for professions in high demand, while a check for comparability of contract conditions to German employees is maintained. The law also prolongs the authorized period for foreign students for job-seeking after examination from 12 to 18 months. The residence permit, however, may be revoked in the case of unemployment during the first few years after immigration (Migazin, 2012).

4. Institutional and policy framework for integration

A topic of controversial discussion in 2012 was the amendment of the German citizenship law which came into force in 2000. Due to the blocking of the original bill in the second chamber (*Bundesrat*) by the conservative parties, a requirement was introduced for children of foreign parents born in Germany to decide, by the age of 23, whether they want to keep German citizenship or the foreign citizenship of their parents. This rule was already considered problematic in 2000, and serious doubts about its constitutionality have been raised. A study by the Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge*) found serious information deficits among young adults who are expected to make this decision in the near future, and intense criticisms have been raised in the political discourse (BAMF, 2012; Migazin, 2012).

As in other EU Member States, a recent trend towards the two-way integration concept has been observed in Germany in recent years. Thus, since 2011, the regulations concerning the integration course have become more binding: if an immigrant does not participate in an integration course, even though he/she is obliged to do so, his/her residence permit can only be extended for one year, until he/she has successfully completed the course or can prove that he/she has successfully integrated otherwise. Thereby, the prolongation of a residence permit has been directly linked to successful participation in an integration course insofar as a person is obliged to participate in an integration course.

A new bill offering monthly allowances to parents who prefer not to claim the right to the provision of a kindergarten place for their children (coming into force in 2013) raised sharp criticism from social policy experts. In particular, the aim to increase the participation of children from migrant families in the kindergarten, and the related positive effects on language acquisition and integration of the children at an early stage, were considered to be counteracted by the current bill (Migazin, 2012).

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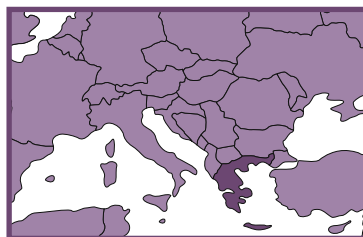
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GREECE

Anna Triandafyllidou and Michaela Maroufof¹⁴⁸



1. Migration trends

The total immigrant population in Greece, taking into account estimates of both regular and irregular migrants, is approximately 9.0 per cent of the total population. If we exclude all co-ethnic immigrants and returnees¹⁴⁹, it corresponds to approximately 7.5 per cent of the total resident population of Greece at the end of 2011. Legal migrants excluding co-ethnics from Albania and the Soviet Union correspond to about 4 per cent of the total population (Table 1). It is estimated that about 3.5 per cent of the total resident population, or approximately half of the total non-ethnic Greek immigrant population, is undocumented. These are either people who have never had a stay permit or who had legal status but did not succeed in renewing their permits.

The highest number of legal migrants present in Greece was registered in March 2010 with over 600,000 valid permits. Since then there has been a continuous decrease in the number of valid stay permits, which fell to just over 550,000 at the end of 2010 (553,916 on 1 December 2010) and dropped further to 447,658 on 1 December 2011.¹⁵⁰ The decline in the number of valid stay permits is related to the economic crisis that Greece is currently facing. Notably, this decrease does not necessarily mean that these migrants and their families have left Greece. Some of them may still be in the country but having lost their legal status, unable to satisfy the employment and welfare payment conditions expected by law.

¹⁴⁸ Hellenic Foundation for European and Foreign Policy (ELIAMEP), Athens.

¹⁴⁹ In estimating the total number of immigrants in Greece, we may also take into consideration two groups of co-ethnics. The first group are Greek co-ethnics who are Albanian citizens (also known in Greece as *Voreioepirotas*). The second group of co-ethnics are 'returnees' from former Soviet Union countries, generally referred to as *Pontic Greeks* who arrived in Greece in the late 1980s and early 1990s as economic migrants.

¹⁵⁰ The main source of data on legally staying third-country nationals in Greece is the stay permit database of the Ministry for the Protection of the Citizen (former Ministry of the Interior). This figure excludes seasonal migrant workers.

However, there appears to be an increasing trend among Albanian migrants to return to their homeland. Different estimates of the returning people have been quoted by Albanian authorities. In early 2012, the Head of the Directorate for the Migrants and Returnees at the Ministry of Labour, Social Issues and Equal Opportunities in Albania estimated that approximately 28,000 had returned since 2010, when the crisis hit the Greek economy hard. Meanwhile, in a recent Reuters report,¹⁵¹ a figure of approximately 75,000 Albanian returnees was quoted.

Table 1: Estimate of total immigrant population in Greece, on 1 December 2011

	Size of immigrant stock	% of total resident population	Source of data
Total legal immigrant stock	447,658	4.0	Stay permits valid on 1 Dec 2011, Ministry of Interior database
Co-ethnics from Albania	6,509	0.1	Data from Ministry of Interior, for 31 Dec 2011
Co-ethnics from the former Soviet Union	154,000	1.4	Secretariat of Greeks abroad, Special Census, 2000
Irregular immigrants (estimate)	391,000	3.5	Maroukis, 2012, available at www.eliamep.gr/en , published June 2012.
Total: immigrants and co-ethnics	1,190,472	9.0	
Total: immigrants excluding co-ethnics	838,658	7.5	
Total population of Greece	11,305,000		Eurostat estimate for 2011, http://epp.eurostat.ec.europa.eu/cache/ITY_PUBLIC/3-08062011-BP/EN/3-08062011-BP-EN.PDF

Source: Authors' own compilation from various sources.

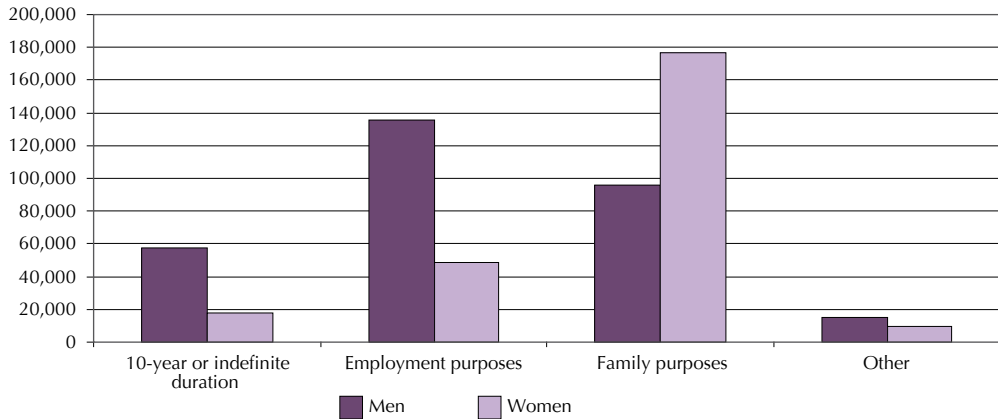
About 60 per cent of Greece's foreign population comes from Albania, followed by Bulgarians, Georgians and Romanians. The gender composition of the migrant population is overall quite imbalanced – men are much more numerous than women (Figure 3). This imbalance, however, varies among groups. For instance, nationalities such as Bulgarians, Ukrainians and Georgians include more women than men, while Pakistanis and Bangladeshis are mainly men.

Regarding the purpose of third-country nationals residing in Greece (Figure 1), in 2011, 45 per cent of the men hold permits for employment purposes, followed by permits for family motives (31%) and 10-year or indefinite-duration stay permits (19%) while the vast majority of women hold family reunification permits (70%) followed by employment permits (19%).¹⁵²

¹⁵¹ http://articles.chicagotribune.com/2012-04-06/news/sns-rt-albania-greeceemigrants-feature-tv-20120406_1_albanian-migrants-albanian-economy-greece published on 6 April 2012, last accessed on 27 June 2012.

¹⁵² Student permits are low in number and are included in the 'other' category.

Figure 1: Permits of stay by purpose, 31 December 2011



Source: Ministry of Interior.

Data regarding effective inflows and outflows of immigrants by the Secretariat for Population and Social Cohesion (Ministry of Interior) show that practically no new stay permits were issued in October 2011. There is a concern that the decrease in valid and in renewed stay permits does not indicate a real outflow but rather a strong trend towards de-legalization in the last year. Qualitative research suggests that there are long-term migrants who are losing their permits because they are unable to secure formal employment or any employment at all (Triandafyllidou, 2011).

2. Labour market impact

In December 2011 the unemployment rate for Greek citizens was at 21 per cent, which is 2.5 times higher than four years earlier, and 1.5 times higher than the previous year. The Labour Force Survey data for the period 2009–2011 show a spectacular rise in unemployment for both immigrant men and women (mainly TCNs). Male TCNs registered only 12 per cent unemployment in 2010 (up 1 percentage point from 2009) but their unemployment more than doubled to 27 per cent at the end of 2011. By contrast, male EU citizens experienced a rise in unemployment to 17 per cent in 2010 but the percentage was slightly lower (15%) at the end of 2011, showing that they are resisting the crisis better overall. This difference is not easy to explain as both EU and TCN migrant men are employed in the same sectors, notably construction, transport, catering and low-skill services. A qualitative research (Triandafyllidou, 2011) confirms the fact that EU citizens are less affected than TCNs in their employment and economic situation, and does not show any increased trends in terms of returning to their countries of origin (Romanians and Bulgarians in particular). Migrants interviewed stated that the unemployment and low-income situation was as bad or even worse in their countries of origin.

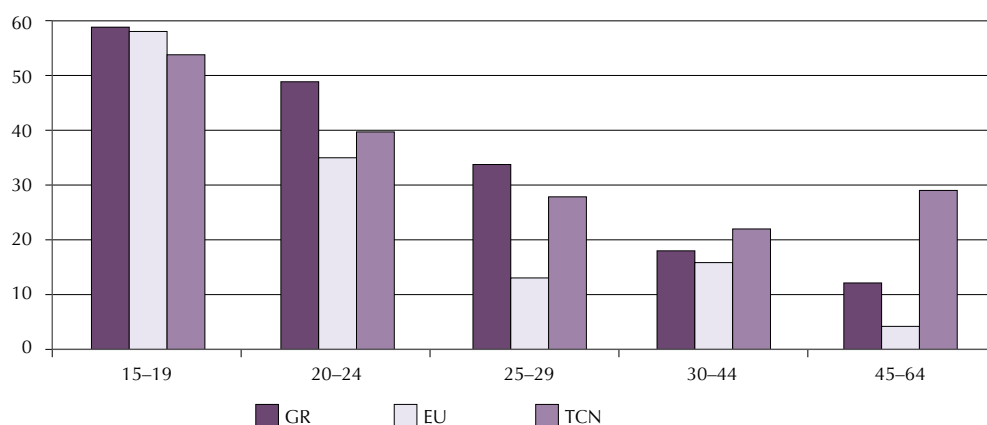
Women are starting to suffer too, however, as the crisis is now also affecting the middle-class Greek families who are abandoning cleaning and caring services

usually provided by foreign women. TCN women had an unemployment rate of 13 per cent in 2009, which dramatically increased to 29 per cent in 2011. The pattern for many TCN women can be explained by the fact that they were working in the informal labour market (for example as cleaners or carers without contracts and welfare stamps) and were insured under their husband's work and welfare fund. In recent years migrant women who did have jobs with contracts and insurance are now losing them, and their unemployment rate is climbing.

Looking more closely into the unemployment rates by age bracket we note that younger people are the most affected by unemployment, with peak levels above 30 per cent for all groups, aged 29 or younger (with the exception of EU nationals in the 25–29 age bracket). This is to a certain extent an endemic feature of the Greek labour market as unemployment rates for people under 24 years of age have been consistently high (over 20%) in the period 2005–2010. However, in the last trimester of 2011 (Figure 2) the rate climbs to over 50 per cent.

The data obtained from IKA in 2011 on waged labourers show a significant inequality between the wages of different nationalities. Foreign workers receive wages that are approximately 30 per cent lower than those of natives for general waged work and services. However, this inequality is significantly lower (between 6% and 15%) in the construction sector, which shows that there is probably a greater need for immigrant work and a better insertion of migrant labourers into these sectors.

Figure 2: Unemployment rates by nationality group and age bracket, 2011 (%)



Source: National Statistical Service of Greece, LFS, 4th Trimester 2011.

3. Institutional and legal framework for admission and employment

The institutional and legal framework for admitting migrant workers in Greece has remained mostly unchanged since 2005 and its main features are pointed out the last IOM LINET report (IOM, 2012).

One novelty introduced with Law 4018/2011 is a new system for the management of the issuance and renewal of TCN stay permits, creating one-stop shops across the country that will replace the local (municipal) and regional centres in operation until now. In the previous system, migrants had to submit their applications for issuing or renewing a stay permit at the municipal offices, where all documentation was received and transferred to the prefectural/regional offices that then processed the applications and issued the permits. There was a lot of time lost and energy wasted in these transfers. It is unclear if the new system has brought about improvements in the handling of stay permit renewals, since the system suffers from staff shortages.

In Summer 2011 the Ministry of Labour issued a Ministerial decision¹⁵³ which brought the number of necessary welfare stamps for stay permit renewal down to 120 per year¹⁵⁴ or 240 per two years, with a view to preventing long-term settled migrants from losing their permits because of temporary unemployment.

Two new laws that were passed concerned citizenship acquisition (law 3838/2010) and the reform of the Greek asylum system (law 3907/2011). As stressed in previous IOM LINET report (IOM, 2012), Law 3907/2011¹⁵⁵, voted by the Greek Parliament in January 2011, opened up the possibility of regularization for irregular migrants or rejected asylum-seekers who can prove that they have been living in Greece for the past 12 years (Article 44). This provision modifies the already existing possibility of issuing stay permits for humanitarian reasons (Article 44 of Law 3386/2005). Permits issued under the new law in 2011 were 1,150, which is about 50 per cent less than in 2010 and previous years¹⁵⁶ when approximately 2,000 such permits were issued per year. People who receive this type of permit (initially for a duration of one or two years, then renewed every two years) are allowed to work as dependent employees. They are also allowed to work as self-employed if they have previously held a self-employment stay permit. The above provisions contribute to the integration of irregular migrants as legal workers in the Greek labour market. They are necessary but not sufficient conditions as even legal migrants are often employed without a proper contract or welfare contributions, especially under the current scarcity of jobs.

The introduction of the cheque system (εργόσημα), aimed at tackling uninsured work and the shadow economy, was introduced in September 2011. Payments for domestic services, and a few other sectors, can be made via cheques that can be purchased by the employer at post offices and a number of banks. The amount of the cheque includes the employee's social security contributions, which are deducted when the employee cashes the cheque.¹⁵⁷

¹⁵³ Ministerial Decision: K.Y.A. 15055/546/10.8.2011.

¹⁵⁴ Until 2011, immigrants had to collect 200 daily welfare stamps each calendar year in order to prove their contributions to the welfare system and to have their permit renewed.

¹⁵⁵ Creation of an Asylum Office and an Office of First Reception, adaptation of Greek legislation to the Directive 2008/115/EC 'concerning the common rules and procedures in the EU member states for the return of illegally residing third-country nationals, and other provisions.

¹⁵⁶ Data released by the Ministry of the Interior in July 2012 in a special report on the impact of the new law on naturalization in the migration situation in Greece.

¹⁵⁷ IKA, Circular nr: 68 with reference to Law 3863/2010 and Law 3996/2011.

4. Institutional and policy framework for integration

There have been important developments promoting migrant integration in Greece over the period 2010–2011. Law 3838/2010¹⁵⁸ has made the EU long-term resident status a stepping stone to naturalization and lowered the requirement for naturalization from ten to seven years. It has thus reduced the until then ‘exorbitant’ fees of EUR 900 down to the more ‘realistic’ but still excessively high EUR 600 fee for the application. In addition, the integration test has been eased as people no longer have to follow the state-sponsored courses, which had very few places available and which rendered the implementation of the long-term resident status practically void. Law 4018/2011 has also facilitated the acquisition of long-term EU resident status.

In addition to the above measures, the Socialist government (in power between November 2009 and November 2011) introduced Law 3852/3010 (the so-called Kallikratis Law) which concerns the reorganization of local and regional governments. This law instructs the creation of Councils for Migrant Integration at the municipal level. These councils are composed of members of the municipal council and social stakeholders, including migrants themselves. They have a consultative character, advising the mayor about issues of concern to the local migrant population.

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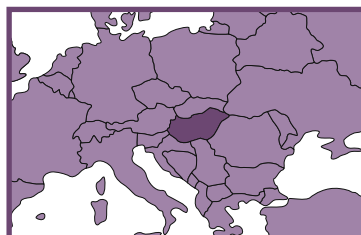
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¹⁵⁸ More information is also available in *Migration, Employment and Labour Market Integration Policies in the European Union (2010)* (IOM, 2012).

HUNGARY

Alin Chindea¹⁵⁹



1. Migration trends

In 2010, there were 206,909 foreign citizens in Hungary and their share of the total population exceeded the 2 per cent threshold (2.1%) for the first time (Hungarian Central Statistical Office HCSO, 2012a). Although this is a significant increase compared with 2005 and 2008, by the end of December 2011, 205,205 foreign citizens were residing in Hungary for more than a year and, for the first time since 2003, this was a slight decrease from the previous year (Table 1). This might be attributable to the crisis and a tighter immigration regime. According to the OECD, this follows a downward trend in the inflows of the foreign population and a small, albeit steady increase in the outflows (see Table 2).

Table 1: Stock of foreign citizens in Hungary, by gender and percentage of the total population, 2008, 2010–2011

	2008	2010	2011
Total	184,358	206,909	205,205
Male	95,824	109,487	109,325
Female	88,534	97,422	95,880
% of total population	1.84	2.07	2.05

Source: HCSO (2012).

Table 2: Migration flows in Hungary, 2005, 2008–2010 (thousands)

	2005	2008	2009	2010
Inflows	25.6	35.5	25.6	23.9
Outflows	3.3	4.2	5.6	6.0

Source: *International Migration Outlook*, OECD (2012).

¹⁵⁹ Alin Chindea is a consultant at UNHCR Budapest.

Europe is definitely the primary area of origin of immigrants in Hungary. According to Eurostat,¹⁶⁰ most migrants come from the EU: 118,875 EU citizens (of whom 46.7% were female) were living in Hungary in 2010 compared to 81,130 third-country nationals (TCN) (of whom 48.4% were female). In 2011, the number of EU citizens and TCNs in Hungary rose to 127,064 and 82,138 respectively.

Most of the residence permits issued in 2010 and 2011 were intended either for gainful activities, studies, or family reunification. Most immigrants are men, aged 14 to 64, in possession of a residence permit for employment-related reasons (Table 3). A closer analysis reveals that the number of permits for lucrative activities is declining steadily, for both men and women, since 2008 (12,628 permits for men and 4,873 for women in 2008 versus 9,119 and 4,021 in 2011). Likewise, in 2011 the stock of residence permits granted for educational purposes and family reunification declined from previous years (although these are higher than in 2008). The downward trend is partly due to a lower number of applications, down to 33,465 in 2011 compared with 37,032 in 2010. As a new initiative, Hungary transposed the EU Blue Card¹⁶¹ Directive into its legislation during the years of reference, and by the end of 2011 three permits were approved (two for male and one for female, all aged 18–34). By mid-2012, three more such permits were approved, all for men.

Table 3: Changes in the number of applicants for residence permit by the main purpose of stay, 2010–2011

Purpose of stay	2010	% of all applications	2011	% of all applications	Change	Percentage change
Gainful activity	16,060	43.37	13,187	39.41	-2,873	-17.89
Study	11,179	30.19	10,236	30.59	-943	-8.44
Family reunion	4,678	12.63	4,452	13.30	-226	-4.83
Other purpose	2,685	7.25	2,465	7.37	-220	-8.19
Official	1,646	4.44	2,218	6.63	572	34.75
Other purpose of stay	784	2.12	907	2.71	123	15.69
Total	37,032	100	33,465	100	-3,567	-9.63

Source: Hungarian Office of Immigration and Nationality (OIN).

Data from both the Hungarian Office of Immigration and Nationality and UNHCR indicate that the number of registered asylum-seekers decreased in 2011 (1,693, of

¹⁶⁰ For unknown reasons the numbers on foreign citizens for 2010 and 2011 differ between Eurostat and the Hungarian Central Statistical Office. The differences are important as Eurostat data indicates a continuous growth in the number of foreigners whereas HCSO's figures signal a small drop in 2011 compared to 2010. As HCSO's data for 2010 and 2011 is not broken down to the same level as that of Eurostat to allow comparison between TCNs, EU citizens, and native Hungarian, data is used accordingly.

¹⁶¹ On 1 August 2011.

which 289 were European) compared to 2010 (2,104, 568 originating from Europe) and 2008 (3,118 applications).

The percentage of highly educated among the immigrant population has been growing over the past decade in Hungary. On average, about 30 per cent of the foreign born now have tertiary education, compared with less than 25 per cent in 2000 (OECD, 2012). The educational attainment of the economic migrants who are TCNs – measured against the work permits issued in 2011 – differs significantly from that of the foreign born as only 17.3 per cent graduated from university or college. Most of them, 42.7 per cent, have only completed primary school or less, 22.4 per cent attended vocational schooling (which is well below the score of the foreign born), 9.9 per cent completed a technical school, 4.3 per cent attended a vocational high-school, 3.1 per cent have only completed secondary school, and for 0.5 per cent the academic background is unknown. In contrast, 26.4 per cent of the EEA nationals working in Hungary in 2011¹⁶² are highly educated; however, the share of those with a low level of education is close to that among TCNs as 40.3 per cent of EEA nationals have completed primary school or less.

2. Labour market impact

According to 2012 data from the National Employment Service, the number of work permits issued annually is decreasing substantially. In 2005, 53,324 were issued; in 2008 the total plummeted to 29,349, in 2010 11,337 work permits were issued and at the end of 2011, 10,556 were numbered, of which 42.1 per cent were to TCNs from Europe and 57.9 per cent to non-European citizens. For the first time, the number of third-country labour migrants from outside Europe surpassed that of those from Europe. Furthermore, the share of EU nationals in the labour market dropped somewhat when considering the number of announcements as a proxy. Specifically, out of 11,847 announcements in 2011 (down by 1,351 since 2010) 92.2 per cent were corresponding to EU/EEA nationals and 6.8 per cent to TCNs exempt from the work permit obligation.

One of the reasons for the decline in the number of permits is that since 2009 Romanian citizens, the most numerous group of immigrants, have full and free access to the Hungarian job market. Another motive is that the number of TCNs from Europe as a whole – not counting Romanians pre-EU accession – is also diminishing. On the other hand, the number of TCNs from outside Europe, particularly from China, is rising progressively.

In terms of countries of origin, most of the newly granted permit holders in 2011 are Chinese (3,164), Ukrainians (2,604, including all 380 permits for seasonal agricultural work), and Serbians (844). The number of Ukrainians in possession of work permits decreased from 3,830 in 2010, while that of the Chinese grew from

¹⁶² Defined as those who were registered with the National Employment Service.

2,335 following an upward trend since 2003.¹⁶³ Most of the work permits issued in 2011 (65.9%) have been issued to TCNs working in Budapest and 6.8 per cent in the nearby Pest county. The bulk of economic migrants is concentrated in the capital or the areas around it and this matches the employment distribution of the native population, as the employment rate was at its highest in Central Hungary.

In terms of the economic sectors, in 2011 most of the permits were issued for work in wholesale and retail trade, repair of motor vehicles (2,472), manufacturing (2,030), hotels and restaurants (1,589), and construction (1,072). The distribution of permits by profession follows a similar pattern as 3,382 permits were issued to TCNs taking jobs in elementary occupations, while 2,618 took jobs as service workers and shop and market sales workers, 1,280 as professionals,¹⁶⁴ and 1,123 as technicians and associate professionals.

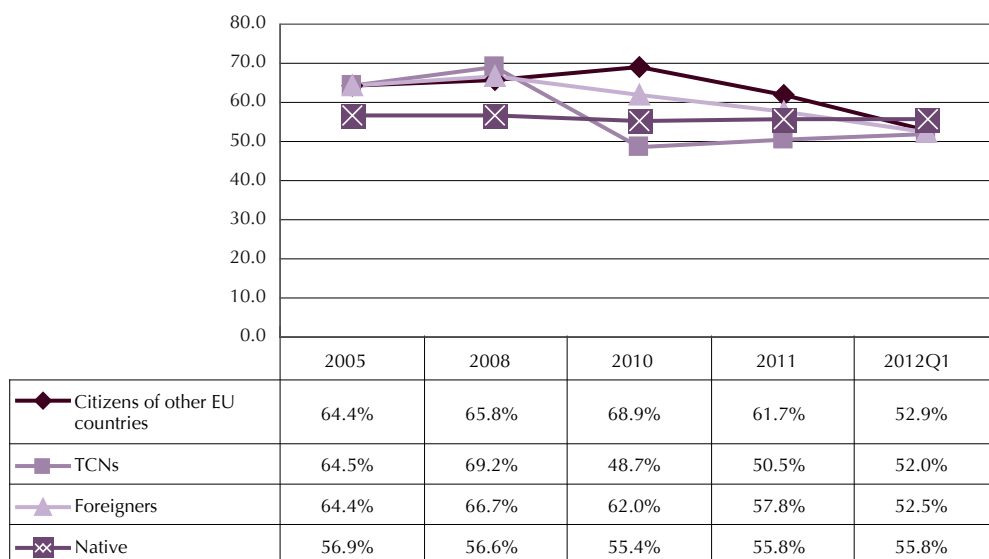
Despite a slow post-crisis economic recovery since the beginning of 2010, employment growth in Hungary has remained fixed at 0.3 per cent since 2009. In 2011, the average number of job vacancies was 28,700, 5.7 per cent more than in 2010 (HCSO, 2012b). The majority of jobs to be filled were in the private sector (55%), followed by the public sector (41%), and the rest in the non-profit sector.

By the end of the first quarter in 2012, the employment rate of foreign citizens in Hungary – whether EU nationals or TCNs – was 3 percentage points below that of native-born people (Figure 1). This difference is attributable to both a lower activity rate of migrant women and a declining employment rate of female migrants from other EU Member States. Three notable trends can be highlighted with regard to the employment rate. First, the employment rate of native persons was rather constant in all years considered, oscillating slightly within a 1 percentage point range. Second, TCNs in Hungary experienced a profound drop in their employment rate as it was more than 20 percentage points lower in 2010 than in 2008. By 2011, their labour market situation had improved modestly as the employment rate rose from 48.7 per cent to 50.5 per cent at the end of the year and reached 52 per cent in the first quarter of 2012. Thirdly, and concurrently, the employment rate of EU nationals has been on a downward slope since 2010 (68.9%) after shrinking to 61.7 per cent in 2011 and further decreasing to 52.9 per cent by the end of the first quarter in 2012. This is partly driven by a poorer presence of migrant women from other EU Member States on the Hungarian job market. Additionally, in Hungary, the employment rate of foreign-born persons aged 15–64 was higher than that of foreign citizens in both 2010 and 2011. The trends have thus reversed compared to the figures in 2005 and 2008 when the employment situation of foreign citizens was better than that of those born in another country. The upturn can be explained, to a certain extent, by a poorer position of foreign citizens from outside the EU compared to that of foreign-born from non-EU countries.

¹⁶³ The number of Chinese citizens being granted a permit has decreased in 2009 compared to the previous year (1,840 compared to 2,039 in 2008), picking up again in 2010 to rise above the 2008 level.

¹⁶⁴ Jobs that require a higher level of education (university or college degree).

Figure 1: Employment rate in Hungary, total, age groups 15–64, by nationality, 2008, 2010-2011 (%)



Source: Eurostat.

Manufacturing and wholesale and retail trades are important fields of employment in Hungary for Hungarians and foreign citizens alike.¹⁶⁵ The third most important job sector for TCNs is accommodation and food services, followed by construction. These four industries account for 68 per cent of the lucrative activities of TCNs in Hungary in both 2010 and 2011. Although their participation rate in manufacturing, construction, and agriculture diminished in 2011, TCNs were more active in wholesale and retail trades in 2011 and this increase offset the drops in the other three sectors. In terms of professions, immigrant workers are mainly undertaking elementary occupations and in 2010 more than one third of TCNs (35.9%) and more than 40 per cent of EEA labour migrants were in such positions (NES, 2011).

The result of survey data indicates that 20 per cent of the migrant respondents in Budapest believe that the job they perform does not require the level of proficiency or training that they possess. It is one of the lowest scores but this might correlate positively with the high proportion of [declared] self-employed (Huddleston et al, 2012).¹⁶⁶

According to Eurostat data, foreign citizens¹⁶⁷ were less affected by unemployment than native Hungarians, as their scores are lower in all reference years. However,

¹⁶⁵ The share of employees in manufacturing is almost equal (around 20% on average).

¹⁶⁶ These results are echoed also in Suppan and Kovats (2012).

¹⁶⁷ Data on unemployment rate of TCNs, as one of the most comparable indicators of integration (or lack of), is not collected in Hungary.

there is a major change in 2011 when the unemployment rate of foreigners increased from 7.5 per cent to 9.5 per cent, while that of natives decreased from 11.3 per cent, to 11 per cent.

3. Institutional and legal framework for admission and employment

Between 2010 and 2011, the migration legislation was amended on two grounds. First, under an obligation to harmonize with EU acquisition, Hungary has transposed various EU regulations into its legislation (including the Blue Card Directive, the Sanctions Directive, the Return Directive, and the Visa Code). Secondly, revisions have been carried out concerning economic migration, family reunification, asylum issues, and unaccompanied minors. Two readmission agreements, with Russia and Serbia, came into force in 2011, and progress was made in negotiations with three other countries.

Concerning employment, some changes were made to Act II of 2007 in 2010, which affects the rights of persons who engage in gainful activity. Owners or Directors of a business association, cooperative or other legal entity formed to engage in gainful employment are entitled to obtain the residence permit for gainful employment if they have been employing at least three Hungarians or EEA nationals for a period of at least six months prior to the application, or if their presence in Hungarian territory is essential for the operation of the business association and can be proven by a duly justified business plan. The ambiguity and lack of criteria on the ‘indispensable’ and ‘duly justified’ provisions, however, can present obstacles for applicants. A 2011 amendment to Act II additionally obliges the latter to “support the content of the business plan by any reliable means verifying that the business will be able to produce enough profit to cover the applicants’ expenses”.

Further legislative changes include Government Decree 355/2009 (XII.30), which came into force on 1 January 2010. This decree lists the type of employment activities by TCNs that are not subject to a work permit and aims to help unify and make the law on job assistance and unemployment benefits more transparent. As outlined in the previous LINET report (IOM, 2012), a new Act (LXXV) on the simplified employment relationship for seasonal work (agriculture and tourism) and temporary work came into force in August 2010. Furthermore, so did the Ministerial Decree No. 16/2010 (V. 13.)¹⁶⁸ on the authorization of employment of third-country nationals, the former act regulating the hiring of workforce in Hungary. This decree contains provisions on the different types of work permits and the procedural rules. Compared to the previous act, it extended the validity of an individual work permit to a maximum of two years. This measure reduces the administrative burden on the employers who no longer have to submit an application for a work permit every year. Additionally, the validity period of the

¹⁶⁸ Ministerial Decree (SZMM) 16/2010 on the employment of third-country nationals.

permit was synchronized with the validity period of the residence permit. The permit can be renewed for another two years, however, for renewal, the entire original procedure has to be repeated.

As of 2011, the employment of a family member of a third-country national holding a residence permit issued for the purpose of family reunification, is subject to prior labour market examination and work permit obligation within the first year following the issuance of the residence permit. In the case of family members who have resided legally for at least one year in Hungarian territory, the same employment authorization rules apply as for TCNs.

Overall, certain conditions governing the issuance of work permits might prove burdensome in terms of the employers' willingness to employ TCNs. For example, the examination of the terms of reference proposed by the employer appears unjustified for several reasons. First, the imposed quota on foreign workers has never been reached as the number of work permits issued is decreasing annually (see above).¹⁶⁹ Suppan and Kovats (2012) and Peto et al. (2010) claim that this might be further triggered by the fact that many employers consider these procedures bureaucratic and are thus reluctant to hire TCNs.

4. Institutional and policy framework for integration

Hungary does not have an explicit migrant integration strategy. In line with EU policies, over the past decade Hungary has appointed a National Contact Point on Integration (NCPs), transposed the relevant EU acquis into its legislation, created a European Migration Network National Contact Point, and engaged in other political commitments at the European level.

In 2010, some legal amendments were passed that modify the Act LV of 1993 on Hungarian Citizenship and the implementation of the Government Decree. The changes, enforced as of 1 January 2011, introduced a simplified naturalization procedure that targets ethnic Hungarians (see IOM, 2012). In 2011, 202,148 applications were filed, including 95,322 requesting a name change. As a result of this new procedure, 103,000 people became Hungarian citizens.

5. Active labour market programmes

The programmes targeting immigrants and their access to the labour market in Hungary are often implemented by NGOs with funding from the European Integration Fund. These are typically large-scale, long-term initiatives and often target a narrow group of beneficiaries. One such programme is run by the Artemisszio Foundation in cooperation with Menedek, the Hungarian Association

¹⁶⁹ The number of applicants for residence permits for gainful activities also decreased in 2011: 13,187 compared to 16,060 in 2010. Unfortunately, the Office of Immigration and Nationality did not provide information on how many of these were approved.

for Migrants, and is titled CHANCE – Programme for the Integration of Immigrants into the Labour Market.¹⁷⁰ Implemented solely in Hungary, the project is in its second phase in 2012. It offers immigrants a set of services in order to successfully access and integrate into the labour market. These comprise competency assessment interviews¹⁷¹, labour market advice, individual mentoring, Hungarian language courses, vocational placement opportunities, the possibility to obtain primary or secondary school certificates, legal counselling, and so on. Another project, called REALISE – Making the Most of Our Human Capital by 2020, is an international project funded under the European Integration Fund and is implemented in eight countries, including Hungary.¹⁷² The project targets qualified third-country nationals (particularly women and young people, holding professional occupational post-secondary qualifications – such as nurses, teachers, and so forth – or higher education qualifications), who, as a group, are disproportionately overqualified for their jobs. It seeks to contribute to achieving the EU 2020 objectives of a dynamic and competitive Europe through the creation of long-term strategies and pilot interventions at policy level for addressing third-country national over-qualification.

6. Discrimination in employment

Simonovits (2012) argues that in Hungary it is primarily the fear of losing jobs and economic worries that account for opposition towards foreigners, and cultural resentment plays only a secondary role. Six out of 10 Hungarians (59%) do not believe that immigrants are beneficial to the Hungarian economy. Furthermore, the study reveals the opportunities of TCNs in the Hungarian labour market by carrying out a large-scale representative survey involving 1,000 participants. In this exercise, participants were placed in a situation where they, as employers, were asked to choose representatives from among four ethnic groups – Arab, African, Chinese and ethnic Hungarians from abroad, of different gender – for various job positions. First, two low-qualified job applications (for a position in housekeeping and one in maintenance) were offered, followed by an administrator job in a bank and travel agency. The results of the study showed that given similar levels of integration and language skills, the overwhelming majority of respondents consistently preferred job-seekers of ethnic Hungarian origin (87% for the administrator position, 85% for repairman, 79% for cleaning lady) against any other TCN.

¹⁷⁰ For details, please visit <http://bevandorlok.artemisszio.hu/en/>.

¹⁷¹ The so-called digital empowerment tool (DET) – a competence development method and tool at the same time. The DET helps to reveal and to visualize individual skills, competencies and experiences. The outcomes of the DET are a CV, a portfolio, and a personal development plan, that draw attention to existing competencies and on the areas that need to be developed in the future.

¹⁷² For details, please visit the project website at <http://realise2020.wordpress.com/>.

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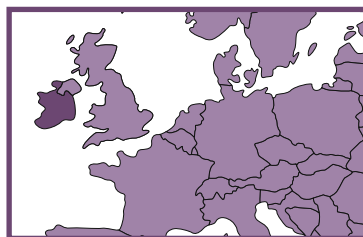
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IRELAND

Camilla Devitt and Ester Murphy ¹⁷³



1. Migration trends

Migratory flows to and from Ireland partly reflect general economic growth levels and labour market buoyancy. Levels of immigration to Ireland declined from 2007, falling to 30,800 in 2010 (Table 1). However, an increase in inflows has been registered for the year 2011, with 42,300 entries (FORFAS, 2011; Joyce, 2011). This rise in inflows from 2010 to 2011 was mainly due to an increase in return migration of Irish nationals (from 13,300 to 17,100), many of whom were probably just temporarily abroad. Inflows from the EU-15 (excluding Ireland and the United Kingdom) more than doubled from approximately 4,300 to 9,000 and immigration from countries that became members of the EU between 2004 and 2007 also rose from 5,800 to 9,000. There was a considerable inflow from outside the EU, rising from 4,900 to 7,900.¹⁷⁴ The largest groups of third-country nationals (non-EU 27 nationals) come from Asia (65,579) followed by Africa (41,642).

Table 1: Immigration and emigration to Ireland 2009–2011

	Net Migration	Migrants: All Destination	Migrants: All Origins
2009	-7.8	65,100	57,300
2010	-34.5	65,300	30,800
2011	-34.1	76,400	42,300

Source: CSO, Population and Migration Estimate.

The breakdown by nationality of the 544,357 non-Irish nationals, who were usually resident and present in Ireland at the time of the last Census (April 2011), shows that the vast majority (71%) come from EU member states.

¹⁷³ Camilla Devitt is Assistant Professor in the Department of Sociology, Trinity College Dublin. Dr. Esther Murphy is researcher at NCBI, Ireland.

¹⁷⁴ Population and Migration Estimates, CSO 2011.

The 2011 Census identified the main countries of origin of Ireland's immigrants as Poland (22.5%), United Kingdom (20.6%), and Lithuania (6.7%). A notable difference in the nationalities represented from the 2006 Census to 2011 is the presence of Romanian immigrants (3.2%) in the list of the main countries of origin (CENSUS, 2011). Between 2006 and 2011, net inward migration among working-age men fell substantially, with those in their twenties becoming net emigrants. However, women remained net immigrants at almost all ages, especially at 25–35 years, and net inward migration among women in their early twenties actually increased. This interesting gender divergence can undoubtedly be explained by the fact that most job loss during the economic recession has been in the male-dominated construction sector. Furthermore, family reunification has continued during the recession.

2. Labour market impact

Of the 2.1 million persons in the labour force at the end of 2010, 12.7 per cent were non-Irish nationals. While the latest Census 2011 reports an increase of 23,670 (9.7%) in the number of non-nationals in employment from the previous Census, the number of Irish nationals at work during this time decreased by 136,642 (8.4%).

Data on numbers of employment permits issued and renewed to non-EEA workers by the Department of Jobs, Enterprise and Innovation (DJEI),¹⁷⁵ provides information on levels of non-EEA labour immigration. Numbers of employment permits issued fell from 13,336 in 2008 to 7,476 in 2010, and to 5,200 in 2011.

Table 2: Employment permits issued and renewal, 2008–2012*

Year	New Permits issued	Permits renewed	Total Permits issued
2008	8,372	4,964	13,336
2009	3,832	3,842	7,674
2010	3,541	3,935	7,476
2011	3,184	2,016	5,200
2012*	1,479	582	2,061

*Source: Department of Jobs, Enterprise and Innovation; *until July 2012.*

With respect to nationality, new employment permits issued to nationals from Australia, Belarus, Brazil, Bulgaria, India, Malaysia, Moldova, the Philippines, Romania, and the United States of America rose between 2010 and 2011. The largest increase of employment permits issued was to Romanian nationals; with a year-on-year increase in first employment permits from 313 permits to 766. Of all of the

¹⁷⁵ Previously Department of Enterprise, Trade and Employment.

permits issued in 2011 nearly 30 per cent were for managerial roles. Furthermore, almost an additional 50 per cent and 20 per cent represented professional and associate professional roles.

In response to the economic downturn, the Department of Jobs, Enterprise and Innovation (DJEI) introduced revised eligibility requirements for persons applying for their first work permit in Ireland on or after 1 June 2009. In addition, they tightened the qualifying conditions for the granting of new work permits to non-EEA nationals for occupations requiring lower skills/qualifications and vacancies that could be secured by Irish or EU citizens (DJEI, 2009). The situation for the higher skilled non-EEA workers contrasts with the reduced work prospects of lower skilled non-EEA workers. The Intra-Company Transfers (ICT) scheme, for example, issued 340 permits to non-EEA workers in 2011, representing an increase of 13 per cent in numbers issued in 2010 (NKB, 2012). The ICT scheme specifically targets non-EEA senior management, key personnel and trainees who move from an overseas branch of a multinational corporation to an Irish branch. The criteria for eligibility stipulates that the applicant must be earning at least EUR 40,000 and must have been in employment with the overseas company for at least 12 months prior to being issued an ICT transfer permit (DJEI, 2011).

According to the 2010 National Skills Bulletin, there were skills shortages in many health-care occupations including medical practitioners, advanced nursing practitioners, medical radiographers and dentists. Indeed, in 2010 over 30 per cent of new employment permits were issued to health-care workers (FORFAS, 2010). In the 2011 Bulletin, difficult-to-fill vacancies are primarily confined to highly skilled and experienced candidates in the areas of ICT, engineering, management, science, health care, sales and finance (FORFAS, 2011).

In the fourth quarter of 2010, the greatest share of non-Irish nationals was employed in low-skilled occupations: one in four labourers and one in five operatives were non-Irish nationals. The occupational groups with the lowest share of non-Irish nationals were clerks, managers and professionals (10%). The 2011 Census recorded the greatest decline in the share of non-Irish nationals among services workers. In 2011, the most important sectors in terms of employment for EU-15 nationals (excluding Irish and British nationals) were information and communication, manufacturing, accommodation and food services. The main sectors of employment of EU-27 nationals are wholesale and retail, accommodation and food services and manufacturing. Non-EEA nationals are mainly employed in human health and social work, accommodation and food services, wholesale and retail, and industry.

In 2011, while the labour force participation rate for non-Irish nationals (70.3%) was higher than that for Irish nationals (59.2%), the unemployment rate, at 18.4 per cent, was higher for non-Irish nationals than for Irish nationals (13.5%). The employment rate was almost the same for each of the broad nationality groups (59.6% for migrants and 59.4% for Irish nationals).

Another source of data on employment trends are Personal Public Service Numbers (PPSNs).¹⁷⁶ As of 2007, there has been a steady decline in the number of PPSNs issued to immigrants, from 215,400 in 2007 to 69,000 in 2010.

Accounting for differences in socio-economic characteristics, Barrett and Kelly (2012) found evidence that immigrants earned 18 per cent less than natives and that the wage disadvantage was 45 per cent for immigrants from the 2004 Eastern European EU accession states (A8).

After releasing a figure of approximately 30,000 irregular immigrants in Ireland,¹⁷⁷ the Migrant Rights Centre Ireland (MRCI), a non-governmental organization concerned with protecting migrants' rights, conducted a profile report on undocumented migrants in Ireland. Notably, 85 per cent of all of those surveyed were in some form of employment in the state. Of those in employment, 64 per cent had been in the same employment for over two years and 21 per cent had been in the same employment for five years or more (MRCI, 2011).

3. Institutional and legal framework for admission and employment

The Department of Justice, Equality and Law Reform has primary responsibility for Ireland's immigration and visa policy. The Irish employment permits system is employer-led; employers apply for permits for a named non-EEA national for a specific job. The main control mechanisms used in the labour immigration system are the 'ineligible occupations list' for work permit applications and the 'restricted list' for lower-paid green card applications as well as the Resident Labour Market Test (RLMT) for work permit applications.

During the year 2010–2011, the institutional and legal framework for admission and employment was subject to some reform. Bulgarian and Romanian nationals' access to the Irish labour market was still restricted during 2010 and 2011,¹⁷⁸ they continued to require an employment permit and the job in question was subject to the requirement of a labour market needs test. However, Bulgarian and Romanians had preferential treatment compared to nationals of non-EEA countries. In July 2012, the Irish government removed restrictions on labour mobility from Romania and Bulgaria.

¹⁷⁶ The PPS Number is the unique reference number issued to residents by the Irish Department of Social Protection for transactions

¹⁷⁷ This figure was sourced by the MRCI from data gathered by the Department of Justice and Equality and based on figures from ICMPD on regularisation in the EU Regularisation of Undocumented Migrants. Migrants Rights Centre of Ireland 2010.

¹⁷⁸ The Treaties that govern Bulgarian and Romanian accession to the EU provide for a 7-year transition period before their nationals have full access to the labour markets of Member States. This period ends on 1st January 2014. From the 1st of January 2012, Member States were to grant full access to their labour markets unless they were faced with a serious disturbance in their labour market or the threat thereof.

During 2010, new renewal arrangements for Green Card holders were announced with effect from 30 August. Holders of Green Card permits for a period of two years or those who have been issued with a 'Stamp 4' for 12 months as a prior Green Card holder may be eligible for a 'Stamp 4' permit for a two-year duration.¹⁷⁹ This permit allows them to remain in the country and work without the requirement of an employment permit. This arrangement was criticised by NGOs, such as the Immigrant Council of Ireland (ICI), which argued that the new policy reneged on initial assurances of providing Green Card holders with access to permanent residence.

Furthermore, new arrangements concerning the issuing of employment permits for categories of non-EEA doctors for employment in the Irish Public Health Service came into effect in June 2010. Non-internship registrations within the Trainee Specialist category and non-Consultant Hospital Doctors with a job offer as a Senior House Officer or Registrar in the Public Health Service no longer require a work permit. A Resident Labour Market Test will not be required for doctors (Joyce, 2011).

In November 2010, updated arrangements concerning employment permit holders with more than five consecutive years (including those made redundant) provided with permission to reside and work in Ireland without the need for an employment permit, were introduced with immediate effect. Qualifying people were to be issued with a 'Stamp 4' immigration permission on a one-year renewable basis. People working in Ireland on a work permit for less than five continuous years and who have become redundant involuntarily, and those with at least five years' residency but who are not eligible for the above arrangements, can be given a six-month 'grace period' during which they can seek alternative work without a labour market needs test being applied.

In December 2011 a revised schedule of fees for employment permits was published, which differentiated between fees due for permits issued before and after 1 June 2009. Work permit renewal fees have been raised from EUR 500 to EUR 750 for six months or less and from EUR 1,000 to EUR 1,500 for up to 24 months, which has been extended to 36 months.

In January 2010, the Government approved the general scheme of the Qualifications and Quality Assurance (Education and Training) Bill, which provides for an amalgamated qualifications and quality assurance agency, provisionally titled the Qualifications and Quality Assurance Ireland (QCAI). This new agency, to be

¹⁷⁹ Persons issued an immigration Stamp 4 are permitted to remain in Ireland until a specified date. Main categories of persons permitted to be in the State are: 1) Non-EEA family member of EEA citizen; 2) Non-EEA spouse of Irish citizen refugee; 3) Non-EEA person granted family reunification under the Refugee Act 1996 Programme; 4) Non-EEA parent of Irish citizen child where parent was granted permission to remain in the State; 5) Non-EEA family member of EU citizen where family member qualifies under the European Communities (Free Movement of Persons) (No. 2) Regulations 2006 (S.I 656 of 2006) (Irish Naturalisation and Immigration Service, Department of Justice and Equality).

established in 2012, will serve to bring together the National Qualification Authority of Ireland (NQAI), the Further Education and Training Awards Council (FETAC), and the Higher Education and Training Awards Council (HETAC). Previously, the National Qualifications Authority of Ireland (NQAI) was responsible for the recognition of international qualifications (Joyce, 2011).

The Immigration, Residence and Protection Bill 2010 – the previous government’s third attempt at overhauling Ireland’s immigration and asylum systems – was published in June 2010. This Bill set out a legislative framework for the management of migration to Ireland. The Bill lapsed with the dissolution of the 30th Dáil (House of Representatives) on 1 February 2011.

The parties in the current government, Fine Gael and Labour, promised comprehensive immigration reform in their manifestos. For example, the Labour party committed to speeding up administrative processes relating to immigration decisions. The Minister for Justice has stated that a new comprehensive Residence, Immigration and Asylum Bill will be published in 2012.

4. Institutional and policy framework for integration

As a result of the recession, the Office of the Minister for Integration decided not to establish the three new bodies referred to in Migration Nation (the Ministerial statement on the future direction of integration policy in Ireland published in 2008) as it was deemed that such a move would be inappropriate in current circumstances when state bodies are being rationalized or abolished. In 2010, the Office paid grants of EUR 1.2 million to local authorities, EUR 398,000 to sporting bodies and EUR 787,000 to other national organizations for the purpose of promoting the integration of immigrants. In 2011, a total of EUR 800,000 of funding was provided to organizations (local authorities, sporting bodies and NGOs) to promote integration and tolerance.

Another commitment made in the Migration Nation integration strategy has been fulfilled with the setting up of a Council on Migrant Integration to advise the Government on issues faced by immigrants (see IOM, 2012). Each regional forum of the Council (Dublin, Rest of Leinster, Munster and Connacht/Ulster) consisting of 15 to 20 members appointed for a five-year period, met for the first time in early 2011.

The Minister for Justice and Equality signalled that an English language/civics test for naturalization applicants would be introduced. The introduction of such tests would represent a significant new direction for Ireland.

Finally, there has been a significant decline in funding allocated to the Office for the Promotion of Migrant Integration which may have consequences for the social integration of migrants (The Integration Centre, 2012). Despite this decline, the work of the Local and Community Development Programme (LCDP) carried out primarily by 52 Local Development Companies across Ireland was

recognized by a government allocation of EUR 55 million for 2012. LCDP goals encompass tackling issues which non-nationals are often most susceptible to, for instance poverty, social exclusion and unemployment. For instance, intercultural arts, cookery and sports activities run by and for migrant groups are facilitated and English as foreign language classes are taught at the local centres. Another important aspect of the programme is delivering employment skills workshops which also link in with national employment service providers such as FAS (the Irish National Training and Employment Authority), to assist people with CV writing and interview skills.

During 2010, the Immigrant Council of Ireland (ICI) launched a Racist Incidents Support and Referral Service. With the aim of providing support for those who have experienced or witnessed a racist incident, the Service provides information and referral support as well as data collection of such incidents (Joyce, 2011). Most recently, in September 2012, the ICI published some data on racist incidents. In total 27 serious incidents of racism were reported to the ICI during the first seven months of 2012, representing an average of one a week. Racist attitudes were expressed during the summer months of 2012 in numerous documented incidents of racist graffiti in the Irish capital, at a Dublin city hospital, outside a football stadium, on public transport and park benches. The ICI is currently harnessing social media such as Facebook and Twitter to establish the extent of the problem and liaising with An Garda Síochána, the Irish national police force, to identify culprits.

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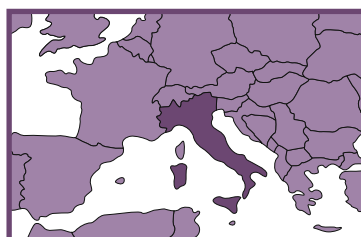
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ITALY

Ester Salis and Claudia Villosio¹⁸⁰



1. Migration trends

In Italy, the resident foreign population is rapidly approaching the 5 million threshold and represents, at the beginning of 2012, 8 per cent of the total population.¹⁸¹ Notwithstanding the economic crisis, the foreign population has continued to increase in 2011 (+300,000 units). However, there are distinctly moderate trends in the foreign resident population growth: only 6 per cent growth in comparison with 17 per cent in 2008, 13 per cent in 2009, 9-8 per cent in 2010 and 2011 (Table 1).

Table 1: Resident population in Italy, thousands, 2010–2012, 1 January

Year	2010	2011	2012
Total foreign resident population	4,235,059	4,570,317	4,859,000
% change with respect to previous year (total)	9.0	8.0	6.0
Share of total foreign population on total pop.	7.0	7.5	8.0
Males	2,063,407	2,201,211	2,346,029(a)
Females	2,171,652	2,369,106	2,512,971
0-18	932,675	1,038,275	
Male to female ratio	0.95	0.93	0.93
% 0-18	0.22	0.23	

Source: Istat, *Demographic balance*; (a) Authors' estimates on Istat data.

¹⁸⁰ Ester Salis is researcher at FIERI (International and European Forum for Migration Research), Turin. Claudia Villosio is researcher at LABORatorio R. Revelli-Centre for Employment Studies, Turin.

¹⁸¹ Available data do not allow for further differentiation of foreigners into EU nationals and third-country nationals.

The feminization process, which is characteristic of the recent dynamic in the foreign population in Italy, is proceeding at a constant pace as of 2007. The female component is now representing 52 per cent of the total resident foreign population. Although profound differences persist in the countries' gender balance, the feminization process is affecting all groups. It is, however, stronger among the female-dominated communities like Romanians (+11% female migrants from 2010), Ukrainians (+16%) and Moldavians (+27%).

Immigrants from Central and Eastern Europe represent almost half of the total foreign resident population.¹⁸² As in the previous year, the most abundant communities in 2011 are Romanians (968,576), Albanians (482,627), Moroccans (452,424) and Chinese (209,934). It is worth noticing the strong increase in the Moldavian community, which has almost doubled its population in Italy in the last three years. It is now the seventh most numerous community (130,948); very close to long-standing groups like Tunisians (106,291) and Filipinos (134,154).

The constant increase in the foreign population in Italy is also highlighted by figures on residence permits which, since 2011, have exceeded the threshold of 3.5 million with an increase of 39 per cent since 2008, an increase of 4 per cent between 2010 and 2011 and 3 per cent between 2011 and 2012.¹⁸³ For the first time in 2011, Istat distinguishes among the total number of residence permits, the number of foreigners with a long-term permit: they represent 46 per cent and 52 per cent of total permits on 1 January 2011 and 1 January 2012 respectively.

During 2010, 600,000 new residence permits were issued. This number dropped to 360,000 in 2011. In 2010, 60 per cent of permits were issued for labour reasons, and 30 per cent for family reasons. In 2011, however, only 34 per cent of permits were issued for labour purposes with a respective increase in the other motives. Among them we can highlight the high proportion of Tunisians who were granted a permit for humanitarian and political asylum reasons ('others'). There are some interesting national differences among the different communities with respect to demographic characteristics and the main reasons for migrating (Table 2). Over the course of 2010 and 2011 the composition by citizenship of the new permits issued has changed. Although Morocco and China are still the two leading nationalities, Tunisian and Indian male migrants have replaced Ukrainian and Moldovan female migrants working in the health and care sector among the top five nationalities. During the year 2011 there was a shift from the long-lasting permits to short- and medium-term permits.

The economic crisis also seems to have generated a contraction in the volume of undocumented immigrants. According to ISMU estimates the irregular migrant population in Italy in 2011 was around 440,000 people, which is 11,000 fewer than in 2010. The share of the irregular migrant population in the entire immigrant community has been in constant decline since 2008, when it reached a share of 15 per cent. This share is now estimated to be around 8 per cent (ISMU, 2012).

¹⁸² They were less than 20 per cent just 15 years ago when migrants from North Africa were the majority.

¹⁸³ Note that the residence permit is required by third-country nationals only.

Table 2: New residence permits by reason, gender, age and main citizenships, 2010–2011 (%)

	Labour	Family	Study	Other	Women	Under 18	Over 50
2011							
Total	34.4	38.9	8.7	18.0	33.0	16.5	7.6
Main citizenship :							
Morocco	40.9	54.0	0.8	4.3	16.2	17.8	9.6
China	39.5	41.5	15.9	3.1	41.8	18.4	3.9
Albania	25.2	61.0	2.9	10.9	21.8	23.2	11.6
Tunisia	16.6	19.4	1.8	62.2	7.6	8.3	2.2
India	61.6	29.9	3.6	4.9	6.1	11.4	4.6
2010							
Total	60.0	29.9	(a)	10.1	49.2	12.5	10.6
Main citizenship:							
Morocco	59.1	38.7	(a)	2.2	39.3	14.0	8.2
China	66.5	24.5	(a)	9.0	49.2	11.0	5.4
Ukraine	82.8	14.9	(a)	2.3	81.2	6.1	32.0
Albania	44.3	49.6	(a)	6.1	48.4	17.8	12.2
Moldova	71.5	26.9	(a)	1.6	70.8	10.8	15.6

Source: Istat estimates on Ministry of the Interior data.

Note: (a) residence permits for study purposes are included in the column 'Other'.

2. Labour market impact

Although foreign employment has continued to grow in absolute terms, an analysis of employment and unemployment rates shows that the economic crisis has reduced the capacity of the Italian labour market to absorb the number of foreign job-seekers with the same intensity as before. In fact, activity and employment rates of foreigners have decreased by 0.5 and 0.8 percentage points respectively between 2010 and 2011, while the unemployment rate has registered a contextual increase of 0.5 percentage points (Table 3). In 2011, for the first time in several years (see IOM, 2012), the unemployment rate of foreign women increased more than the unemployment rate of foreign men. It may be possible that, in an attempt to endure the crisis, Italian families have cut back not only on more superfluous expenses, but also on care expenses, resulting in a slowdown in the hiring rates of foreign women in those sectors. Data on domestic workers offer additional confirmation of an effect of the crisis on the care sector: while national female employment in this sector has increased by 0.6 per cent, the numbers of foreign female domestic workers have decreased by 3.3 per cent.¹⁸⁴

¹⁸⁴ Figures on foreign domestic workers for the years 2009 and 2010 are, however, affected by the 2009 regularization scheme targeted to irregular workers in the personal and homecare services (*Emersione dal lavoro irregolare di Colf e Badanti*) (see IOM, 2012).

Table 3: Activity, employment and unemployment rates of migrants and gap with nationals 2010 and 2011

	Foreigners		Nationals		Gap with nationals	
	2010	2011	2010	2011	2010	2011
ALL						
Activity rate	71.4	70.9	61.4	61.4	10.0	9.5
Employment rate	63.1	62.3	56.3	56.4	6.8	5.9
Unemployment rate	11.6	12.1	8.1	8.0	3.6	4.1
MALE						
Activity rate	85.1	84.0	72.3	72.1	12.8	12.0
Employment rate	76.2	75.4	66.9	66.7	9.2	8.7
Unemployment rate	10.4	10.2	7.3	7.3	3.2	3.0
FEMALE						
Activity rate	58.7	59.1	50.4	50.7	8.3	8.4
Employment rate	50.9	50.5	45.7	46.1	5.2	4.4
Unemployment rate	13.3	14.5	9.3	9.0	4.0	5.5

Source: Istat Labour Force Survey.

Immigrants continue to be segregated in the low-qualified jobs despite having similar levels of educational achievement as their native counterparts. Around 33 per cent of migrants are employed in low-skilled occupations (compared to 7.7% of nationals) and 37 per cent in medium-skilled occupations (compared to 25% of nationals). Around 30 per cent of migrants are employed in high- or very high-skilled occupations (compared to 66.4% of nationals) despite the fact that more than half of the migrant population has attended at least upper secondary education.

Foreigners are still more concentrated than Italian nationals in what are generally viewed as precarious jobs (cf. IOM, 2012). Part-time employment appears to be much more of a constraint than a choice for foreigners because of the lack of alternatives. In 2011, the share of underemployed, that is the share of workers that would like to work more hours if they had the possibility, is more than twice as high among foreigners than among Italians (24.8% for foreigners compared to 10.8% for natives). In 2011, however, the share of underemployed foreign workers decreased by 1 percentage point while it remained stable for Italian nationals.

Another indicator of the difficult position of foreigners in the Italian labour market is their low incidence among the self-employed, which in many countries represents a means of socio-professional upgrading, especially when the labour market is highly segmented. Between 2010 and 2011 there was an additional contraction in the share of foreigners who are self-employed (from 14.0 per cent in 2010 to 13.3 per cent in 2011). According to Fullin and Reyneri (2011), in Italy, there are formal and informal barriers that slow down the entry of immigrants into self-employment,

so that they are only able to fill vacancies in the most burdensome independent activities (such as catering or construction). Previous qualitative studies have shown that once they have entered into self-employment, migrants are able to improve their economic situation only because they remain segregated into the less qualified and less ‘prestigious’ activities of self-employment (IReR, 2008; CCIAA Torino and Fieri, 2008).

3. Institutional and legal framework for admission and employment

The ongoing economic crisis has heavily affected Italian labour markets but has not led to any major reform of the admission mechanisms for third-country workers in the Italian labour market: these are still based on the definition of annual quotas (that is, quantitative ceiling of new entries) by the government, and on the principle of nominal hiring from abroad, that is to say on specific requests by individual employers concerning specific individual workers (supposedly) living in their countries of origin. Nevertheless, a relevant, although not very publicized, novelty is that which was introduced with a ministerial circular in late 2010, which ultimately made the provision of the stay contract (*contratto di soggiorno*)¹⁸⁵ de-facto abandoned: since then, applicant employers are requested to fill and file to competent authorities the so-called UNILAV-form that represents an official hiring communication, substituting the previous Q-form (that is, the stay contract).

The last quota decrees for non-seasonal employment were enforced in December 2010, allowing for 98,080 new entries. Since then, only seasonal workers have been admitted, on the basis of two different quota decrees in 2011¹⁸⁶ and in 2012¹⁸⁷. The two decrees allowed for the admission of 60,000 seasonal workers in 2011 and for 35,000 in 2012. A small number of non-seasonal workers (4,000 individuals) having completed introductory and language courses in their countries of origin were allowed entry with the 2012 quota decree. Besides, both in 2010 and in 2011, two ministerial decrees have allowed for the issuance of 10,000 visas each year for the purposes of professional training and traineeship.¹⁸⁸

Major problems arising from the unemployment that is affecting large shares of the migrant workforce have been considerably debated since 2009. Although proposals for an extension of the job search period for migrants having lost employment and risking to fall into irregular status have been advanced by many stakeholders

¹⁸⁵ See previous IOM LINET reports: IOM, 2010a, 2010b 2012

¹⁸⁶ Decreto del Presidente del Consiglio dei Ministri, 17 febbraio 2011, “Programmazione transitoria dei flussi d’ingresso dei lavoratori extracomunitari stagionali nel territorio dello Stato per l’anno 2011”.

¹⁸⁷ Decreto del Presidente del Consiglio dei Ministri, 13 Marzo 2012, “Programmazione transitoria dei flussi d’ingresso dei lavoratori extracomunitari stagionali nel territorio dello Stato per l’anno 2012”.

¹⁸⁸ Decreto del Ministero del Lavoro e delle Politiche Sociali, 6 Luglio 2010 and Decreto del Ministero del Lavoro e delle Politiche Sociali, 11 Luglio 2011.

(see IOM, 2012), it was only with the change of Government at the end of 2011 that these proposals have been politically discussed, resulting in the adoption of the provision with the new legislative text on Labour in June 2012.¹⁸⁹ Immigrants who have lost their job are now granted up to 12 months¹⁹⁰ to find a new one and, in any case, their residence permits will remain valid for the whole duration of due unemployment allowances.

Another major issue in the debate on labour market integration of immigrants is related to the phenomenon of exploitation and irregular employment of migrant workers, particularly in the agricultural sector. It was only during the summer of 2011 that the government finally adopted important standards to address phenomena of irregular employment, '*caporalato*'¹⁹¹, and exploitation of the foreign workforce, for instance, by introducing the criminal offence of 'illicit intermediation and labour exploitation' and imposing severe sanctions against people responsible for such an offence.¹⁹² Other important consequences on the effectiveness of policies countering irregular employment of immigrants could stem from the norms of the so-called Employers' Sanctions Directive (EC/52/2009) that were adopted in July 2012.

The so-called Blue Card Directive (EC/50/2009) was also inserted into Italian legislation in June 2012, admitting highly skilled workers – defined as people holding a post-secondary diploma¹⁹³ or formally recognized professional experiences (of at least five years) at the corresponding level of qualification – beyond the limit of annual quotas and only for subordinate employment, upon a specific request by an employer. The minimum (gross) income is set at EUR 24.789.

4. Institutional and policy framework for integration

One of the main novelties pertaining to integration policies in Italy is the introduction of the Integration Agreement into Italian legislation (Law N° 94 of 2009), which has, however, only been operative since September 2011. The main rationale is to incentivize the active integration of immigrants living in Italy, by requesting all immigrants who apply for a new residence permit to sign a citizenship agreement with the Italian authorities. With this agreement, they commit to acquiring an adequate knowledge of the Italian language¹⁹⁴ and of the

¹⁸⁹ Article 4, Paragraph 30 of the Law N° 92 of 28 June 2012.

¹⁹⁰ Previously it was only six months.

¹⁹¹ 'Caporale' is the Italian word for gangmaster. However, it usually identifies a person who acts as a middleman between employers and daily labourers, usually through deceitful practices such as charging to the workers the costs of transportation to the workplace or the meal costs. The type of employment that 'caporali' provide is normally irregular and particularly exploitative. The role of 'caporali' is common in the agricultural and construction sectors.

¹⁹² See art. 12 of Decree n° 138, 13 August 2011, <http://www.governo.it/backoffice/allegati/64632-6995.pdf>.

¹⁹³ Obtained after the attendance of courses with a minimum duration of three years.

¹⁹⁴ The minimum level has been set in correspondence of the level A2 of the Common European Framework of Reference for Languages (CEFR).

basic norms pertaining to social and civic life in Italy, as well as to respect the Chart of citizenship values and integration¹⁹⁵ and to commit to the education of their underage children.

With this new tool the socio-economic integration of immigrants in Italy is now assessed through a sort of points-based system¹⁹⁶ in which each individual immigrant is endowed with 16 ‘credits’ at the moment of the first issue of a residence permit. At the moment of renewal 30 ‘credits’ have to be earned, for instance through the attendance of language or professional training courses, the completion of post-secondary or university courses or the acquisition of relative educational credentials. Furthermore, specific activities that can be rewarded with additional credits are entrepreneurial activities, registering with the national health system, signature of a rental contract or mortgage loan, or participation in voluntary associations. After two years, at the moment of renewal, if the immigrant has not reached the minimum threshold of 30 credits (s)he is given an additional year to earn them. In case of failure his/her residence permit is revoked and (s)he will receive an expulsion order.¹⁹⁷ Although it is too soon to evaluate these new rules, it is clearly an additional burden placed on migrant workers and on their paths to integration.¹⁹⁸

Integration policies, at both the national and local level, have suffered from a drastic reduction in accessible public funds. These cuts have heavily affected the ability of local authorities, which hold major responsibilities regarding integration policies, of effectively designing and implementing integration measures at territorial level. Some insights can be drawn from available information on the national funds allocated in the past two years: the National Social Policies Fund, one of the major sources of financing for integration policies carried out by Regions and municipalities, has undergone drastic cuts in these last two years, falling from a total of EUR 1,420,580,157 in 2009 to EUR 435,257,959 in 2010 (-69% compared to the previous year) and EUR 218,084,045 in 2011 (-49%), signifying a total reduction of 84 per cent in two years.

One of the major issues in the recent national debate on the integration of immigrants in Italian society is related to the naturalization of their children. The number of foreign children born in Italy during the last decade has dramatically increased:

¹⁹⁵ Adopted with a Minister of the Interior Decree on 23 September 2007, see: http://www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/cittadinanza/09998_2007_06_15_decreto_carta_valori.html.

¹⁹⁶ The implementing rules are defined and detailed in the Decree N° 179 of 2011 and its related annexes, see: http://www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/0942_2011_09_14_dPR14092011n179.html.

¹⁹⁷ However, it is worth noting that most categories of residence permits are exempt from this provision and their holders cannot be expelled. More specifically this applies to holders of permits for asylum, asylum-seeking, humanitarian reasons, family reasons, long-term residents or relatives of EU citizens, or holders of any other type of permit that has benefited from family reunification rights.

¹⁹⁸ Especially when considering that the implementation of these new rules is developed “without additional financial burden for public budgets”, meaning in particular that the state will not directly finance the necessary language or professional training activities that could help the immigrant to acquire new credits and, ultimately, to enhance their socio-economic integration.

according to data developed by the National Institute of Statistics, the numbers of foreign children born in Italy were 33,593 in 2002 and 78,082 in 2010 (+132%).¹⁹⁹ However, the citizenship law currently in force (Law N° 91/1992) is still based on the principle of *ius sanguinis*, prompting various top-level politicians, among whom the President of the Republic and the President of the Chamber of Deputies, to urge the Parliament to intervene and to reform the current citizenship laws, introducing some elements of *ius soli*. Numerous civil society organizations have established a highly mediatised campaign²⁰⁰ that has led to the mooting of two reform proposals, one of which is aimed at remodelling citizenship rules, already presented at the national Parliament but not yet discussed.

5. Active labour market programmes

Active labour market policies (ALMP) in Italy are a shared responsibility of the central administration (Ministry of Labour and Social Policies) and local authorities (Regions and Provinces). At the national level, two important ALMPs specifically targeting migrant workers during 2010 and 2011 have been implemented by Italia Lavoro, the technical agency of the Ministry of Labour: 1) AsSaP (*Azione di sistema per lo sviluppo di sistemi integrati di servizi alla persona*), aiming at improving the employability and qualifications of workers in the care and domestic sector, particularly focusing on third-country nationals; and 2) Re.La.R (Rete dei servizi per la prevenzione del lavoro sommerso) which has involved around 2,030 workers, with 88 per cent of them having concluded an internship experience, mostly carried out in the tourism sector (see IOM, 2012).

6. Discrimination in employment

During the period 2010–2011, no major change occurred in the legislative framework concerning ethnic or racial discrimination and the promotion of equal opportunities. Nevertheless, the restructuring of the national anti-discrimination agency (UNAR) and the promotion of the development of a new governance of anti-discrimination policies at national and local level, have produced visible effects in the monitoring of and fight against discriminatory practices: the number of cases managed by UNAR has increased by around 300 per cent in the last two years, rising from 373 in 2009 to 767 in 2010 and 1,000 in 2011. As for the nationality of the victims of reported cases of discrimination (excluding simple witnesses), around 30 per cent of them in 2010 and 2011 were Italians and a quarter were Eastern Europeans (23.3% in 2010 and 24.9% in 2011), while nationals of north or sub-Saharan Africa represented a minority of the total and their share has decreased between 2010 and 2011, dropping from 20.9 per cent to 16.6 per cent and from 12.6 per cent to 9.7 per cent respectively. A considerable and increasing

¹⁹⁹ <http://demo.istat.it/>.

²⁰⁰ For more details see: <http://www.litaliasonoanchio.it>.

share of these cases concerns discrimination in employment: it represented 11.3 per cent of reported cases in 2010 and 19.8 per cent in 2011. The most frequent form of discrimination in employment is related to access to employment (73% of cases reported).

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Transatlantic Trends Immigration

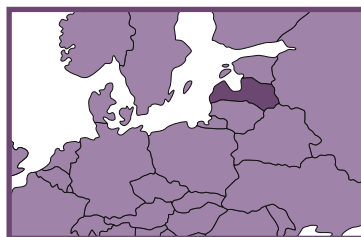
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LATVIA

Ilmārs Mežs²⁰¹



1. Migration trends

In March 2011, there were 2.07 million residents in Latvia according to the most recent national population census results (Central Statistical Bureau, 2012). These figures contrast with the official population statistics of the Ministry of the Interior (OCMA), according to which the number of residents in Latvia is 2.22 million. OCMA confirms that there is a high amount of unregistered emigration. Indeed, the real population number seems to be closer to 1.88 million and figures indicate that the number of recent emigrants is significant – approximately 340,000, as high as 18 per cent of the total population. Since the majority of emigrants are in the working-age group, especially between 18 and 40 years old, emigration in the youngest labour age group is larger than 25 per cent.

Since 2011 the Latvian government has also been applying the term ‘immigrant’ to Latvia’s non-citizens. The latter are long-term resident third-country nationals who immigrated to Latvia between 1945 and 1990 from the rest of the Soviet Union, in the first or second generation.²⁰² There is a decrease in the number of non-citizens as many of them are pensioners, others were naturalized or have selected another citizenship.

In January 2012, 2.7 per cent of Latvian residents were citizens of other countries. Among Latvia’s foreigners just 12 per cent are citizens of other EU countries, mostly from Lithuania. The majority of foreigners residing in Latvia are citizens of the Russian Federation (72%), followed by citizens of Ukraine and Belarus. In 2010 the number of Latvian non-citizen residents opting to become citizens of the Russian Federation doubled compared to previous years, reaching 5,763 persons in a single year, but in 2011 it returned to its previous level of 2,884 persons.

²⁰¹ Ilmārs Mežs is Head of IOM Office in Riga.

²⁰² Please note that, for this report, only those persons who hold citizenship of another country are considered foreigners.

Almost 75 per cent of 60,300 foreigners residing in Latvia have permanent residence permits. The number of persons residing in the country with temporary residence permits slowly decreased from 2009 to 2011, but in 2012 it increased by 18 per cent and reached a peak of 16,000. At the same time, the number of residents with permanent permits showed no signs of decline, their number having increased steadily for 10 years, and in 2012 from 42,000 to 44,300. Most of those with permanent residence permits (80%) are citizens of the Russian Federation, while EU nationals form 10 per cent. Among those with temporary residence permits, 59 per cent are from third countries, such as Russia (4,457), Ukraine (1,520) and Belarus (821). The remaining 41 per cent come from EU countries such as Lithuania (1,345 persons), Germany (1,038), Bulgaria (589), Estonia (430) and Sweden (391).

As for the motivations for immigrating into Latvia, most foreigners with a temporary residence permit have listed employment, followed by family ties and studies. In January 2012 there were 5,600 persons residing in Latvia with temporary residence permits, who indicated employment as their purpose of arrival. Three quarters of them are men and 63 per cent come from EU Member States.²⁰³ Some of these persons are listed as employers and highly qualified specialists (1,224 persons), but the majority are listed as employees. Relatively few women come to Latvia for work and their proportion has decreased considerably – while in 2009 every third foreign employee was female, by 2011 their proportion had fallen to 11 per cent.

The age and gender distribution of immigrants from third countries is relatively similar to immigrants from EU countries (around 63% of working age), with the exception of Russian Federation citizens. For the latter, the dominating age groups are 55–75 years old, with a small proportion of working-age (20–54 years) persons (26%). This explains the major difference between Russian citizens and other foreigners in Latvia. The main reason behind such differences is earlier retiring opportunities for Russian citizens – females can retire as of 55 and males from 60 years old, whilst in Latvia everybody only retires at the age of 62, and from 2014 onwards the retirement age will gradually increase up to 65. For those persons who have lost their jobs, used their unemployment benefit and still cannot find any work, a better option is to retire earlier, in order to have some source of income. That explains the reason why in 2010–2011 almost 9,000 Latvian residents obtained Russian citizenship, almost all of them being older than 50, and twice as many women compared to men.

In the school year of 2011–2012 the number of foreign students increased considerably by 72 per cent and reached 2,717 students, compared to 1,949 in 2010. The percentage of foreign students grew from 2 to 3 per cent from 2010 to 2011 and now comprises 74 countries. Since July 2010, third-country national 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 at a Latvian embassy outside of the Schengen area. Now they can apply to OCMA

²⁰³ Leading nationalities are Lithuanian (777) and Russian (681).

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.

The number of apprehended undocumented or unregistered migrants was increasing up until 2008, when it reached 1,600. Then it gradually decreased, reaching just over 800 persons in 2010, but in 2011 it increased once more to 1,000. It can be concluded that the total number of irregular migrants is not larger than 1,000–2,000 persons each year, and many of them try to use Latvia as a transit country. In 2011 the number of asylum-seekers reached 335 persons in a single year – almost equal to the cumulative total of the previous 10 years. This tendency of a high number of asylum-seekers continued in the first half of 2012. Initially, most asylum-seekers were from Asian countries, but during recent years they have primarily come from the former USSR republics (for example from Georgia, Russia, and Belarus).

2. Labour market impact

There is little research and analysis of the impact of immigration on the labour market in Latvia, mostly because the scale of the phenomenon is minimal. Researchers pay attention mainly to emigration, the scope of emigration and its motives. The direct impact of migrants in the local labour market with regard to growth and structural changes is negligible due to the relatively low numbers of migrants residing in Latvia.

The economic downturn in Latvia was one of the strongest among EU Member States, but GDP is recovering and reached a positive level in 2011. Although immigration from third countries into Latvia is still at a low level and the country is not a popular destination for migrants, some initial discussion about the possible demand for migrants to fill labour market needs in the future took place in the Latvian government in 2012²⁰⁴.

From 2009 to 2011 the number of employed third-country nationals sharply declined to less than half, while a new group has appeared: investors. According to the amendments in the Immigration law, in force since July 2010, temporary residence permits and work permits are granted to third-country nationals who have invested in Latvia. According to statistics from OCMA, since autumn 2010, when the new legislation came into force, there have been 1,430 such investors, who have received residence permits based on their investments in property, 382 investors in credit institutions and 99 investors in a company. The majority of them are wealthy citizens of the Russian Federation (75%), and other nationalities include Ukraine (8%), Kazakhstan (7%), Uzbekistan (3%) and Belarus (3%). It is important to stress that these legislative changes also provide any employer with the right to work for the family members of these investors.²⁰⁵ At the same time the majority of investors

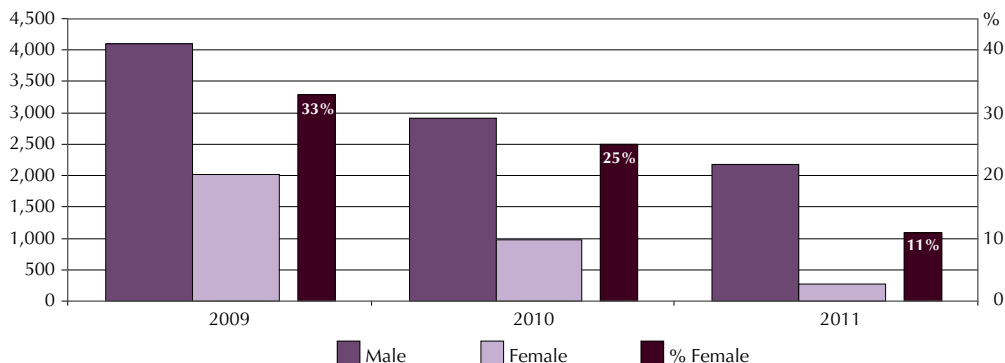
²⁰⁴ The Latvian Minister of Economy D. Pavluts estimated that the labour force shortage in Latvia will begin in 2017 (Pavluts D, 2012).

²⁰⁵ Republic of Latvia, Cabinet of Ministers regulation No. 553 on Work permits for foreigners, with amendments of 29 July 2011.

do not reside in Latvia, but use their residence permit as a long-term Schengen visa and come to Latvia only for holidays or short visits.

As of 2009, the number of work invitations started to grow again – reaching 2,212 invitations in 2010 and increasing to 2,443 in 2011. Foreigners were mostly employed in transport (27% of invitations), manufacturing of other vehicles (11%), catering services and cooking (7%) and sports (5%).²⁰⁶ It was expected that in 2012 the number of work invitations would once again approach 3,000.

Figure 1: Issued work permits by gender (% of female), 2009–2011



Source: OCMA database, 2012.

Unregistered employment is widespread in the country, with a large informal economy. A study suggests that as many as 12 per cent of all workers (almost all of them locals) are employed without a written labour contract (Putniņš and Sauka, 2011). In the case of migrants, illegal employment also takes the form of being employed without possessing a work permit. The only reliable data on the number of irregular migrant workers is the number of those registered as working without a permit by the State Border Guards. The data for 2009 and 2010 reveal a declining interest in employing migrants in times of economic crisis, and, hence, also the number of detained irregular economic migrants fell six times from 2008 to 2009. 2010 had displayed an even smaller level of registered illegal employment of migrants (21), but in 2011 the number doubled to 42, and during the first half of 2012 the increase continued. The number of irregularly working migrants is estimated to be higher; for example, some migrants may be working on tourist visas.

There is very little data available to measure the under-employment of migrants in Latvia. The State Employment Agency (SEA) registers only those unemployed persons who have permanent residence permits and who register themselves, and not all migrants could be aware of or do not believe there is a need to register.

²⁰⁶ European Migration Network, 2012 Report on Migration and Asylum in Latvia: Reference year 2011.

When comparing the number of registered unemployed persons with permanent residence permits one can notice that there are no significant differences between major countries of citizenship, and the overall percentage of unemployed persons is low, fluctuating from 2 per cent to 4 per cent. Registered unemployment of the native population is several times higher (17%). It can be concluded that there are very few migrants who come to work and in case of job loss, they do not try to find another job, but instead work irregularly, return or emigrate elsewhere.

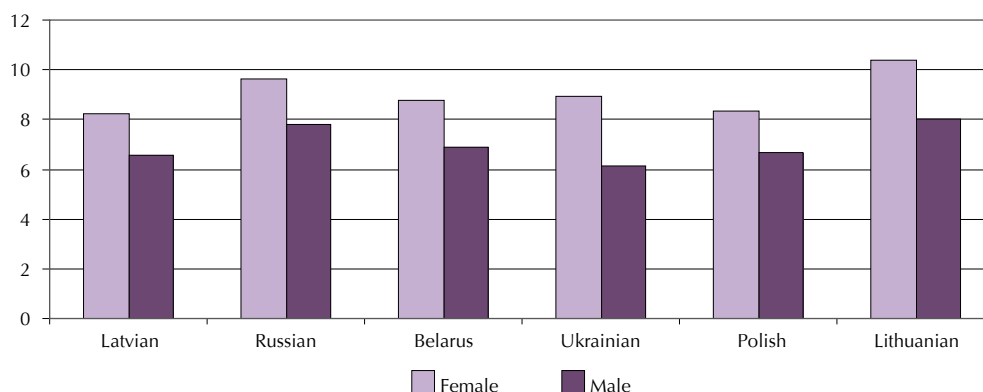
Table 1: Unemployed persons with permanent residence permit, 2011–2012

Citizenship	Registered total in age of 16-64	Unemployed		Unemployed from total	
		2011	2012	2011 (%)	2012 (%)
Russia	18,347	655	586	4	3
Lithuania	2,264	98	95	4	4
Ukraine	2,071	50	63	2	3
Belarus	1,208	28	20	2	2
Estonia	528	17	17	3	3
Other	2,741	44	52	2	2
Total	28,374	892	833	3	3

Source: SEA.

There are statistics in SEA about an unemployed person's ethnicity, where over 92 per cent of unemployed persons have indicated their ethnicity, and the recent census has statistics of ethnic groups in various age groups. As indicated in Figure 2, the top ethnicities show relatively similar percentages of how many persons are unemployed within a particular ethnic group (it fluctuates between 8% and 10% for females and from 6% to 8% for males).

Figure 2: Percentage of unemployed (aged 15–64) by gender and major nationality, 2012



Source(s): SEA and GSB.

3. Institutional and legal framework for admission and employment

In 2011 several measures were introduced that facilitate the employment of migrants. Firstly, amendments were aimed at non-limitation of the migrants' rights on employment during the divorce process, should there be a child involved, until a court judgment on the divorce and assignment of custody to either of the parents has been made. Secondly, foreigners who are employed by several companies can have their work permits changed to a 'business' status, which exempts them from obtaining several individual permits. Thirdly, rights are granted to spouses of foreign investors to work with any employer if they have received a temporary residence permit. Finally, provision for the employment of students has been extended – exchange students are also entitled to receive a work permit for employment with any employer, working up to 20 hours per week.

Since July 2011 the Latvian legislation includes stricter duties and penalties for employers employing illegally residing third-country nationals, in line with EU Directive 2009/52/EC. Employers have a duty to request from a foreigner a visa or a residence permit and work permit as well, when drafting the work contract.²⁰⁷ However, employers who employ illegally residing third-country nationals will face penalties ranging from LVL 150 to LVL 10000 (EUR 215-14000)²⁰⁸ or face arrest or a fine of up to 200 minimum monthly wages, in cases where people have been employed in particularly exploitative working conditions or where a victim of human trafficking has been employed intentionally.²⁰⁹

So far there has been no consistent conception of immigration policy in Latvia. Against the background of worsening demographic pressures, the Office of Citizenship and Migration Affairs (OCMA) is elaborating an Immigration Policy Plan which is due to be completed by 1 July 2013. The latter will address provisions of labour force admission in a wider context, considering also the introduction of quotas and entry facilitations for the highly qualified labour force.

4. Institutional and policy framework for integration

The Ministry of Culture took over the development of the national policy of social integration in 2011, and it also covered the development of the immigrants' integration policy and the implementation of the monitoring function of the European Fund for the Integration of third-country nationals. With this move, the previous rotation of integration policy between four ministries might end. The Ministry of Culture has further elaborated new Integration Guidelines (Guidelines on National Identity, Civil Society and Integration Policy),²¹⁰ which were adopted by the Latvian Government

²⁰⁷ Latvian Labour Law, with amendments in force since 20 July 2011.

²⁰⁸ Latvian Administrative Violations Code, with amendments in force since 20 July 2011.

²⁰⁹ The Criminal Law, with amendments in force since 13 July 2011.

²¹⁰ Cabinet of Ministers regulation No. 542.

at the end of 2011.²¹¹ The new policy seeks to coordinate immigrant integration by creating a National Advisory Council with the participation of immigrant representatives in order to secure fundamental rights for third-country nationals. In addition, it is planned to introduce measures to encourage the integration of refugees, and to establish a Latvian language-learning system for those who wish to immigrate to Latvia (EMN, 2012).

In addition to the new policy of National Identity, Civic Society and Integration, as of 2008 Latvia has begun the implementation of the European Integration Fund for Third-country Nationals. In the latter, more attention has been allocated to the integration infrastructure – creating a national integration centre for immigrants that provides third-country nationals with all the necessary information about public and private services for newly arriving migrants, including refugees. The National Integration centre also offers intensive Latvian language courses, qualification rising or requalification courses and all their services are for free. There are various NGOs providing integration support programmes for migrants. The problem, however, is protracted interruption of its work – the centre is active and available to migrants just a few months per year, due to funding interruptions. This fund was and will likely remain the main funder of the integration activities in the country.

5. Active labour market programmes

Active labour market programmes are very widespread. In the first half of 2012 more than 107,000 unemployed persons participated in them, which constitutes a majority of all registered unemployed persons in the country. While none of the active labour market programmes are specifically targeted at migrants, all of them can include those migrants who are registered unemployed persons.

6. Discrimination in employment

Research shows that the biggest problems with discrimination in the labour market occur in the absence of a written work contract and irregular employment. According to the State Labour Inspectorate and the SEA (State Employment Agency), the most common violations are the failure to pay or delays in paying the verbally agreed salary, requesting to work longer hours than agreed, and violating workers' rights to paid sick leave and vacation. There have also been cases where employers, having promised to prolong work and residence permits for recruited migrant workers, have not done so, as a result of which the employee's stay and work in Latvia becomes irregular. However, there are no relevant statistics available.

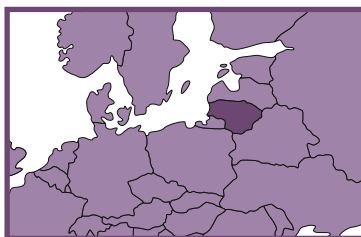
²¹¹ Main attention in this document, however, is paid to non-citizens and integration of ethnic minorities, in particular Russians as well as Roma. Policy suggests three main directions: 1) strengthening of civic society, 2) national identity and language, and 3) consolidated social memory. The integration of recent immigrants of third-country nationals remains rather marginal.

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LITHUANIA

Dovile Zvalionyte and Irma Budginaite²¹²



1. Migration trends

The Lithuanian population decreased continuously during the period 2010–2011 and was as low as 3,007,700 at the beginning of 2012 (Statistics Lithuania, 2012a).²¹³ Citizens of foreign countries accounted for around one per cent of the total population of Lithuania. The main countries of origin of the foreign residents were the Russian Federation, Belarus and Ukraine. The main reason for the shrinking population trend in Lithuania is attributed to a negative net migration rate, since natural decline accounted for a drop of only 13,000 in the period 2010–2011. As in previous years, Lithuanians going abroad or returning to their home country constituted the largest share of emigration and immigration flows to and from Lithuania in the period 2010–2011, while the migration of foreigners remained very modest.

In 2010, the declared emigration of Lithuanians hit its highest point in two decades with almost 80,000 people declaring that they were moving abroad. The equivalent annual figure had not even reached 20,000 between 2004 and 2009. This dramatic increase in the number of emigrants was caused both by ongoing economic difficulties and by the introduction of a compulsory health insurance contribution for permanent residents in 2009, which resulted in an increase of Lithuanian citizens officially declaring their emigration. In 2011, declared emigration of Lithuanians decreased to around 51,500, while return migration hit a peak of 14,000, a more than threefold increase compared with the levels recorded in 2009 and 2010.

²¹² Dovile Zvalionyte and Irma Budginaite are researchers at the Public Policy and Management Institute (PPMI) based in Vilnius (Lithuania).

²¹³ Population data for the first semester of 2012 were recalculated on the basis of the preliminary results of the Population and Housing Census 2011, which was carried out in Lithuania in March–May 2011. The population number from 2002 and demographic, social and macroeconomic indicators for 2001–2012 will be recalculated and published in 2013.

In relation to the migration of nationals, the flow of foreigners was rather low in the period 2010–2012 and net migration of foreigners continued to be negative. After having reached its lowest level in a decade in 2010 (1,060 persons), immigration of foreigners started to increase gradually once again in 2011, to 1,700 persons, as the Lithuanian economy showed signs of recovery. One third of the new immigrants in 2011 came from the EU countries – primarily from Latvia, Poland, and Germany. Although the proportion of EU nationals among immigrants increased in 2011 compared with the previous year, the bulk of the foreigner inflow still came from Russia, Belarus and Ukraine (Table 1). Declared emigration of foreigners continued to decrease from the peak level of 5,500 reached in 2009, to 2,330.

Table 1: Immigrants by citizenship, 2001 and 2005–2011 (thousand)

	2001	2005	2006	2007	2008	2009	2010	2011
EU nationals	0,645	0,452	0,396	0,315	0,376	0,261	0,149	0,503
Latvia	0,036	0,052	0,069	0,048	0,030	0,037	0,014	0,090
Poland	0,095	0,054	0,057	0,024	0,064	0,041	0,016	0,073
Germany	0,099	0,100	0,084	0,070	0,060	0,046	0,015	0,057
Other	0,415	0,246	0,186	0,173	0,222	0,137	0,104	0,283
Non-EU nationals	3,244	1,344	1,827	2,129	2,568	1,390	0,901	1,158
Russian Federation	1,219	0,294	0,396	0,416	0,368	0,312	0,248	0,373
Belarus	0,482	0,329	0,647	0,746	0,987	0,438	0,255	0,254
Ukraine	0,516	0,251	0,294	0,422	0,508	0,209	0,145	0,181
USA	0,189	0,148	0,141	0,123	0,094	0,047	0,032	0,034
Other	0,838	0,322	0,349	0,422	0,611	0,384	0,221	0,316
Stateless or not indicated	0,106	0,289	0,014	0,024	0,016	0,015	0,010	0,012
TOTAL	3,995	2,085	2,237	2,468	2,960	1,666	1,060	1,673

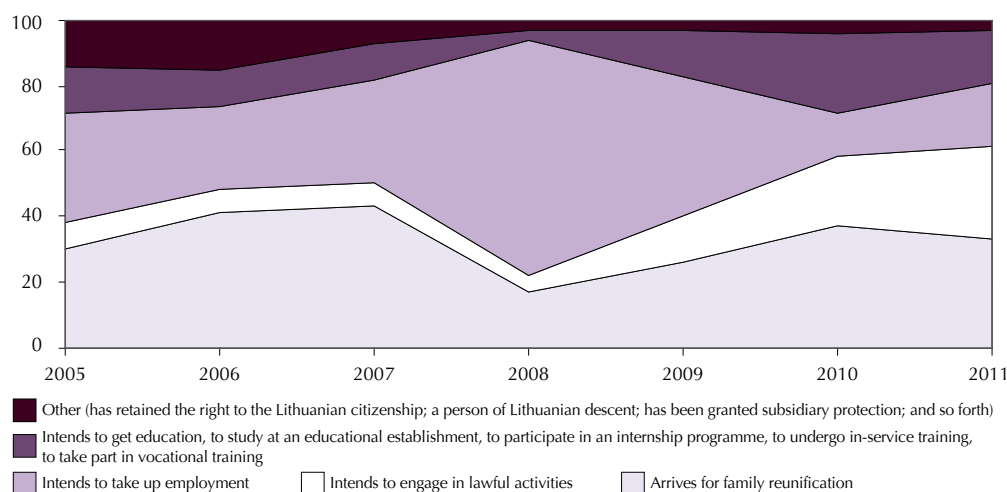
Source: *Statistics Lithuania*.

Eighty-seven per cent of immigrants were aged between 15 and 64 in the period 2010–2011. Men tend to be more prevalent than women among foreign immigrants to Lithuania; they represented 64 per cent of all immigrants in 2011. The prevalence of male immigrants is partly explained by labour immigration rules. Lithuanian institutions will only issue a work permit for a foreign citizen if there is a proven demand for qualified labour force in specific economic sectors, which cannot be satisfied by national workers. Such a demand has been most often observed in economic sectors typically dominated by a male work force (such as transportation and construction).

In terms of the grounds for arrival, according to the data of the Migration Department under the Ministry of the Interior of the Republic of Lithuania, in 2010, 37 per cent (34% in 2011) of temporary residence permits issued to non-EU/EEA nationals were issued on the basis of family reunification. In comparison,

family reunification accounted for only 17 per cent and 26 per cent of newly arrived foreigners in Lithuania in 2008 and 2009 respectively. Over the period 2010–2011, as a result of the ongoing economic recession, immigration for employment became less popular: just 13 per cent of foreigners who were granted temporary residence permits in 2010 had come to work in Lithuania (19% in 2011), whereas in 2008 71 per cent of temporary permits were issued for employment (Figure 1).

Figure 1: Temporary residence permits issued to foreigners, except for EU/EFTA nationals, by grounds of arrival, 2005–2011 (thousand)



Source: Statistics Lithuania, Migration Department.

The number of apprehended irregular immigrants increased in 2011 compared with 2009, albeit remaining below 250 persons. The number of asylum-seekers also grew over the period 2010–2011. In 2011, 406 foreigners submitted initial asylum applications (195 more applications than in 2009). The majority of the applications were submitted by Georgian and Russian citizens. The number of repeatedly submitted asylum applications is declining. The success rate of asylum and subsidiary protection applications was low over the period 2010–2011: only 8 persons were granted refugee status and 198 were given subsidiary protection.

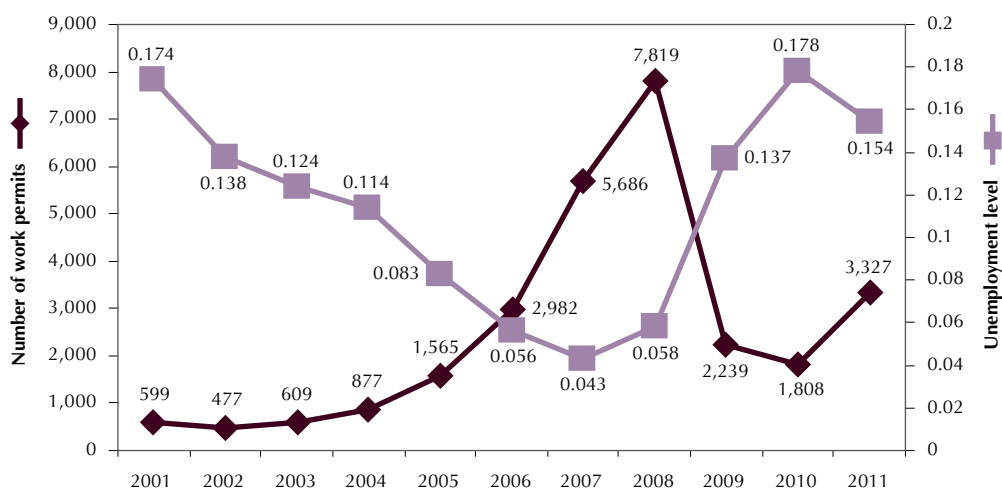
2. Labour market impact

Between 2009 and 2011 the total working age population decreased by almost 4 per cent in Lithuania. The share of foreigners of working age in the total population also declined during that period. Although 80 per cent of foreigners residing in Lithuania at the beginning of 2012 were of working age – a share which is almost 11 per cent higher than the proportion of working age people among nationals – the impact of migration on labour supply in Lithuania is limited due to the low

proportion of foreign inhabitants. Foreign workers comprised just 0.5 per cent of all employed people in the country in 2011.

In 2011, the Lithuanian Labour Exchange issued 3,327 work permits, which was almost double the corresponding figure for 2010, but still 2.35 times less than in 2008, when labour immigration in Lithuania reached its peak. After a significant decline in the period 2009–2010, an increasing immigration of workers in 2011 is a sign of the recovery of the Lithuanian economy. Figure 2 below shows the interdependence between the unemployment rate and the issuance of work permits to foreigners in the period 2001–2011. There is no evidence of the reverse causal relation, namely that immigration would influence native unemployment levels.

Figure 2: Unemployment level (%) and work permits issued to foreign workers, 2001–2011



Source: *Statistics Lithuania*.

Most of the work permits granted in 2011 were issued to foreigners working under employment contracts in Lithuania (2,359 or 71%) while posted workers comprised 6.2 per cent of immigrant workers. The number of posted workers increased by 1.5 times on an annual basis, to 205. In 2011, the greatest demand for foreign labour force was recorded in the transport sector, where almost 70 per cent of work permits for third-country nationals were granted.

Despite the economic downturn, workforce shortages persisted in sectors such as shipbuilding and repairs, transportation and services. However, the number of occupations indicated in the shortage list drastically declined.²¹⁴ In the first half of

²¹⁴ This list is approved by the Ministry of Social Security and Labour every six months, since 2007.

2008 the list comprised of 16 occupations, while in the first half of 2011 only four understaffed positions were identified.

3. Institutional and policy framework for admission and employment

The *Law on the Legal Status of Aliens* was amended in December 2011. The amendments concerned the standards and procedures for the return of illegally residing third-country nationals, and transposed the so-called EU Return Directive into Lithuanian law.²¹⁵ Amendments to the rules for issuing visas for the purpose of family reunification were also adopted in 2011. As a measure to encourage scientists and lecturers to come to Lithuania, facilitated conditions for the issuance of national long-stay visas were granted to family members of foreigners who come to Lithuania for pedagogical work, research or experimental development at research and higher education institutions. The Government also proposed additional provisions facilitating the conditions for family reunification for highly qualified workers and entrepreneurs, ensuring swifter issuance of residence permits, tighter control for the issuance and renewal of permits for migrant entrepreneurs, and the issuing of residence permits without necessitating the securing of a work permit for foreign workers in approved professions. The adoption of these latter proposals was postponed.²¹⁶

Some of the proposals were eventually adopted by the Lithuanian Parliament in June 2012, with the introduction of new amendments to the Law on the Legal Status of Aliens, effective as of January 2013. Those amendments primarily concern the conditions of admission of highly qualified third-country nationals, and the issuance and revocation of visas. The waiting time for the issuance of a residence permit to highly qualified third-country nationals was reduced to two months (from up to six months). The Lithuanian *Labour Exchange Office* has to approve that the job that the highly qualified third-country national intends to take corresponds to the needs of the Lithuanian labour market. The job-offer must be for two years. However, the third-country national may change employer provided s/he submits a request to the Migration department to amend the residence permit at least three months before signing a contract with the new employer.

As for the changes within the institutional framework, some functions of the Ministry of the Interior and agencies subordinate to it were repositioned in the period 2010–2011 in order to improve migration management and administration. The functions relating to the immigration procedures of foreigners, asylum and practices for acquiring Lithuanian citizenship remained the responsibility of the Migration department under the Ministry of the Interior.

²¹⁵ Directive 2008/115/EC.

²¹⁶ These proposals were mainly aimed at revising several directives: 2009/50/EC, 2008/115/EC, and 2009/52/EC.

In the years under consideration some measures were taken to combat undeclared work. In December 2011, an additional article was included in the *Criminal Code*, specifying legal responsibility for illegal work of third-country nationals illegally residing in the country. The respective amendments were also incorporated in the *Code of Administrative Offences* in 2011.

4. Institutional and policy framework for integration

Lithuania still lacks a comprehensive national programme for the integration of foreigners. Recent ministerial initiatives, aimed at creating an interdepartmental commission to coordinate the questions related to the integration of foreigners and to broaden the range of beneficiaries of integration measures, failed to obtain parliamentary support in 2011. Existing integration programmes for foreigners residing in Lithuania generally target the individuals who have been granted refugee status or temporary protection, and typically consist of language and social instruction and training. In the absence of an introduction programme targeting all recently arrived migrants, measures to foster their integration continue to be provided under projects implemented predominantly by non-governmental organizations.

The *European Fund for the Integration of third-country nationals* (EFI) remains the principal source of funding for the infrastructure of integration of third-country nationals, including labour immigrants, their families and other categories of migrants. The evaluation of the results and impacts of actions co-financed by the EFI showed that more than 4,100 third-country nationals were reached directly by the projects implemented under EFI programmes (2007–2010). The most popular measures covered by these projects were Lithuanian language courses, translation services, individual legal consultations and the teaching of the Constitution.²¹⁷ Other measures were aimed at improving public opinion on immigration. The projects funded under EFI in the period 2010–2011 concerned the provision of information to third-country nationals, social services, and consultations regarding employment or business; some of the projects also included the provision of Lithuanian language courses for newly arriving migrants. Although the lack of national policy measures is partially compensated by the project-funded activities, it is hard to ensure the continuity of the processes implemented.

In September 2011, the Government approved the *Procedure for Recognising Regulated Professional Qualifications of Third-Country Nationals*,²¹⁸ providing for facilitated rules for the recognition of foreign qualifications of third-country nationals willing to work in a regulated profession in Lithuania. Under this system, the applicant is required to submit an application to the competent institution in charge (for example, the

²¹⁷ The popularity of these actions is explained by the fact that it was obligatory to pass a Lithuanian language and Constitution exam in order to receive a permanent residence permit (PPMI, 2012:25).

²¹⁸ The description of the *Procedure for Recognising Regulated Professional Qualifications of Third-Country Nationals* was approved by the Government of the Lithuanian Republic on 14 September 2011 (Government's decision no. 1069).

Ministry of Education and Science for applicants intending to work as teachers, speech therapists, school psychologists). This application must be supported by documentation that confirms the qualification received (including the list of subjects and number of credits, if available), a note from the Centre for Quality Assessment in Higher Education,²¹⁹ which recognizes the qualifications awarded, and some proof of professional experience (if available). All the documents must be translated into Lithuanian.

The commission responsible for the recognition of the qualifications in the competent institution has at most three months to make a decision. The following situations may justify a negative decision: the duration of training was more than one year shorter than required in Lithuania; the applicant completed less than two thirds of the training subjects required for an equivalent profession in Lithuania; the applicant did not provide all the required documents; the authority from the home country of the applicant failed to respond to repeated requests for further information regarding the applicant's formal qualifications or did not provide additional documents necessary for the decision. In cases of denied recognition the commission has to provide a reasoned explanation to the applicant. The commission can also suggest compensatory measures for the applicant, for example, in the form of a professional aptitude test, or indicate an adaptation period (up to three years). After passing the test or completing the adaptation period, the applicant must submit a new application to the institution in charge.

The new *Law on Citizenship* came into force in April 2011. The conditions of acquisition of Lithuanian citizenship through naturalization remained unchanged and the amendments concerned primarily the issue of dual citizenship.

5. Discrimination in employment

The public attitudes towards immigrants can be an important factor that affects their integration. The public opinion survey, carried out in 2011 by the *Institute for Ethnic Studies*, shows that Lithuanian society broadly supports integration measures such as the education of migrant children and language instruction, while the support for equal treatment regarding employment, social services, and health care is generally lower. These tendencies can be explained by perceived competition for economic and social resources, which was also corroborated by the *Qualitative Eurobarometer* on migrant integration (EC, 2011:29). Negative perceptions are greater with respect to nationals from developing countries.

The *Non-discrimination inter-institutional action plan* to combat racism, racial discrimination, xenophobia and other forms of intolerance for the period 2012–2014 was adopted in November 2011. In 2010, a project of *Law on Equal Treatment at Work* was submitted to the Lithuanian Parliament for consideration. It suggested

²¹⁹ For more information about the Centre for Quality Assessment in Higher Education see: <http://www.skvc.lt/en/?id=0>.

that all institutions and organizations must have an internal document regulating the equal opportunities policy in the workplace. The *Law on Equal Treatment* serves as a basis for receiving complaints of foreigners in Lithuania. Complaints are received by the main national anti-discrimination body – the *Office of Equal Opportunities Ombudsman*.²²⁰

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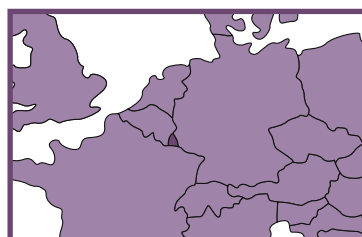
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LUXEMBOURG

Anne Hartung²²¹



1. Migration trends

Luxembourg, whose population passed the 500,000 inhabitant threshold for the first time in 2010, has one of the highest shares of foreign citizens in Europe. The share of migrants reached a peak in 2009 at 43.7 per cent, levelling off in 2010–2011 at around 43 per cent of the total residential population (Statec in Frising et al., 2011: 9f). The distribution over nationalities shows that most of the migrants residing in Luxembourg hold EU citizenship. Only 6.1 per cent of the population had non-EU citizenship in 2011. By far the largest group of non-EU residents in Luxembourg are ex-Yugoslavians, comprising about half of all third-country nationals (Thill-Ditsch, 2010).

The effect of the 2008 law on naturalizations, which eases the access to Luxembourgish nationality, also permitting dual nationality, was still felt in 2010, when the total number of naturalized persons increased to 4,311. The largest groups to become Luxembourgish have been Portuguese (31.1%) and Italian (15.4%) (Statec in Frising et al., 2011:12).

Table 1: Size of the resident foreign population (absolute numbers), by gender (%), 2011

Country of citizenship	Female %	Male %	Total in 1,000
Luxembourg	50.7	49.3	283.7
EU-27	48.7	51.3	193.7
Non EU-27	54.8	45.2	22.1
Total	50.1	49.9	499.6

Source: LFS, Eurostat.

Note: Total residential population.

²²¹ CEPS/INSTEAD, Luxembourg and University of Leuven, Belgium.

Looking at the sex distribution (Table 1), it is worth noting that while more men migrate from EU-27 countries than women, the reverse is the case for non-EU migrants. As expected, there are also age differences across the three migrant groups. Migrants in general, and in particular those with non EU-27 citizenship, are younger than the native residential population. Luxembourgish citizens are under-represented among the under-15 years old and overrepresented in age groups over 50 years old. Thus, migration impacts positively on the demographic composition of Luxembourg's population.

Foreign-born migrants hold higher education degrees than their native counterparts. However, while men primarily come for professional reasons (59%), women migrate predominantly for family reasons (58%). The number of persons entering Luxembourg through international protection channels is very low (5% of male migrants, 3% of female migrants), although an increase is visible during the period 2010–2011 (see IOM, 2012).

In terms of the length of stay in Luxembourg, changes can be observed between 2005 and 2011 (Table 2). While the share of migrants increased with length of stay in 2005, in 2008 and 2011 more newcomers seem to have arrived, as the number of migrants who have been in Luxembourg for less than a year has more than quadrupled. In more general terms, the migrant population has grown in all categories, both shorter- and longer-term residents. More than half of the migrant population in 2011 are long-term migrants and have resided in the country for more than 10 years.

Table 2: Size of the resident foreign population, by length of residence, 2005-2011

	2005	2008	2011
Up to 1 year	2,250	5,968	11,067
1-2 years	4,147	5,827	7,259
2-5 years	17,318	19,392	23,956
5-10 years	22,592	23,812	28,288
More than 10 years	74,942	78,444	92,816

Source: LFS, Eurostat.

Note: Total residential population, aged 15 to 64 years.

2. Labour market impact

Following the economic crisis, Luxembourg has not entered a recession, but economic growth has slowed down considerably. Unemployment has risen to historical levels and unemployment of foreign citizens is much higher than that of natives, in particular for non-EU citizens. At the same time, Luxembourg experiences difficulties in filling positions with Luxembourgish residents and even from within the Greater Region.²²²

²²² Including Luxembourg's neighbouring regions in Belgium, France and Germany.

The economic crisis does not seem to have seriously affected the overall employment rates for women and men. The same picture is reflected in the unemployment rates (Table 3). Luxembourgish citizens enjoy a favourable position while migrants, and in particular non-EU migrants, have a higher unemployment rate. The total unemployment rate for Luxembourgish citizens was 4.3 per cent in the fourth quarter of 2011 but as high as 19.5 per cent for non-EU citizens. Meanwhile, other EU citizens show a similar rate as nationals. The low unemployment rate of Luxembourgish citizens is due to a large share of persons working in the public and semi-public (and thus more protected) sectors (Frisling et al., 2011: 51). Although still one of the lowest in the EU zone, the overall unemployment rate has increased over recent years in Luxembourg.

Table 3: Unemployment rates by country of citizenship (%)

	Men		Women		Total	
	2010 Q4	2011 Q4	2010 Q4	2011 Q4	2010 Q4	2011 Q4
Luxembourg	2.6	3.8	4.5	4.9	3.4	4.3
EU-27 countries	4.5	3.9	6.2	4.0	5.3	4.0
Non EU-27	:	:	:	26.5	:	21.1
EU-25 countries	4.6	3.7	6.0	4.0	5.3	3.9
Non EU-25	:	:	:	21.9	10.5	19.5
EU-15 countries	4.7	3.8	5.5	3.9	5.1	3.8
Non EU-15	:	:	18.0	19.0	10.7	16.3
Foreign country (all EU and non-EU)	4.8	4.8	6.9	5.9	5.8	5.3
Total	3.7	4.3	5.7	5.4	4.6	4.8

Source: LFS, Eurostat.

Note: Working age population (15 to 64 years): not available.

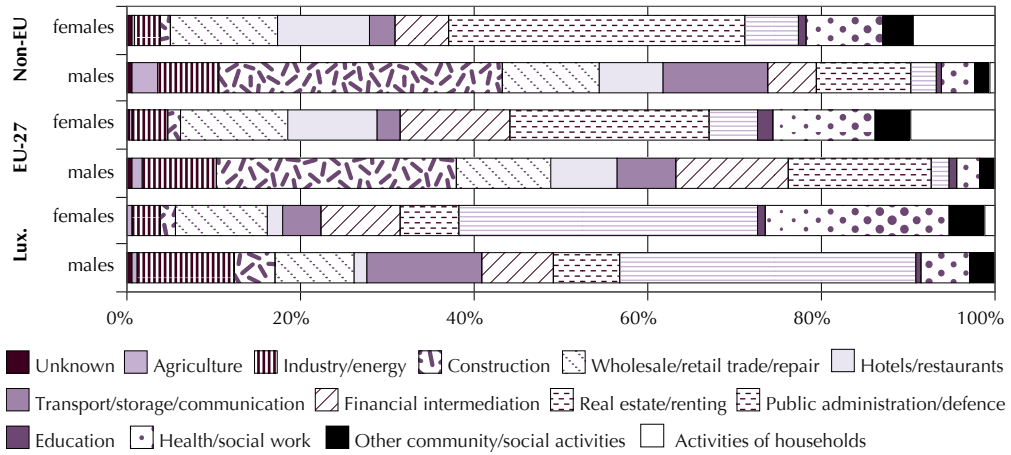
An alternative for dependent employment can be self-employment. Yet, non-Luxembourgers do not make use of this option more frequently than natives.

As highlighted in the previous IOM LINET study (IOM, 2012), there are patterns of segmentation in the Luxembourgish labour market. Male Portuguese, and other male EU and non-EU migrants, are for instance over-represented in the construction sector, while Luxembourgish men are only rarely employed there and predominantly work in public administration. Their female counterparts also mainly occupy jobs in the public sector and the health sector, while female migrants work for enterprises in the real estate sector. However, whether these are estate agents or cleaners/maintenance workers cannot be deduced from such figures.

Looking therefore at women's occupations (Figure 1, top chart), non-EU nationals are either in top or bottom occupations, being legislators, senior officials, managers, professionals or service, sales, craft, agricultural workers, operators, assemblers, or in other elementary occupations. This situation is similar for men (Figure 1, bottom chart). In contrast, EU migrants occupy the professions in between, such as technicians, associate professionals and clerks. Non-EU female migrants are more

frequently found in lower-level occupations than their male counterparts, while for EU migrants the gender differences are less pronounced.

Figure 1: Industrial sector (NACE), by country of citizenship and gender, 2011 (%)



Source: IGSS, Statec.

Note: Only resident wage earners.

Temporary contracts are not very common among Luxembourgish citizens, who, on average, occupy more stable jobs in Luxembourg. EU migrants and non-EU migrants in particular are more likely to be employed under temporary contracts, which may be due to their recent arrival. In fact, 80 per cent of the temporary contracts in Luxembourg are held by cross-border workers from Belgium, France and Germany (Clement and Thomas, 2010: 5). Besides being employed frequently in sectors that have been hit harder by the crisis (industry sector; services to companies), this is one of the main reasons that cross-border workers were more affected by the economic crisis than non-national residents.²²³

3. Institutional and legal framework for admission and employment

To date, Luxembourg has no explicit immigration strategy. The attractiveness of Luxembourg for highly skilled workers has been a major concern in the immigration debates of recent years. Luxembourg's highly skilled immigration is low in comparison to many other EU countries (EMN, 2011: 62). Other major changes in 2010–2011 concern the conditions for access to certain sectors and professions. In December 2010, a tax scheme for highly qualified expatriates was implemented.

²²³ Changes in unemployment rights are important for cross-border workers from Belgium, France and Germany. Since 1 May 2010, Luxembourg is obliged to pay three months of unemployment benefits at Luxembourgish standards for cross-border workers that have lost their jobs, to the country of their residence.

With a view to maintaining Luxembourg's competitiveness, the Government has aimed at reconciling migration policies better with the needs of the national economy. Recent propositions were to enhance geographical mobility of workers within the country as well as in the so-called Greater Region, improving the infrastructure for accessing work, and to attract high-skilled workers from third countries.

In this line, the Directive 2009/50/CE of 25 May 2009, on entry and stay conditions for third-country nationals for highly qualified employment ('European Blue Card'), was inserted into Luxembourgish law on 8 December 2011. Luxembourg did not implement the optional prerequisite of proof that the position cannot be filled with a domestic or EU worker in cases of a third-country national candidate (Article 8(2) of the Directive). Residence permits are also granted for the same period to family members. Autonomous residence permits can be obtained after five years of residency in Luxembourg (or the EU), or after the cohabitation is terminated. The new provisions regarding family reunification are thus more favourable than those specified in the Directive 2003/86/CE on family reunification.

One important issue is the shortage of trained workers in some sectors in Luxembourg, for instance in the health sector where fewer than 40 per cent of all paramedical professionals are Luxembourgish citizens. This has raised a debate about the recognition of qualifications and diplomas obtained abroad. To improve the process of recognition, the Accreditation of Prior Learning procedure (VAE) was implemented in spring 2010. The law of 2 September 2011²²⁴ facilitates access to crafts professions such as craftsman, tradesman, industrialist, and certain liberal professions, but values professional experience more than before. For instance, if formal qualification requirements are not met, work experience can be endorsed instead. This should also ease access to these professions for migrants without recognized qualifications.

On 9 December 2011, the Luxembourgish government renewed the decision on conditional labour market access for Bulgarian and Romanian citizens (only upon work permit), rather than opting for the free movement for EU accession country workers. Highly qualified workers, researchers and trainees, however, are exempt from these restrictions.

4. Institutional and policy framework for integration

One of the main changes in migration and integration policies and institutional developments in the period 2010–2011 are rooted in the law of 16 December 2008 on the Reception and Integration of Foreigners. The Welcome and Integration Contract (CAI: *Contrat d'accueil et d'intégration*) – foreseen in the law of 16 December 2008 – was launched in September 2011. Its implementation lies in the hands of the Luxembourg Reception and Integration Agency (OLAI) of the Ministry of Family and Integration. This contract is a voluntary, mutual commitment between the State and immigrants, irrespective of their origin (EU or non-EU countries) and their prior

²²⁴ <http://www.legilux.public.lu/leg/a/archives/2011/0198/2011A3602A.html?highlight=>

duration of residence (newcomers or persons settled already in Luxembourg). People who signed the CAI are exempt from one of the optional civic courses required for naturalization. The contract also presents an advantage when applying for long-term residence permits. People who have signed it also enjoy priority for civic trainings and access to other training (languages, orientation days). Nonetheless, the CAI has been criticized for its modest ambitions.

Changes in the Grand Ducal Regulation on the organization and operation of the Consultative Communal Commissions on Integration (CCI: Commissions consultatives communales d'intégration) introduced the rule that a commission must be established in every commune, not only in those with at least 20 per cent of non-nationals, as was previously stipulated. At least one citizen among its non-national members must be from a third country, unless no third-country citizen has contended. The call of nominations in the communes was launched in early 2012 and the CCIs established subsequently. In addition, the Grand Ducal Regulation on the modes of appointment of non-national representatives in the National Council for Foreigners (CNE: Conseil national pour étrangers) and their new distribution was approved. Consisting in a large part of foreigners' representatives, the mission of National Council for Foreigners is to inform and counsel the government. Until 2011, half of the 30 members had to have foreign citizenship.²²⁵

On 26 November 2010 the Luxembourgish government adopted the Multi-annual National Action Plan on Integration and Against Discrimination 2010–2014. Its mission is not only to implement the 2008 law by receiving migrants and helping their integration, but also to combat discrimination (see IOM 2012).

Generally, the positive effects of immigration such as demographic impact, childbearing and social security contribution are stressed to the public, yielding a rather positive feeling towards migrants in comparison with the rest of Europe.

5. Discrimination in employment

Anti-discrimination bodies and other institutions in Luxembourg include the Centre for Equal Treatment (CET), the ombudsman, the Consultative Commission on Human Rights (CCDH), the National Council for Foreigners (CNE) and the Luxembourgish Office for Reception and Integration (OLAI).

Although half of the requests received by the *Ombudsman* come from non-Luxembourgish nationals, complaints about discrimination are very rare. The Ombudsman states that in 95 per cent of the recommendations concerning the rights of non-nationals, the Luxembourgish authorities act appropriately and remedy the problems, which mostly concern administrative delays, affecting non-nationals in particular (work permits, etc.) (ECRI, 2012: 18).

²²⁵ As specified in the amended law, the CNE consists now of 34 members, of which 22 are of foreign citizenship. The mandate period increased furthermore from three to five years.

Being anchored in the 2006 law, the Consultative Commission on Human Rights (CCDH) enjoys a similar formal position as the Ombudsman, and has been strengthened in recent years (ECRI, 2012: 19).

Despite the assistance of the Luxembourgish Office for Reception and Integration (OLAI), the ECRI (2012:20) regrets the lack of guaranteed administrative, logistic and financial resources limiting the profile and impact of the CNE. However, because of its powers to receive complaints in line with the International Convention on the Elimination of All Forms of Racial Discrimination, the Permanent Special Commission against Racial Discrimination, an organ of the CNE, is crucial in combating discrimination in Luxembourg (ECRI, 2012).

In short, the problem faced by Luxembourg's bodies for combating discrimination is how responsibilities and powers are assigned amongst them. Their resources and missions need to be better coordinated to avoid overlaps and ensure efficiency. (ECRI, 2012; MIPEX, 2012²²⁶).

A study carried out in 2011 for the CET (Messaoudi and Margue, 2011) suggests that racial/ethnic discrimination is the most frequent form of *subjectively perceived* discrimination in Luxembourg (37% of the 1,025 respondents), followed by discrimination on grounds of nationality and sexuality (25% and 24% respectively). Religious discrimination and linguistic discrimination were mentioned far less (10% and 5% respectively). Subjectively ethnic/racial discrimination has increased in Luxembourg between 2009 and 2011. A fifth of all first-mentioned discriminatory acts occurred at the workplace, the most frequently cited place of discrimination. The share increased slightly from 19 per cent to 21 per cent between 2009 and 2011. In terms of reactions, 53 per cent of the persons 'did not do anything' while 22 per cent informed their supervisor and only 6 per cent filed a complaint (police, Luxembourgish administration, and so on). The most common reasons stated for not reporting acts of discrimination were 'did not want to do it/resignation' and 'feeling of incapacity towards the system' (31% and 23% respectively). Of those who experienced discrimination, 17 per cent had been discriminated against a second time.

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MALTA

Jean-Pierre Gauci²²⁷



1. Migration trends

In 2010 a total of 8,201 migrants arrived in Malta, of which 3,886 were women (47.3%), 7,467 were EU nationals and only 9 per cent non-EU nationals.²²⁸ The year 2011 was marked by the crisis in North Africa that impacted on the arrival of forced migrants in Malta. However, the number of forced migrants arriving (by boat) in 2011 remained within comparable limits with the arrival of 1,579 individuals of 30 different nationalities. In addition, 276 asylum applications were filed by persons not arriving by boat, including 127 applications by Syrian nationals and 72 by Libyan nationals (UNHCR, 2011). As a result of positive net migration the total foreigner population in Malta increased from 11,999 in 2005 to 18,088 in 2010 and 20,384 in 2011. According to Eurostat, there were 10,781 non-EU nationals living in Malta in 2010 and 10,004 in 2011.

Table 1 provides a gender breakdown for the overall migrant population in Malta in 2010 and 2011 and shows that 54.5 per cent and 53.6 per cent of migrants in Malta were male in 2010 and 2011 respectively. In 2010 the foreigner population amounted to 4.4 per cent of the total population whilst in 2011 the percentage rose to 4.9 per cent. When looking at the gender distribution for third-country nationals (TCNs) it can be noted that in 2011 there were 6,042 (60%) males and 3,962 (40%) females.

Table 1: Foreign population by gender, 2010–2011

	2010	2010, %	2011	2011, %
Male	9,856	54.5	10,935	53.6
Female	8,232	45.5	9,449	46.4
Total	18,088	100	20,384	100

Source: Eurostat.

²²⁷ Dr. Jean-Pierre Gauci is Director of the People for Change Foundation in Malta.

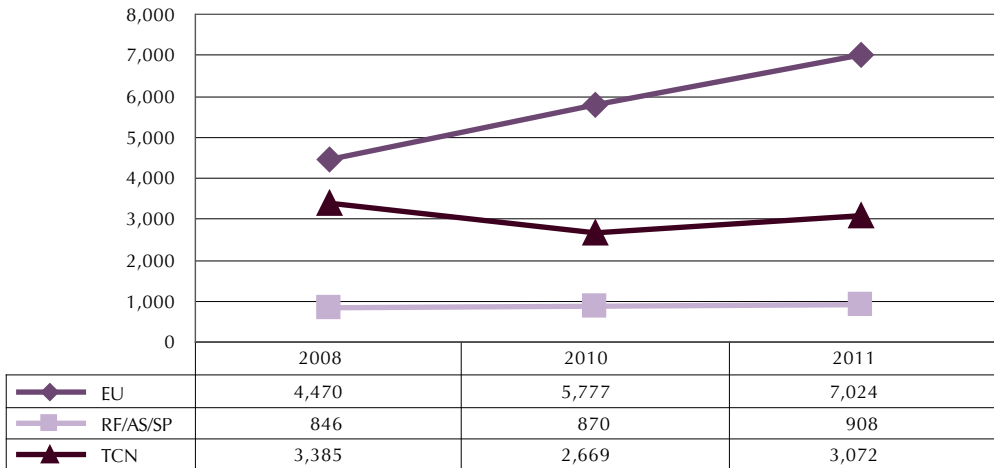
²²⁸ Based on statistics available on the Eurostat website.

In 2010, 2,565 (14.2%) migrants were below the age of 15, this figure rising to 3,002 (14.7%) in 2011. In total, 14,592 (71.6%) in 2011 were of working age, between the ages of 15 and 64.

2. Labour market impact

As indicated in Figure 1, there has been an increase in the general number of foreigners in the Maltese labour market in all categories of migrants. The most steady increase has been shown by EU nationals who continue to make up the greater part of the foreign workforce in Malta. In 2010 there were a total of 9,316 foreign nationals in the Maltese labour market, whilst in 2011 the total rose to 11,004. Amongst the foreign workers in the Maltese labour market the majority are male (for 2011, 58.5%, 90.6% and 60.2% of EU, BOPs²²⁹ and TCNs were male).

Figure 1: Foreign workers by immigration status, 2008, 2010, 2011



Source: *Employment and Training Corporation data.*

Notes(s): RF: Refugees, AS: Asylum-seekers, SP: Subsidiary Protection (broadly referred to as beneficiaries of international protection).

In 2010, foreigners therefore made up 5.7 per cent of the total employed population. EU Nationals made up 3.5 per cent of the employed population, whilst TCNs made up 1.6 per cent and BOPs made up 0.5 per cent. In 2011, foreign workers made up 6.7 per cent of the total employed population with EU Nationals constituting 4.3 per cent, TCNs 1.9 per cent and BOPs 0.6 per cent.

With regard to the skill level of foreigners in Malta (Table 1), a recent increase in the highly skilled can be noted among all categories of foreigners. With respect to third-country nationals and beneficiaries of protection the increase is significant, but

²²⁹ Beneficiaries of International Protection.

relatively low, whilst the increase is far steeper when it comes to EU nationals whose number notably increased.²³⁰ This can in part be explained by Malta's accession to the EU, and the subsequent opening of the labour market to EU nationals since 2004. Moreover, it is important to stress the continuous shift of the Maltese economy to sectors requiring higher skilled labour and an acknowledgement that Malta needs time to develop the skills necessary to match the labour market needs.

Similar trends can also be noted in the case of low-skilled foreign workers, where one notes a significant increase in most categories with EU nationals once again taking the lead. Beneficiaries of international protection continued to be disproportionately represented in low-skilled employment, with some moving into skilled employment. This reflects in part a lack of formal qualifications by BOPs²³¹ as well as the lack of recognition or appreciation of such qualifications when they exist. The number of EU nationals rose drastically (1,743) in 2005.

Table 2: Foreign workers by immigration status and skill level, 2008, 2010, 2011

	2008	2010	2011
EU	4,470	5,777	7,024
Highly skilled	2,143	2,783	3,397
Low-skilled	640	1,053	1,256
Skilled	1,687	1,941	2,371
RF/AS/SP	846	870	908
Highly skilled	20	16	19
Low-skilled	574	630	645
Skilled	252	224	244
TCN	3,385	2,669	3,072
Highly skilled	1,035	1,006	1,103
Low-skilled	234	123	225
Skilled	2,116	1,540	1,744
Grand Total	8,701	9,316	11,004

Source: Employment and Training Corporation data.

The Employment and Training Corporation (ETC) annual report (2011: 28) notes that “during 2010, the number of inspections totalled 3,745 against 3,553 in 2009, reflecting a 5.4 per cent increase. This included 433 inspections conducted by the company that secured the investigation subcontracting agreement, and which looked into cases of active employment licences”. A total of 373 illegally employed foreigners were identified during joint inspections with the Immigration Police. This increase

²³⁰ In 2011, 75 per cent of foreign highly skilled workers in Malta were EU Nationals.

²³¹ However, this category of foreigners continues to be highly represented in the informal market, where data are difficult to gather. It is widely believed that most BOPs working in the informal economy are engaged in low-skilled work, namely in the construction and hospitality industries.

in number does not necessarily correspond to an increase in illegal employment, but could be due to the improved techniques and approaches adopted by ETC Labour Inspectors.

3. Institutional and legal framework for admission and employment

Several changes to admission and employment regulations have been enacted during the period 2010–2011. Since 2010, a new form of status has been issued, which allows rejected asylum-seekers to regularize their stay in Malta if they can prove that they have prospects of integration into Maltese society. Legal employment is an important indicator in this regard (see IOM, 2012).

A key development in the legal framework for admission and employment was the enactment of the Conditions of Entry and Residence of Third-Country Nationals for the Purpose of Highly Qualified Employment Regulations,²³² which transposed into the Maltese law Council Directive 2009/50/EC. The regulations provide a framework for the admission of highly skilled migrant workers and their family members, including the granting of the EU Blue Card. In 2011 Malta also adopted the Minimum Standards on Sanctions and Measures against Employers of illegally staying third-country nationals regulations,²³³ which transposed the provisions of Directive 2009/52/EC.

The EMN Report (Suban and Zammit, 2011) notes how “since 2010 the checks and evidence required for applications from TCNs have increased”. This includes, for instance, the obligation to submit project contracts in the case of applications within the construction industry, and audited accounts in the case of restaurants. It also notes that new TCN applications to work in take-away and fast food companies are usually refused.

The reporting period also saw some developments in the area of enforcement. In September 2010 a new process was introduced whereby the ETC started issuing a letter to employers informing them of any infringements found during inspections. These letters, sent immediately after an inspection, informed employers of the outcome of the inspection and the ensuing infringement. Employers were then offered the possibility of either regularizing their position or facing further proceedings.

4. Institutional and policy framework for integration

Although Malta does not have an integration policy, a number of initiatives have been implemented in recent years that aimed to promote the integration of beneficiaries of protection. Such initiatives have tended to focus on beneficiaries of protection. This is partly explained by the heightened public discourse around migration that focuses

²³² S.L. 217.15 / Legal Notice 433 of 2011 of 4 November 2011.

²³³ Subsidiary Legislation 217.14 promulgated by Legal Notice 432 of 2011 on 4 November 2011.

exclusively on ‘boat people’, and the fact that most of these initiatives are funded through the European Refugee Fund. It is a growing concern that the terms ‘third-country national’ and ‘beneficiary of protection’ are often used interchangeably in a number of contexts.

A positive step over the reporting period (2010–2011) is the increased engagement of trade unions with the issue of migrant employment. This in part reflects the greater number of migrant workers in Malta, as well as the recognition by trade unions that they need to represent and cater for migrant workers if they are to remain a relevant voice for workers generally in the country. Other initiatives, including teaching of the English language, are carried out by a number of NGOs and other entities.

A key labour market programme targeting migrants was the ‘Employment Support Initiative for Refugees and Beneficiaries of Protection’, which was managed by the Agency for the Welfare of Asylum-seekers.²³⁴ The project ended in June 2012 and was partly financed by the European Union. The project involved the setting up of two employment support offices which sought to provide a one-stop shop where beneficiaries of protection could be matched with potential employers. A total of 804 people registered with the scheme, 717 being adult males and 86 female. Eighty-eight companies submitted vacancies. In total, 294 people were engaged, mostly in entry-level jobs (namely labourers, cleaners). Despite this success, no information was available at the time of writing as to planned follow-up activities to this project.

5. Discrimination in employment

Discrimination in the labour market remains rampant in Malta. Sub-Saharan Africans are particularly vulnerable, in part due to the need to find jobs as emphasized by pressures to send money to the countries of origin. There are various manifestations of discrimination that have come to the fore in research on the issue. This research²³⁵ has tended to focus on beneficiaries of protection and reveals exploitation and poor working conditions including lower salaries than Maltese counterparts, non-recognition of qualifications and the resulting downgrading, multiple discriminations against women, a lack of awareness of rights among victims, and non-reporting of discrimination.

In 2010, the National Commission for the Promotion of Equality implemented the project Strengthening Equality Beyond Legislation, which dealt with all grounds of discrimination, including racial and discrimination in employment. This project included research on the under-reporting of discrimination and the drafting of Malta’s first National Action Plan Against Racism.²³⁶ The research on under-

²³⁴ See also IOM (2012) report on Malta.

²³⁵ See for instance: ENAR Shadow Report 2010–2011, prepared by the author of the present report and research carried out by Aditus and UNHCR.

²³⁶ The draft action plan was drafted by the author and The People for Change Foundation as part of the Equality Research Consortium based on terms of reference from the National Commission for the Promotion of Equality.

reporting of discrimination found that many cases of discrimination go unreported and that racial discrimination is similar to other grounds of discrimination in this regard. In 2011, NCPE implemented Think Equal, which also dealt with all grounds of discrimination, including research on racial discrimination.

Over the period under review the remit of the immigration appeals tribunal was extended to include:

1. Competence to hear and judge appeals relating to the refusal, annulment or revocation of visas.
2. Competence to hear appeals relating to transfers of TCNs under the Dublin Regulation system.

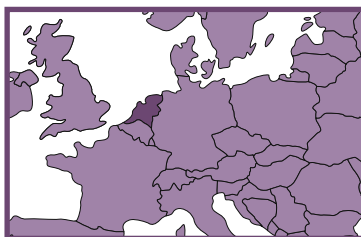
The first of these competences is particularly relevant when one considers the issuance of D (or national/long-term) visas for persons residing in Malta for the purposes of employment. The extension of the remit of the tribunal is a development that carries substantial procedural implications in terms of improving accountability and checks and balances in an area where the exercise of discretion is high.

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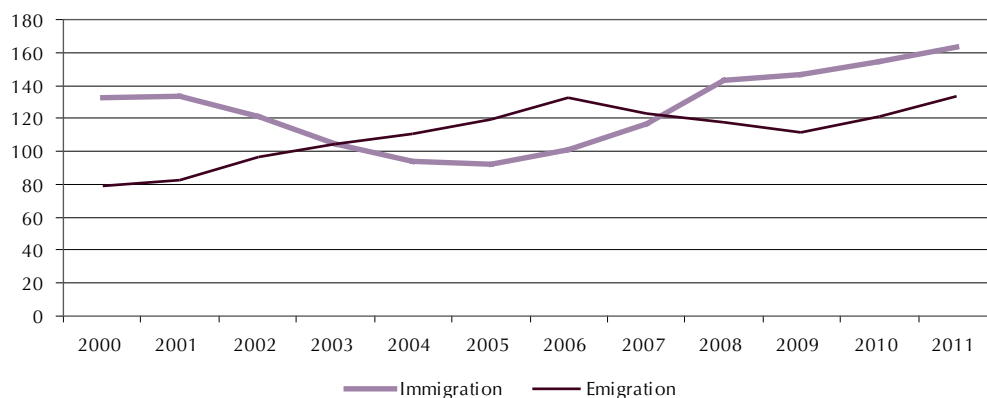
A.W.M. Odé²³⁷



1. Migration trends

Immigration to the Netherlands continued to increase in 2011 and hit a new historic high of just over 160,000 people. The number of immigrants started to grow considerably from 2006 onwards, mainly as a result of increased immigration from other EU Member States after 2004 and 2007 EU enlargements.²³⁸ Emigration is also on the rise again, similar to the period between 2001 and 2006. About 130,000 Dutch nationals and non-nationals leave the Netherlands each year on a more or less permanent basis. As a result of combined emigration and immigration trends the country is now facing a net migration surplus of more than 15,000 every year.

Figure 1: Immigration to and emigration from the Netherlands 2000–2011*



Source: CBS 2012.

* Including administrative corrections.

²³⁷ A.W.M. Odé is a manager at Regioplan Beleidsonderzoek, a private research institute in Amsterdam, and also working as an expert-teacher at Inholland, a university for applied sciences.

²³⁸ CBS (2010), Record aantal immigranten 2010. Press release, PB11-007, 9 February 2011.

In 2011 the majority (55%) of all immigrants to the Netherlands originated from other EU Member States, most often from Poland (18,937), Germany (9,258) and Bulgaria (2,710). The share of EU nationals in total inflows to the Netherlands increased by 19 percentage points on an annual basis as a result of increasing immigration from a large majority of EU Member States to the Netherlands between 2010 and 2011. While substantial immigration from new EU Member States continued and does not seem to have reached its peak yet, significant increases in inflows were also recorded from Southern European countries deeply affected by the economic crisis (Greece, Portugal and Spain). Non-EU immigrants accounted for 45 per cent of total immigration in 2011, and of those about three in four came from so-called non-Western countries.²³⁹ Immigration from China and India continued to increase, while inflows from Turkey slightly decreased in relation to 2010. Immigration from America and Africa has remained fairly stable since 2010, suggesting that a trend of increasing immigration from these continents since 2005 has come to a halt.

Table 1: Inflow of significant migrant groups by country of origin, 2005, 2010, 2011

	2005	2010	2011
Europe	54,652	97,464	105,501
Poland	6,746	15,022	119,090
Germany	5,268	9,391	9,258
Bulgaria	431	4,241	5,350
Asia	15,130	24,131	26,189
China	3,180	5,036	5 959
Turkey	3,393	4,460	4,065
India	1,320	3,342	3,959
America	12,174	17,114	17,053
United States of America	2,676	3,726	4,151
Neth. Antilles & Aruba	2,411	4,432	4,180
Surinam	2,188	2,148	2,067
Africa	9,299	14,362	12,802
Morocco	2,356	2,371	2,675
Somalia	520	4,384	2,345
South Africa	709	948	1,046
Oceania	1,042	1,361	1,467
Total	92,297	154,432	162,962

Source: CBS Statline, 2012.

When analysing the recent evolution of immigration by purpose of entry, a substantial increase in the share of economic migration (including study) is observed.

²³⁹ The Statistics Netherlands (2012) Statline, migration statistics.

In 2010 – the most recent year for which breakdown by category of entry is available – more than half of foreign nationals came to the Netherlands to find a job or to participate in higher educational and academic training, compared with less than one in three about 10 years ago. Conversely, migration for family reasons has more or less stabilized, while the number of asylum-seekers has reduced substantially over the last 10 years. There are, however, differences between the groups of EU and non-EU immigrants. EU nationals largely migrate to the Netherlands for economic reasons although family migration and migration for study reasons from other Member States have also increased in importance. In contrast, the largest share of non-EU (or third-country) immigrants (around 40%) move to the Netherlands for family reunification, although this motivation has been decreasing in importance.

Table 2: Migration inflow of foreigners by reason of entry (permit based)²⁴⁰ and nationality, 2008–2010

	2008	2009	2010
Total foreign immigrants	102,872	104,411	110,234
Labour	41,690	37,757	41,463
Asylum	6,021	9,601	7,954
Family reunification	32,095	33,859	35,743
Study	14,652	14,070	16,078
Au pair / internship	2,151	2,043	1,999
Other	6,274	7,093	6,998
Total EU-immigrants	52,069	50,301	56,003
Labour	31,495	30,274	33,435
Asylum	3	65	28
Family reunification	11,127	11,956	13,507
Study	5,533	4,140	5,008
Au pair / internship	364	225	251
Other	3,544	3,640	3,775
Total third-country immigrants	50,803	54,110	54,231
Labour	10,195	7,483	29,292
Asylum	6,018	9,536	7,926
Family reunification	20,968	21,903	22,286
Study	9,119	9,930	11,070
Au pair/internship	1,787	1,818	1,748
Other	2,730	3,453	3,223

Source: CBS Statline, 2011.

²⁴⁰ 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. This is particularly the case for EU Member States (also including important labour supply countries such as Poland and Germany).

In 2011, 3,427 million first- and second-generation immigrants resided in the Netherlands. The absolute numbers of both generations were almost equal (1.73 and 1.69 million respectively), adding up to one fifth (20.6%) of the total population in the Netherlands. Of all resident immigrants, 55 per cent originate from non-Western countries, mostly from Turkey, Surinam and Morocco. Together, these countries are responsible for almost 60 per cent of all non-Western migrants in the Netherlands. Western immigrants mainly come from other EU Member States, especially Belgium, Germany, the United Kingdom and Poland. Almost 70 per cent of non-western immigrants are younger than 40 years old, as opposed to 46 per cent for the native population.

As foreseen in the last LINET report (IOM, 2012) as a combined result of the 2006 regularization of non-legally residing asylum-seekers, EU enlargements – which de facto regularized the position of many European immigrants – and of higher fines introduced in 2005 to combat illegal employment practices, irregular migration in the Netherlands seems to have reduced recently. A new estimation of the number of irregular residents in the Netherlands, carried out in 2009, indicated a decline when compared to the 2006 estimation, from around 130,000 to 97,500 (Van der Heijden et al., 2011).

2. Labour market impact²⁴¹

After considerable decline in 2009, the Dutch economy showed signs of recovery, with the GDP rate increasing again in 2010, albeit at slower pace than before the economic recession. Although remaining relatively low in terms of the EU average, unemployment continued to rise in the Netherlands, reaching 5.8 per cent in the first quarter of 2012, an increase of 2 percentage points on the 2008 level. The number of employed persons slightly decreased between 2008 and 2012, from 8.3 million to 8.2 million (Statistics Netherlands, 2012), while the drop in the number of full-time jobs was even more significant (from 7.5 to 7.3 million). The number of unfilled vacancies significantly decreased between the second quarter of 2011 and the same quarter in 2012, especially for the low-skilled in industry, construction and trade (Figure 2). It is expected that the Dutch economy will start to recover in 2013, which will again fuel the number of vacancies (CPB, 2012).

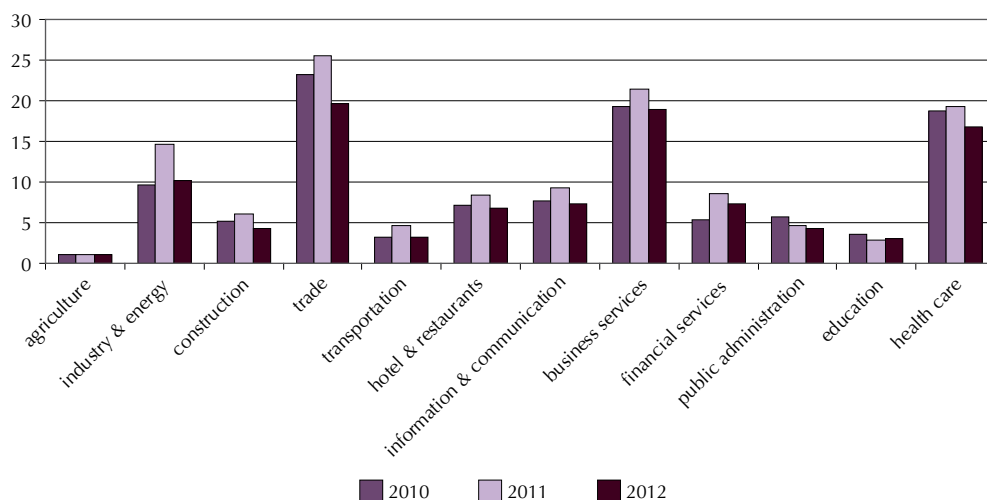
The economic crisis has affected labour migration to the Netherlands. In 2011, the number of issued work permits (TWVs) continued to follow a declining trend that had been observed since 2008, and decreased to 11,972 from 13,759 in 2010.²⁴²

²⁴¹ Dutch statistics on the labour market position of migrant groups are presented by country of birth. This means if a person was born in, for example, Morocco or at least one of the parents was born in Morocco, the person is considered Moroccan.

²⁴² Work permits (*tewerkstellingsvergunning* – TWV) are required for foreign workers from third countries, as well as for workers from Romania and Bulgaria, and their issuance is conditional on the labour market test.

These figures are well below the levels observed in 2006, when more than 75,000 TWVs were issued. Apart from the current economic situation in the Netherlands, this sharp drop in issued work permits was also due to the waiver of work permit requirements for EU-8 nationals since 2007. For Bulgaria and Romania, transitional measures apply, meaning that workers from these countries still need a work permit to enter the Dutch labour market.

Figure 2: Unfilled vacancies by sector 2010–2012 (thousands)



Source: CBS Statline, 2010.

Note: Data refer to 2nd quarter of each year.

In 2011 most TWVs were granted to Chinese (1,958), followed by Romanians (1,154), Indians (975) and US nationals (493). Compared to 2010, fewer work permits were issued for all top five nationalities. This is, no doubt, largely due to the unfavourable economic situation in the Netherlands. Labour migrants were mainly employed in food processing (1,338), seasonal horticultural activities (1,143), information technology (929), research (724), and the hotel and catering industry (418). These sectors are to a large extent dominated by workers of only one or two countries. A majority of permits for seasonal activities in horticulture are issued to Romanian and Bulgarian workers; labour migrants who work as cooks are mainly Chinese, and the ICT labour migrants largely originate from the United States and India (UWV, 2012).

In 2010, 6,500 people applied for an entry visa (provisional residence permit, MVV) under the 'Knowledge Migrant Scheme' (Kennismigrantenregeling), which is an increase by 2,000 on the 2009 figure, and a return to the level of 2008. Economic sectors that attract high numbers of these qualified workers are information technology, manufacturing and (scientific) research. A large proportion of highly skilled migrants came from India, Japan and the United States.

Labour market outcomes of the non-native-born population continue to lag well behind those of the native-born Dutch. As shown in Table 3, the activity rate of the first group is much lower than that of the natives. Turkish and Moroccan migrants have the lowest activity rates. Breakdown by gender and level of education shows that migrant women and poorly educated migrants have disproportionately low activity rates. Notably, less than 40 per cent of Turkish and Moroccan women have a paid job in the Netherlands. The corresponding share for native Dutch women is more than 60 per cent (SCP, 2012).

Table 3: Labour market participation by origin, % working of labour force, 2010

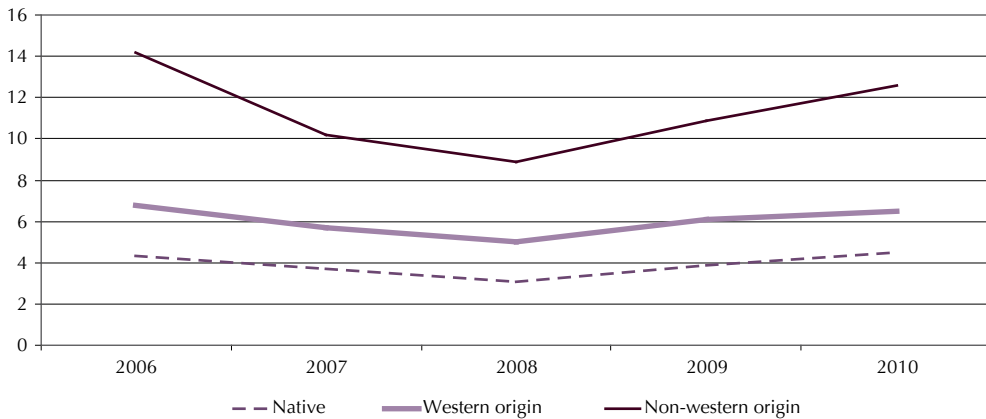
	Turkish	Moroccan	Surinamese	Antillean	Other, non-western	Native
Total	52	48	60	57	50	69
Men	64	60	62	62	57	77
Women	39	37	58	53	43	62
15–24 years	27	26	28	30	26	41
25–44 years	64	60	78	71	61	87
45–64 years	51	44	62	63	56	66
Basic level	34	31	33	29	33	39
Lower level	45	40	47	44	40	52
Medium level	63	59	68	61	53	73
Higher level	79	74	84	82	65	85

Source: SCP (2012), based on EEB Statistics.

The non-native population has a significantly higher unemployment rate, which continued to increase in 2011, climbing to 13.1 per cent of the labour force of non-Western origin. Native Dutch unemployment slightly decreased from 4.5 per cent in 2010 to 4.1 per cent in 2011. As a consequence, the relative disadvantage of migrants widened. The non-native population is also over-represented in long-term unemployment (12 months or longer) (Bierings et al., 2011). Thirty per cent of all non-Western unemployed in the Netherlands have been without employment for 12 months or longer (Huijnk, 2012). However, the picture is not homogenous and non-Western immigrants have much higher unemployment rates than immigrants of Western origin (Figure 3), with Moroccans, Antilleans, Turks and Surinamese all showing an unemployment rate of more than 10 per cent in 2010 (almost 15% for Moroccans).

The categories of entry into the Netherlands contribute to explaining the different labour market outcomes by national groups, with refugees from Somalia, Iraq and Afghanistan showing unemployment rates of more than 20 per cent. Unemployment is particularly high for young and low-skilled immigrants.

Figure 3: Unemployment rate by origin, 2000–2011



Source: CBS Statline, 2011.

3. Institutional and legal framework for admission and employment

For the last decade the Dutch government has taken a reluctant stance towards immigration and labour migration in particular. Restrictive regulations apply, with the primary aim being to protect the Dutch labour market. As of July 2011, efforts have been concentrated on making better use of available Dutch and EU labour force, and the issuance of TWVs is anticipated only in exceptional cases. However, immigration of talented and highly skilled migrants is officially encouraged. The government is currently reviewing the migration policies in order to offer foreign talents more opportunities in the Dutch labour market.²⁴³

The Act on Modern Migration Policy (MoMi) – whose implications were explained in detail in the previous IOM LINET report (IOM, 2012) – was accepted by the parliament in February 2010 and by the senate in July 2010, and was expected to come into force in 2011. However, implementation of the new policy has been delayed until further notice by technical problems associated with the required introduction of new computer systems at the Immigration and Naturalization Services.

4. Institutional and policy framework for integration

Integration policies in the Netherlands mainly focus on the immigrant population of non-Western origin. However, in the period 2007–2011 special concerns were raised about the integration of immigrants from EU-8 countries as well.²⁴⁴ The new outline

²⁴³ For extensive discussion of the current orientation of the Dutch government on labour migration see IOM (2012), Migration, Employment and Labour Market Integration Policies in the European Union (2011).

²⁴⁴ Ministerie van VROM, *Wonen Wijken en Integratie* (2007).

of Dutch integration policies emphasizes migrants' responsibilities for integrating in the Netherlands. It favours general policies over target group policies. Current policies focusing on the problems of specific ethnic groups will be embedded in general policies.²⁴⁵

The Dutch integration budget – traditionally one of the highest among the EU Member States – has undergone dramatic cuts, particularly for Civic Integration. As of 2013 all third-country nationals wishing to remain in the Netherlands will have to pay for their civic integration course themselves (courses will no longer be offered by Municipalities).

Rulings of the Central Appeals Tribunal (referring to rulings of the European Court of Justice) of August 2011 led the government to announce, in September 2011, that the Civic Integration Abroad test requirement would be waived for Turkish nationals in accordance with the Turkey-EU association agreement. Voluntary participation in integration initiatives remains possible and is encouraged by the Dutch authorities.

To address concerns about the integration of migrants from EU-8 and EU-2 several municipalities recently initiated projects to stimulate the participation of those migrants in integration courses. For instance, the municipality of The Hague started a pilot project in March 2011, offering specific language programmes. These programmes are meant to improve the labour market position of labour migrants from Central and Eastern European countries in particular.

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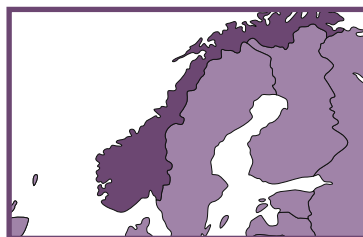
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NORWAY

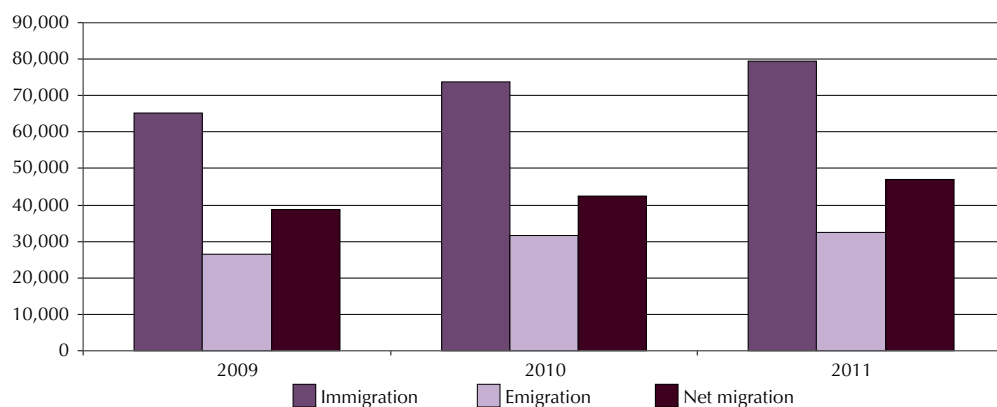
Litt Woon Long²⁴⁶



1. Migration trends

In Norway, out of a total population of 4,985,870, 11 per cent (or 547,000) are migrants.²⁴⁷ In January 2012, 108,438 residents were Norwegian-born to (two) migrant parents. Together with the migrants, these two groups account for 13.1 per cent of Norway’s population (Statistics Norway, 2012).

Figure 1: Migration to and from Norway, including net migration, 2009–2011



Source: Statistics Norway, 2012.

As shown in Figure 1, immigration to and emigration from Norway in the period 2010–2011 continued the general trend from previous years; both in- and outflows continued to rise. Annual immigration increased from 65,186 (2009) to 79,498 (2011),

²⁴⁶ Litt Woon Long is the founder and the director of the Long & Olsen consultancy.

²⁴⁷ Statistics Norway defines migrants as “persons who are born abroad to two foreign-born parents, and who have moved to Norway”.

while annual emigration rose from 26,549 (2009) to 32,466 (2011). More specifically, in terms of immigration, an increasing trend from European countries continued with 55,789 persons in 2011 after a temporary dip to 42,293 in 2009. Among the Nordic countries,²⁴⁸ immigration from Sweden increased significantly from 7,023 in 2009 to 9,894 in 2011 (Statistics Norway, 2012). In January 2012, 56 per cent of all migrants were from a European country (294,000), North America and Oceania (11,000) while 44 per cent of all migrants originated from Asia²⁴⁹ (163,000), Africa (60,000) and from Central and South America (18,000). In January 2012, migrants from Poland make up the largest migrant group (72,100 persons), followed by Swedes (34,800). Other large groups of migrants are Germans (23,700), Lithuanians (22,700), Iraqis (21,800) and Somali (21,000) (Statistics Norway, 2012). According to the Directorate of Immigration, there is little indication of a major influx of European Economic Area (EEA) nationals as a result of the financial crisis at the end of 2011.

The most common reasons for residence are family and labour. Labour migration continues to be the dominant migration category in Norway since it surpassed family migration in 2006. Refugee immigration remained low in 2009–2010 compared to other migration categories, as has been the case in the last ten years: Iraq and Somalia were the two top refugee-sending countries to Norway in 2010–2011. In January 2012, migrants from EU countries in Central and Eastern Europe dominated labour migration to Norway (Statistics Norway, 2012).²⁵⁰ The high level of labour migration can partly be explained by the general levels of income in Norway.²⁵¹

Table 1: Migrants, by reason for immigration, 2009–2011

	2009	2010	2011
Labour	16,278	23,690	26,712
Family	13,911	14,847	16,200
Escape	6,179	6,172	5,221
Education	4,083	5,270	5,812
Unknown	3,190	149	0
Other	121	123	374

Source: Statistics Norway, 2012.

A 2012 study by the Norwegian Labour and Welfare Administration (NAV) in 12,129 companies showed that labour shortages were pronounced in many sectors, the top three being building and construction, health and social welfare services, and retail

²⁴⁸ Denmark, Finland and Sweden.

²⁴⁹ Including Turkey.

²⁵⁰ Since 2009, a new registration rule has included 'unknown reason for immigration' as a migration category. In 2010, the number of persons who were registered in this category was 149.

²⁵¹ As per 2011, the Norwegian income level was generally 35 per cent higher than in the other Nordic countries and about 50 per cent higher than Norwegian trade partners in the EU/EEA. However, in the last 10 years, the income level in Norway has increased by 60 per cent, compared to 20 per cent in the EU countries and 7 per cent in Germany (Official Norwegian Report NOU, 2012:2).

trade and car repair services. The relative growth in the economy and labour shortages in several sectors of the economy have made Norway an attractive destination for labour migrants. In addition, the Norwegian system for organized annual income increments and relatively narrower income differences in a European perspective (favouring those with lower incomes) have made Norway particularly attractive for labour migrants with lesser qualifications (Official Norwegian Report NOU, 2012:2). At the same time, Norwegian language requirements and the relatively low income level for highly skilled and qualified job-seekers from the rest of Europe have not encouraged labour migration from this group (Official Norwegian Report NOU, 2012:2).

The skills and educational levels of migrants are not registered upon entry to Norway. On top of this, many migrants also lack documentation regarding their formal educational background. For those who have formal education, the recognition of foreign degrees has been, and still is, a problem in Norway. Educational statistics of migrants, and of Norwegian-born to two migrant parents, attending Norwegian schools and universities are constantly monitored. Notably, the proportion of migrant students awarded doctorates is rather high. In 2010–2011, migrants accounted for 25 per cent of all doctorates awarded.

2. Labour market impact

In Norway, levels of employment have displayed a marked increase over the last two years, and are predicted to continue increasing as a result of the upturn of the economy. Unemployment is relatively low and stable, and is expected to remain so. Labour market outcomes for migrants in 2010–2011 follow the main pattern which has been constant, independent of economic cycles of growth or recession.

In the whole population, the employment rate was unchanged at 69.1 per cent in 2011 compared to the previous year. However, employment rates for migrants increased from 61.6 per cent in 2010 to 62.8 per cent in 2011. Migrants contributed to 70 per cent of the employment growth in Norway from the fourth quarter of 2010 to the fourth quarter of 2011. Migrants from the Eastern EU countries displayed the strongest growth, at 2.7 percentage points, followed by migrants from North America and Oceania, with an increase of 1.7 percentage points, and those from the Nordic countries with 1.3 percentage points (Statistics Norway, 2011). Migrants from the EU countries in Eastern Europe, mainly consisting of labour migrants, had an employment rate (73.6%) that was higher than the national average (69.1%) in the fourth quarter of 2011. The gender difference in employment among migrants was 10 percentage points in favour of men in the fourth quarter of 2011 (67.6% versus 57.6% for women).²⁵²

²⁵² The employment rate for migrant women is complex and tends to be dependent on duration of residence, economic cycle, country of origin and reason for migration. Also, the 'Cash-for-care' benefit has been shown to have a more negative effect on the employment rate of migrant mothers than native mothers (Hardøy and Schøne, 2010). The 'Cash-for-care' system is a welfare benefit paid to parents of children between the age of 1–2 years who do not attend kindergarten. The maximum rate of the benefit is currently at around EUR 675 per month.

Table 2: Employed migrants by period of residence, world region of birth, 15–74 years. Q4, 2011 (%)

	Total	Nordic	Western Europe	EU (Eastern)	EU (other)	North America	Asia (incl Turkey)	Africa	South and Central America
Total	62.8	75.9	70.4	73.6	62.2	65.8	53.9	44.2	63.6
Less than 4 yrs	60.4	81.0	65.4	72.3	54.5	58.4	39.5	29.9	53.6
4–6 years	69.1	80.7	78.9	77.8	64.9	74.1	58.5	49.9	65.8
7 yrs or more	62.8	72.8	71.2	72.7	63.5	68.2	58.2	50.2	67

Source: Statistics Norway.

According to a recent Official Norwegian Report (NOU, 2011:7), when compared to the native population, migrants tend to be concentrated in certain sectors of the economy such as building and construction, industry, hotel and restaurant, service and cleaning. Regional background seems to play a role in occupational outcomes. In general, migrants from EU countries in Central and Eastern Europe are particularly concentrated in the building and construction sector, while migrants from Asia and Africa tend to work in the public health and social services, and the hotel and restaurant sectors. Some particular countries of origin stand out in terms of occupational outcome in Norway: 43 per cent of all Polish migrants in Norway work in building and construction and in industry, while 25 per cent of all Pakistani migrants work in transport and communication.

In 2011, the total number of permits for skilled labour totalled 3,500, short of the ceiling of 5,000 permits. However, compared to 2,577 skilled labour permits in 2009 and 2,808 similar permits in 2010, we can observe that skilled labour migration to Norway is slowly increasing (Directorate of Immigration, Annual Report 2011). The main countries of origin for skilled labour migrants from outside of the EEA are India (626), followed by Russia (303), China (284), the Philippines (255) and the United States of America (239).

In the fourth quarter of 2011, 71,000 short-term wage earners were residing in Norway. The number of short-term migrants²⁵³ increased by 1,700 persons from the fourth quarter of 2010 to the fourth quarter of 2011. This increase is in addition to the immigration of approximately 30,000 employees in the same period (Statistics Norway, 2011). Most short-term employees are from Nordic countries (28,400 persons) and EU countries in Eastern Europe (24,000 persons). These two groups made up 74 per cent of short-term wage earners in the fourth quarter of 2011; similar to the fourth quarter of 2010. Short-term migrants mostly work

²⁵³ Defined as persons who expect to stay in Norway for less than six months.

in construction (21%), the provision of personnel (19%) and in the manufacturing industry (11%).

As per 1 January 2010, 11.6 per cent of the holders of personally owned enterprises were migrants or Norwegian-born to two migrant parents. In 2004, only 7.7 per cent of the owners belonged to this group (unfortunately, Statistics Norway does not provide figures for the migrant category alone, without their descendants). Migrants tend to open businesses in sectors like food and beverages, service and retail. They also tend to employ other migrants in their businesses.

Table 3: Registered unemployed by region of birth, percentage of the labour force, 2010–2011

	2010	2011
Registered unemployed, total	2.7	2.4
Migrants, total	7.1	6.1
Nordic countries	2.9	2.4
Western Europe, other	3.2	2.8
EU in Eastern Europe	8.5	5.9
Eastern Europe, other	7.2	6.6
North America, Oceania	2.8	2.3
Asia (incl. Turkey)	8.3	7.8
Africa	13.4	12.5
South and Central America	7.2	6.5

Source: Statistics Norway.

Unemployment among migrants has constantly been around three times higher than among the rest of the population, irrespective of economic cycles. Following the pattern for the rest of the population in the same period, the registered unemployment among migrants decreased from 7.1 per cent in November 2010 to 6.1 per cent in November 2011. The largest decrease can be observed among migrants from EU countries in Eastern Europe (from 8.5% to 5%). In the rest of the population, the unemployment rate decreased from 2.7 to 2.4 per cent (Statistics Norway, 2012). The decrease mainly occurred among men, both within the migrant group and the population as a whole. This tendency is due to a stronger fall in unemployment in male-dominated occupations within construction and manufacturing, compared to the female-dominated occupations in the public sector.

Migrants have income levels that are lower than that of the native population. In the period 2008–2010, 29.1 per cent of migrants from Asia, Africa, Latin America, Eastern Europe and Oceania had a persistent low income (according to the EU scale). The comparative figure in the total population was 9.3 per cent (Statistics

Norway, 2012). The main reasons are lower participation in the labour market and a higher incidence of part-time work among migrants. In addition, many more migrant households have only one income compared to the native population, where it is common to have two incomes per household. In general, duration of residence tends to play a positive role in bringing down the percentage of migrant households which fall into the category of having a 'persistent low income'. However, it should be noted that for some migrant groups, the percentage that have a 'persistent low income' even after 10 years, is still very high. For example, the percentage of migrant households from Somalia with persistent low income falls from 81.3 per cent (after three years' residence) to 59.9 per cent (after 10 years' residence) (Statistics Norway, 2012).

A recent study by Rambøll Management (2010) of the working conditions of migrants shows that non-Western migrants (from Eastern Europe, Asia, Africa and Latin America) are over-represented in the occupational groups with the worst working conditions, for example, cleaning. On top of this, the non-Western migrants have worse working conditions than the other workers in the same occupational groups, that is to say, in this example, that they have the worst jobs amongst cleaners in general. In other words, we find the most diverse workforce in the lowest-paying jobs, where the work also tends to be monotonous. The migrants' self-reported experiences regarding their working conditions are confirmed by spot checks by the Norwegian Labour Inspection Authority (Arbeidstilsynet) (Official Norwegian Report, NOU 2011).

3. Institutional and legal framework for admission and employment

As outlined in the previous IOM LINET country report on Norway (IOM 2012), a new Immigration Act came into force on 1 January 2010. Changes introduced by this Act include the replacement of the previously separate work and residence permits by a single permit for all groups of migrants. In addition, all asylum applicants who are entitled to protection in Norway, regardless of the legal grounds, will be given refugee status (and rights and benefits). These changes have helped to simplify the procedures linked to immigration law.

Prior to this change for family-based immigration, there have been heated public political debates about 'forced marriages' among migrant groups from specific countries of origin, and how Norway should deal with this form of family migration. The four-year requirement is mainly aimed at preventing marriages of short duration. One consequence of stricter requirements for assured subsistence in family-based migration introduced by the Act is that the Directorate of Immigration does not need to investigate whether or not a marriage contract is pro forma; many applications are rejected on the basis that the family member in Norway does not have an income of EUR 32,500 per annum (before tax). Among the 12,886 family members who entered in 2011, most family migrants came from Somalia

(1331), Thailand (1176), the Philippines (975) and Eritrea (896) (Directorate of Immigration, 2011).

The reduction in asylum applications may be linked with various restrictive measures that include a strong focus on return of persons whose asylum request was rejected. In 2010 and 2011 (Directorate of Immigration, 2011), the total numbers of both forced and assisted returns were 6,100 and 3,300 respectively. In July 2010, a system was introduced under which the amount of reintegration support offered in connection with returns depended on the time of application.

4. Institutional and policy framework for integration

Measures by the authorities to integrate migrants and to increase their participation in the labour market focus especially on refugees and their families. This is the group that has the weakest ties to the labour market. Other migrant groups are not the main target of integrative measures, either in general or specifically directed at improving labour market outcomes. However, when they are unemployed, they are prioritized by the Norwegian Labour and Welfare Administration. In 2011 the Citizenship Act was also amended; all persons between 18 and 55 years old who wish to naturalize now have to first undergo 300 hours of Norwegian language classes.

The Introduction Programme, first implemented in 2004 and amended in 2011, run by the local authorities, is still the main mechanism for integrating refugees and their family members in Norway in general, and in the labour market in particular. Despite the fact that other migrant groups, including those from the EEA, might share similar qualification needs as refugees, they are excluded from the Introduction Programme. The changes in the Introduction Programme Act made in 2011 include:

- Mandatory final exams in the Norwegian language and Norwegian society;
- Expansion of the right and obligation in instruction in the Norwegian language and Norwegian society from 300 to 600 hours;
- Expansion of the participatory right in the programme to include specific groups like victims of forced marriage;
- State supervision of the administration of the Introduction Programme Act by the local authorities and the introduction of a national register.

The bulk of state funding goes, in other words, to the local authorities for their work in integrating refugees and their families. There are, however, some state funds for integrating all migrant groups in general, of which the 'New Chance' (Ny sjanse) programme is the largest. This programme, initiated in 2010, aims to raise the qualifications of migrants with weak ties to the labour market or the education system through new methods. Initially, three projects received funding to recruit women who were housewives; for coaching; and for using recruiting bureaus to

increase participation in the workforce. In 2011, target groups were young people receiving social welfare assistance, housewives without social welfare assistance and persons who were long-term recipients of social welfare assistance. Four out of 10 participants started to work or took an educational course after completing the 'New Chance' programme in 2011. In 2012, youth and women are the prioritized target groups.

5. Active labour market programmes

Migrants from all migrant groups are prioritized in Norwegian labour market policy and for labour market programmes. The Directorate for Labour and Welfare has a special unit, NAV Intro, which specializes in migrants and the labour market. NAV Intro offices are found in Oslo, the capital, and three other big cities. They give advice on a range of related topics, including language testing, follow-up of migrants and so forth. The number of migrants on ordinary labour market schemes (job programmes) increased from 6,500 in February 2011 to 8,500 in February 2012. In the same period, we can also observe the same tendency among non-migrants, where the number of participants increased from 9,700 to 11,300.

Time-limited wage subsidies (lønnstilskudd) are still the least used labour market programme for migrants even though they are known to be particularly effective for migrants. In addition, work training (Arbeidsmarkedsopplæring/AMO-kurs) has been shown to have positive effects (Hardøy, and Zhang, 2010). Most unemployed migrants participate in various qualification programmes, which have shown moderate results (Official Norwegian Report, NOU 2011:7). In general, there is still a need for more empirical studies regarding the efficiency of various labour market programmes for migrants.

6. Discrimination in employment

A recent study shows that a good proportion of employers think that prejudice is a huge barrier in the recruitment of migrants (Integration and Diversity Directorate, 2010). However, statistics from the Equality and Anti-discrimination Ombudsman show that since 2007, only about 50 people per year have lodged complaints regarding discrimination based on ethnicity (Equality and Anti-discrimination ombudsman, 2011). Roughly half of these concern complaints about the workplace.

An Official Norwegian Report (NOU 2011) says that despite weak empirical evidence, several studies point in the direction of discrimination in the labour market: we know that migrants, compared to the rest of the population, experience more difficulties in securing employment that is in line with their qualifications, and have lower chances of being called for an interview.

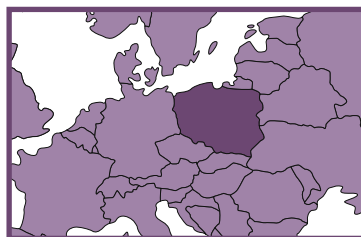
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POLAND

Anna Kicingier²⁵⁴



1. Migration trends

Poland continues to be one of the EU Member States with the lowest levels of foreign residents. According to Eurostat, 47,261 foreigners lived in Poland in 2011, constituting 0.12 per cent of the total population. Among these, 27,481 were third-country nationals and 15,528 nationals of other EU Member States.²⁵⁵ The 2011 census confirmed these estimations, recording 63,000 foreigners in the country, or 0.16 per cent of the total population – which amounted to 38,501,000 persons. According to census data, nationals of neighbouring countries dominated among the foreigners. Most numerous were Ukrainians (24.1%), followed by Germans (9.2%), Belarusians (7.5%) and Russians (7.2%) (GUS, 2012).

Despite the persisting small stock of the foreign population in Poland, the annual inflow of immigrants in the country has been steadily growing over the past decade. An increasing trend in numbers of temporary residence permits issued annually to third-country nationals has stabilized in recent years at around 30,000 (Figure 1), which is double the level recorded in 2000. The annual number of settlement permits has also grown from less than 1,000 to 3,000 per year over the course of the decade. On the other hand, Figure 1 below indicates a major decrease in positive decisions on various forms of international protection, which reflects both changes in Polish refugee policy and improved economic conditions in Chechnya, which led to a drop in the number of asylum-seekers from this country in 2010 and 2011.

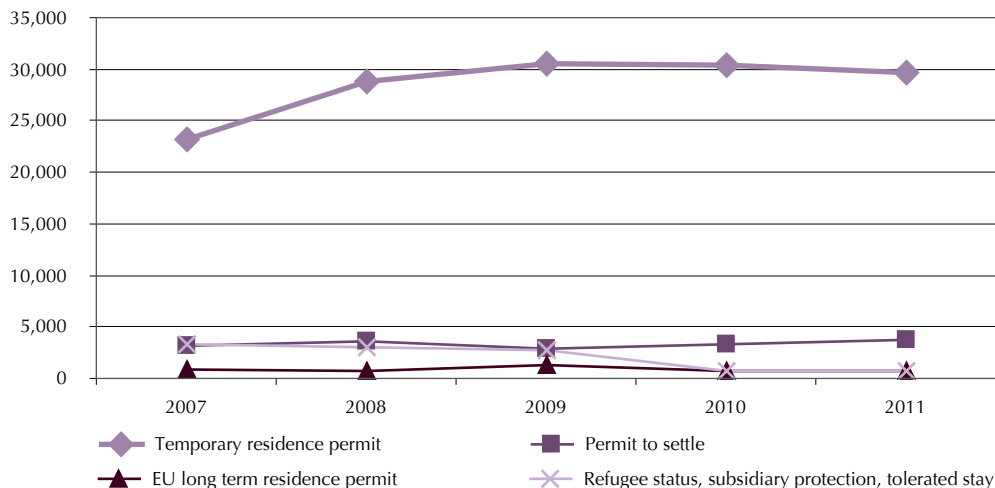
The trend towards increasing immigration to Poland is particularly evident when considering the inflows of seasonal workers under the simplified invitation scheme. Seasonal workers under this regime constitute the largest group of third-country

²⁵⁴ Dr. Anna Kicingier is a researcher at IOM Warsaw.

²⁵⁵ Eurostat data, extracted on 12 May 2012.

nationals working in Poland. In 2011, almost 260,000 invitations to seasonal workers were registered by employers in Poland, up from 180,000 in 2010.

Figure 1. Residence permits for third-country nationals issued 2007–2011 by type of permit.

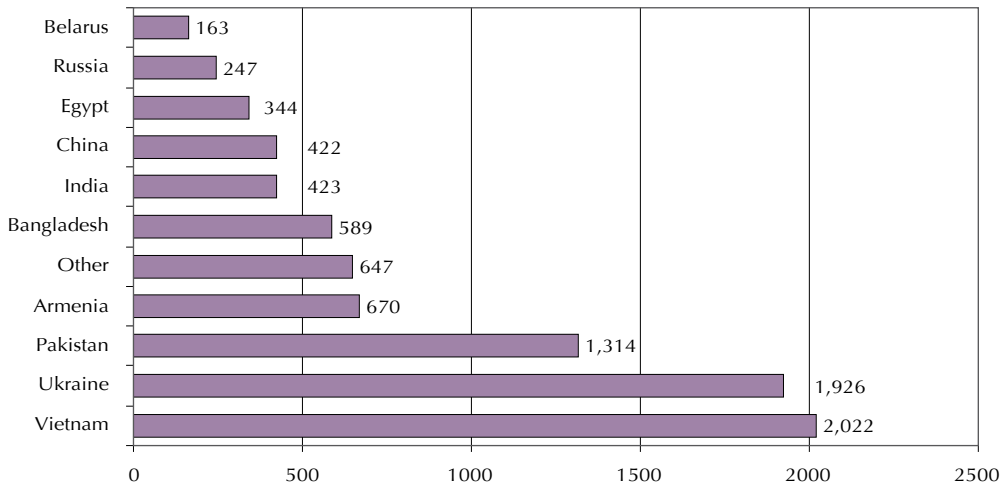


Source: Office for Foreigner's data (www.udsc.gov.pl).

Inflows data presented above do not include EU nationals. Although there are no national administrative registers of EU nationals living in Poland, data on certificates of registered residence from regional governments' (voivods) registries point to a significant increase in the period 2010–2011 (from less than 7,000 to about 13,000). However, these numbers have to be considered with caution.

The estimates on the number of irregular migrants in Poland are imprecise and vary between 70,000 and 500,000, although the latter number is much less probable (Słubik, 2011). The population of irregular migrants traditionally comprises some groups of longer-term irregular migrants (mainly Armenian and Vietnamese) who have been arriving in Poland since the early 1990s. Nationals of these two groups dominated in the first two regularizations carried out in 2003 and 2007. During these two regularizations, 4,000 persons were legalized, of which 48 per cent were Vietnamese and 38 per cent Armenians. More recently, Ukrainians have represented an increasing share of irregular immigrants in Poland. This is mainly the result of Ukrainians overstaying after the Schengen accession of Poland (December 2007). The new regularization carried out between 1 January and 2 July 2012 targeted this latter group. Data on processed regularization applications (Figure 2) demonstrated an increased diversification of irregular migrants in Poland, with a significant rise in applications from Asian countries (Pakistan, China, India and Bangladesh). The number of lodged applications amounted to 9,521, exceeding the total amount of applications lodged in the previous two regularizations.

Figure 2: Applications in 2012 regularization by nationality



Source: Official statistics, available at: <http://abolicja.gov.pl/informacje/statystyki.html>.

2. Labour market impact

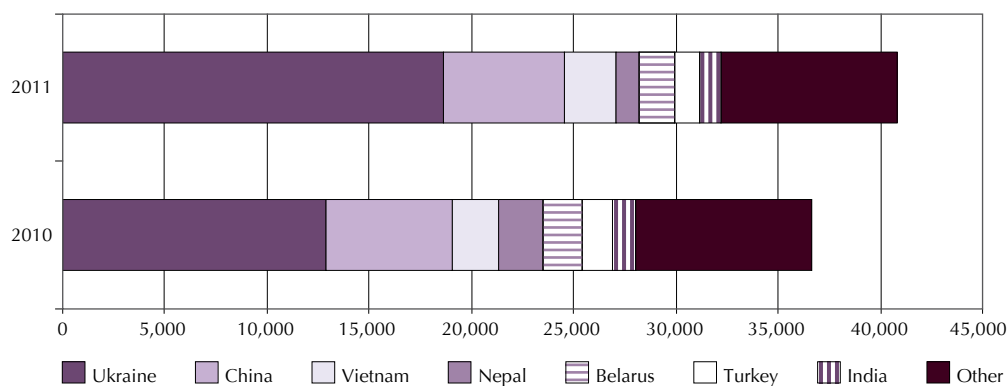
Poland was one of the few European countries that avoided the economic downturn in recent years. Instead, the country experienced a period of continuing economic growth, albeit slower than in previous years. The outburst of world economic crisis in 2008 slowed down the pace of growth yet, contrary to other European countries, the GDP growth remained positive. According to Labour Force Survey (LFS) data, between 2005 and 2008 unemployment in Poland fell from 18.9 per cent to 6.6 per cent. The world economic crisis reversed this positive trend and as of the third and fourth quarters of 2008 unemployment started to rise. Like in other EU countries, youth unemployment is especially worrying (persons aged 15–24), reaching 27.8 per cent in 2012. Despite the growing unemployment rate, the official statistics indicate growing demand for foreign labour in 2010 and 2011.

In 2010, for the first time more than 35,000 work permits were issued. In 2011 a new record high was reached, with 40,000 work permits issued. The simplification of the work permit procedure, introduced in 2009, was one of the reasons behind this increasing trend. Furthermore, the rise in issued work permits continued even in the context of the parallel opening of other channels of admission. As stated in the previous IOM LINET report (IOM, 2012), the categories of foreigners exempt from the obligation to obtain a permit to work in Poland were increased, and the specific channels for seasonal migration from neighbouring countries also rose in popularity.

As in previous years, Ukrainian nationals constituted the largest group among the work permit holders, followed by Chinese, Vietnamese, Nepali, Belarusian, Turkey and Indian nationals. Nepali nationals represent an important new group. In 2010, they were concentrated in one sector – science and technology – and received 32.6 per cent of all work permits issued in this sector. In 2010, the most popular sectors

of employment were construction (5,923 work permits, or 16.1%), trade (5,779 work permits, or 15.7%) and manufacturing (4,035 work permits, or 11%). Almost 9 per cent (or 2,385) of work permit holders were employed in science and technology and over 7 per cent (or 2,624) by households. The latter group was dominated by Ukrainians who received over 86 per cent of work permits in this sector in 2010 and 87 per cent in 2011. In 2011, the importance of this sector rose and, with 4,365 work permits issued, it became the third most important sector of employment of foreigners in Poland, following only construction (8,945 work permits, or 21.9%) and trade (6,833 work permits, or 16.7%).²⁵⁶

Figure 3: Issued work permits, 2010-2011 by citizenship



Source: MPiPS data on work permits, available at <http://www.mpips.gov.pl/analizy-i-raporty/cudzoziemcy-pracujacy-w-polsce-statystyki/>.

Rising trends are also observed in the inflow of seasonal workers to Poland. According to the simplified scheme established through several acts between 2006 and 2009, nationals of Ukraine, Belarus, Russia, Moldova and Georgia are allowed to work in Poland for up to six months a year without a work permit. They can obtain working visas on the basis of registered invitations from Polish employers. The numbers of registered declarations (an employer's declaration of intent to employ a foreigner) illustrate the popularity of this form of inflow to Poland. In 2010 and 2011, as in previous years, Ukrainians constituted the vast majority among the foreigners to whom the invitations were addressed (94% in 2010 and 92% in 2011).

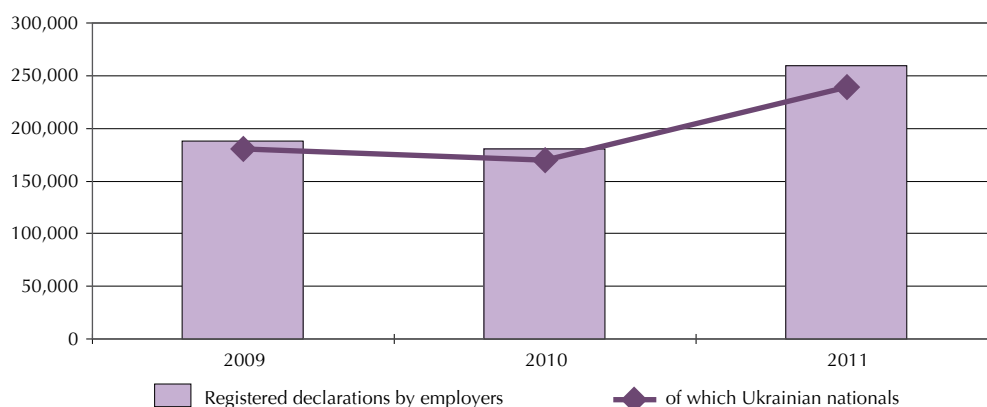
After a slight decrease between 2009 and 2010, a rising trend in registered declarations was noted again in 2011. Agriculture and construction were the most important sectors attracting seasonal workers. Of all declarations, 49.6 per cent and 22 per cent were registered in these two sectors respectively.²⁵⁷

²⁵⁶ All data on work permits come from Ministry of Labour and Social Policy statistics available at: www.mpips.gov.pl/analizy-i-raporty/cudzoziemcy-pracujacy-w-polsce-statystyki/.

²⁵⁷ All data on declarations of intent to employ a foreigner come from Ministry of Labour and Social Policy statistics available at www.mpips.gov.pl/analizy-i-raporty/cudzoziemcy-pracujacy-w-polsce-statystyki/.

Data on issued work permits and on the inflow of seasonal workers indicate a growing presence of foreigners in the Polish labour market. However, the overall numbers are not high, and registered employment of foreigners is still statistically irrelevant in the context of the whole labour market in Poland. According to official data provided by the Central Statistical Office (Główny Urząd Statystyczny, GUS) the share of foreigners in the Polish labour market accounts for less than 0.3 per cent. However, those data are incomplete, as information on the EU nationals is lacking. Such scarce data does not allow for conducting significant comparative analyses on the situation of foreigners and nationals in the labour market.

Figure 4: Registered declarations of intent to employ a foreign seasonal worker in 2007–2011



Source: Author's elaboration based on MPiPS data on registered declarations of employers, www.mpips.gov.pl/analizy-i-raporty/cudzoziemcy-pracujacy-w-polsce-statystyki/.

Two dimensions of foreigners' employment in Poland are worth underlining. First, foreigners tend to concentrate geographically in just one of the 16 regions: In 2011, over 52 per cent of registered invitations for seasonal employment and over 56 per cent of work permits were issued in the Mazowieckie region. Only 19.9 per cent of Polish nationals work in this region. Secondly, the sectorial distribution of foreigners tends to be complementary to that of nationals in the Polish labour market. In 2010, work permit holders tended to work 2.5 times more often in construction and over 7 times less often in agriculture than Polish nationals. At the same time, the sector of agriculture was the primary sector for seasonal workers. Nevertheless, it is important to underline that in all sectors employing foreigners the supply of labour (registered unemployed) exceeds the job offers in all the regions in Poland (MPiPS, 2011).

The share of unemployed foreigners among all the unemployed in Poland is equal to their share in the whole population: in March 2012, unemployed foreigners amounted to 3,400 persons and constituted 0.2 per cent of total number of unemployed in Poland. Of them, 8.8 per cent (0.3 thousand persons) were entitled to unemployment

benefits, two times less than the 16.9 per cent of unemployed Poles entitled to unemployment benefits (MPiPS, 2012a: table T27)²⁵⁸.

3. Institutional and legal framework for admission and employment

As a result of the transposition of the EU Blue Card Directive into the Polish law, a special channel for the inflow of highly skilled migrants was created for the first time in the Polish admission system. According to the new provisions, which came into force on 12 June 2012, highly qualified workers are eligible to obtain temporary residence permits for up to two years through a single residence and work permit procedure.²⁵⁹ To be eligible, applicants must prove their qualifications, obtain medical insurance, and have a job offer for at least one year, with the yearly salary exceeding the minimum yearly salary level established by ministry ordinances (the Ministry of the Interior establishes the salary threshold, which cannot be lower than 150 per cent of the national average). Similarly, as in the ordinary work permit procedure, applications for highly qualified permits are subject to labour market testing. Only after two years of work on a high-skilled permit are further applications exempt from labour market testing. The high-skilled permit is not tied to the employer – as is the case for other work permits – meaning that the worker can change jobs within the time frame set by the permit.

In addition to the categories of third-country nationals exempted from work permit requirement in Poland, there are also categories for whom a work permit is required but who are exempted from labour market testing – including medical doctors and dentists undergoing specialization, sport trainers, intra-company transferees, and nationals of Belarus, Russia, Ukraine, Moldova and Georgia employed by households. In December 2010 this latter group was also approved for being issued work permits without the labour market test if their employment comes as a continuation of seasonal work (with the same employer). In this way the possibility to turn the inflow of seasonal workers into a more stable inflow of temporary workers arose.²⁶⁰

Efforts of the Polish Government to make the Eastern border more open through the local border traffic (LBT) agreements continued. A LBT agreement with Russia on the Kaliningrad District was signed on 14 December 2011 and came into force on 14 May 2012.

²⁵⁸ Census is the only source of data to compare unemployment rates of the native population and migrants. Data of the 2002 Census were already cited in previous IOM LINET reports on Poland. Regrettably, 2011 Census data are being released only partially and relevant data for the years 2010 and 2011 are not available yet.

²⁵⁹ Act of 27 April 2012, amending the Act on Foreigners and Act on the promotion of employment and labour market institutions; *Dziennik Ustaw* 2012 item 589.

²⁶⁰ Ordinance of the Minister of Labour and Social Policy of 9 December 2010, amending the ordinance establishing cases when a work permit for a foreigner is issued regardless of the specific conditions established in the work permit procedure, *Dziennik Ustaw* 2010 No 236 item 1560.

An amendment to the Act on granting protection to foreigners within the territory of the Republic of Poland came into force as of 1 January 2012, which introduced the relocation and resettlement procedures as new legal instruments in Polish refugee law.

The most significant novelty in the legal framework for the admission and stay of foreigners in 2010 and 2011 was the regularization action, endorsed on 28 July 2011 and carried out between 1 January and 2 July 2012.²⁶¹ Compared with the two previous regularizations (2003 and 2007), regularization criteria were less strict. Regularization was made accessible for foreigners staying irregularly in Poland on 1 January 2012 and having stayed continuously in the country since 20 December 2007, or since 1 January 2010, in case of those who, prior to that date, had been issued a negative decision in the asylum procedure along with the expulsion decision, or those who had been in the asylum procedure on 1 January 2010. No additional requirements (for example in terms of accommodation and maintenance conditions) were imposed on the applicants. At the same time, more efforts than before were directed on information campaigns about the regularization. This resulted in a number of applications substantially exceeding the total amount of those recorded in the previous regularizations. Successful applicants will be allowed to stay and work legally in Poland for at least two years. Full data on regularization numbers were not available at the time of completing this report but the regularization is expected to significantly decrease the numbers of irregular migrants in Poland.

4. Institutional and policy framework for integration

Poland still lacks a comprehensive institutional and legal framework for integration, as a consequence of the relatively small size and homogeneity of the migrant population, and of the lack of dramatic events that would fuel public discussion, or mobilize public opinion or policymakers to enhance the integration policy efforts.

Only refugees and persons granted subsidiary protection are eligible to Individual Integration Programmes (IIPs), funded by the central government and implemented by local (poviat) administrations under the supervision of the Ministry of Labour and Social Policy. NGOs remained very active in the field of integration, and their efforts targeted not only refugees and asylum-seekers but also other categories of migrants.

In 2010 new legal provisions were enacted regarding the access of foreign children – including children staying in Poland illegally – to education, which guaranteed the right to free education in public schools not only at pre-school, primary school and gymnasium level, but also in secondary schools (general secondary, technical

²⁶¹ Act of 28 July 2011 on the legalisation of stay of some foreigners in the territory of the Republic of Poland and on amendments to the Act on granting protection to foreigners in the territory of the Republic of Poland and to the Act on Foreigners; *Dziennik Ustaw* 2011 No 191 item 1133.

secondary and basic vocational secondary), up to 18 years of age. Additionally, foreign children will be eligible not only, as before, to additional Polish language lessons, but also to additional lessons in other subjects in which assistance is needed. Moreover, an assistant to the teacher speaking their native language should be made available if necessary.²⁶² These changes aim to foster their integration in Polish society through successful integration in the Polish education system.

A new law on citizenship came into force in August 2012 after a battle in the Constitutional Court.²⁶³ Under the new law, for the first time all categories of immigrants were granted the possibility to become Polish citizens not only by applying for the President's discretionary decision, but also in a formal administrative procedure conditioned only by the fulfilment of fixed criteria, which was previously limited only to the stateless and persons with undetermined citizenship. Immigrants became eligible to apply for citizenship after residing for three years in Poland on a settlement permit or on an EU long-term residence permit, provided they can prove means of accommodation and maintenance. The length of stay requirement is shortened for refugees and persons of Polish descent (two years on a settlement permit). Also, foreigners who have legally and continuously resided in Poland for at least 10 years, acquired a settlement permit or EU long term residence permit (with no minimum time requirement), and can demonstrate maintenance and accommodation, are eligible to use this procedure. The application for citizenship should be lodged to the voivod (regional government representative), which should issue positive decisions on naturalization if the criteria specified in the new law are met. They include, apart from an appropriate period of residence in Poland, a certificate of Polish language knowledge. The latter requirement was hitherto absent in Polish citizenship law. The new law also introduces a procedure of restoration of Polish citizenship (these provisions came in force earlier, in May 2012), which is primarily aimed at those who involuntary lost the Polish citizenship during the communist rulings.

It is worth highlighting that, until recently, Polish citizenship law was one of the strictest in Europe and, consequently, naturalization levels remained very low, not exceeding 2,000 naturalizations a year (with the exception of 2005). In 2009 the rising trend started, as 2,503 persons became Polish nationals. The trend continued in 2010 and 2011, when there were 2,926 (Fihel, 2011: 84) and 3,445 naturalizations respectively (Fihel, 2011: 84, data for 2011 from the Office for Foreigners sent at request of the author). Recent changes in the citizenship law are highly likely to increase the number of naturalizations and thus contribute to better integration perspectives for immigrants.

²⁶² Act of 19 March 2009 amending the Act on the education system and other related acts; *Dziennik Ustaw* 2009 No 56 item. 458; Ordinance by the Minister of National Education of 1 April 2012 on admission of non-nationals to public schools, kindergartens and centres of teachers' education; on organization of additional Polish language lessons, compensatory lessons and country of origin's culture and language lessons; *Dziennik Ustaw* 2010 No 57 item 361.

²⁶³ Act of 9 April 2009 on Polish citizenship; *Dziennik Ustaw* 2012, item 161.

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PORTUGAL

Frederica Rodrigues²⁶⁴



1. Migration trends

In 2011, the foreign resident population in Portugal amounted to 436,822 citizens, which constitutes a decrease of 1.9 per cent compared to the previous year. Foreigners represent a 4.1 per cent share of the total resident population.

Approximately 70,000 persons have left the country in the period 2005–2010 (Observatório da Emigração), making emigration a hot topic of public debate in Portugal. Aside from the traditional countries of destination (France, the United States of America, Switzerland, Canada, Luxembourg), there are more Portuguese people migrating to Angola and Mozambique (increases of 37% and 35% respectively, in the consular registrations between 2008 and 2011), but also to Brazil. One can assume that the economic crisis is having an effect on the return of some immigrants to their countries of origin, yet the reduction in the foreign resident population is also due to a boost in naturalizations.

Looking at the nationalities in the stock of migrant residents (Table 1), in 2011, Brazilians constitute the biggest group, accounting for 25.5 per cent of the total foreign resident population, followed by Ukrainians (representing 11%) and Cape Verdeans (10.1%). Apart from these, citizens from Romania, Angola, Guinea Bissau, the United Kingdom, China, Moldova and São Tomé and Príncipe form the top 10 migrant communities in Portugal. It can be seen that third-country nationals constituted 75.3 per cent of the resident migrant stock in 2011. This proportion was the same in 2010, but it is important to note that for all nationalities, except in the case of citizens from Romania, there was a decline.

In terms of age, in 2011, a significant majority (84.9%) of the non-Portuguese population was of working age (15–64 years). Almost half of the legal foreign resident population (46.8%) are aged between 20 and 39. This is clearly in contrast

²⁶⁴ Frederica Rodrigues is a Researcher at IOM Lisbon.

with the native population that has been ageing continuously, as a result of a decline in fertility and an increase in longevity.

Table 1: Foreign resident population in Portugal, in 2009, 2010 and 2011

	2009		2010		2011	
	N	%	N	%	N	%
Africa (Portuguese-Speaking African Countries)	113,159	25.0	100,907	23.0	97,516	22.3
Cape Verde	48,845	10.8	43,979	9.9	43,920	10.1
Angola	26,557	5.8	23,494	5.3	21,563	4.9
Guinea Bissau	22,945	5.1	19,817	4.5	18,487	4.2
São Tomé and Príncipe	11,484	2.5	10,495	2.4	10,518	2.4
Mozambique	3,328	0.7	3,122	0.7	3,028	0.7
European Union	94,157	21.0	103,224	23.0	107,965	24.7
Romania					39,312	9.0
Spain	8,060	1.8	8,918	2.0	9,310	2.1
Germany	8,614	1.9	8,967	2.0	9,054	2.1
Europe (non-EU)	82,404	18.0	74,517	17.0	69,643	15.9
Ukraine	52,293	11.5	49,505	11.1	48,022	11.0
Moldova	20,773	4.6	15,641	3.5	13,586	3.1
Central and South America	118,389	26.0	121,372	27.0	113,444	26.0
Brazil	116,220	25.6	119,363	26.8	111,445	25.5
Asia	30,277	6.7	28,978	6.5	33,141	7.6
China	14,396	3.2	15,699	3.5	16,785	3.8
India	5,782	1.3	5,271	1.2	5,384	1.2
Others	15,805	3.5	16,264	3.7	15,113	3.5
Total	454,191	100.0	445,262	100.0	436,822	100.0

Source: SEF.

There was a drop of 10.6 per cent at the level of first residence permits issued between 2010 and 2011, falling from 50,747 to 45,369. In 2011, the majority of new residence permits were issued to women and were granted on the basis of family reunification (25% of total permits issued), for professional activity (15%) and for study (14%) (SEF, 2012).²⁶⁵

²⁶⁵ Please note that these data do not correspond to migration inflows, given that Law 23/2007 foresees the issuance of residence permits to foreigners already residing in the country. In fact, according to the Serviço de Estrangeiros e Fronteiras (SEF), the majority of first residence permits were issued to foreigners already living in Portugal.

2. Labour market impact

Portugal experienced a 1.6 per cent reduction in the GDP rate in 2011 with a drop in employment by 2.3 per cent between 2010 and 2011. This especially hit non-nationals with a decrease of 21.2 per cent in the employed population, more particularly third-country nationals (a decline of 24.1%). Indeed, among foreigners, in 2011, there is a decrease of 1.5 percentage points in the employment rate compared to a decrease of 1.4 percentage points in the group of national workers.

Table 2: Employment rate of nationals and foreigners, in the periods 2005, 2009, 2010, 2011

	Nationals	Foreigners	EU nationals	Non-EU nationals	Difference in pp (Non-EU Nationals vs. Nationals)
2005	67.3	71.4	68.1	72.1	4.8
2009	66.2	66.7	70.4	66.2	0
2010	65.6	65.5	64.3	65.7	0.1
2011	64.2	64.0	70.5	62.8	-1.4

Source: *Labour Force Survey (Eurostat), population aged 15 to 64.*

Whereas in 2010 foreigners constituted about 4.6 per cent of the total labour force in Portugal, in 2011 they represented only 3.8 per cent. Focusing on third-country nationals, they represent 3.2 per cent of the total labour force in Portugal, being more prominent than EU citizens (Eurostat). As per the most recent available data, the foreign labour force employed in 2010 is formed primarily of Brazilians (28.3%), Ukrainians (13.2%), Cape Verdeans (10%), Romanians (6.3%) and Angolans (5.8%). Third-country nationals represent 83.1 per cent of the total foreign labour force in Portugal.²⁶⁶

In terms of the employment situation, taking as a reference INE statistics (Instituto Nacional de Estatística – Statistics Portugal), the majority of workers in Portugal are employees. Indeed, over the years there has been an increase in the proportion of employees in the total employed population (74.4% in 2000, 76.2% in 2009, 77.5% in 2010 and 79.1% in 2011). However, the situation in employment, namely the share of employers²⁶⁷ and employees, differs among immigrant communities. In this regard, one can observe that Asians display the highest rate of employers (12%), followed by citizens from the European Union (8%). Other citizens from Europe and citizens from Central and South America (mainly Brazilians)

²⁶⁶ However, one should highlight that these data from the GEP-MTSS Quadros de Pessoal (Employee Rolls), only contain information about the salaried workers who, in a given year, are employed by a company or establishment. Thus, independent workers, workers in the public administrations (except those with individual work contracts) as well as the workers in an irregular situation are not included. It is especially important to note that, in this source, domestic service, where a major part of migrant women work, is not taken into account.

²⁶⁷ It is relevant to notice that these data do not correspond to the share of immigrant entrepreneurs, but only to those that employ others in their businesses.

demonstrate similar levels of employers (2% and 3% respectively). Immigrants from Portuguese-speaking African countries (PALOP) are almost entirely found to be employees.

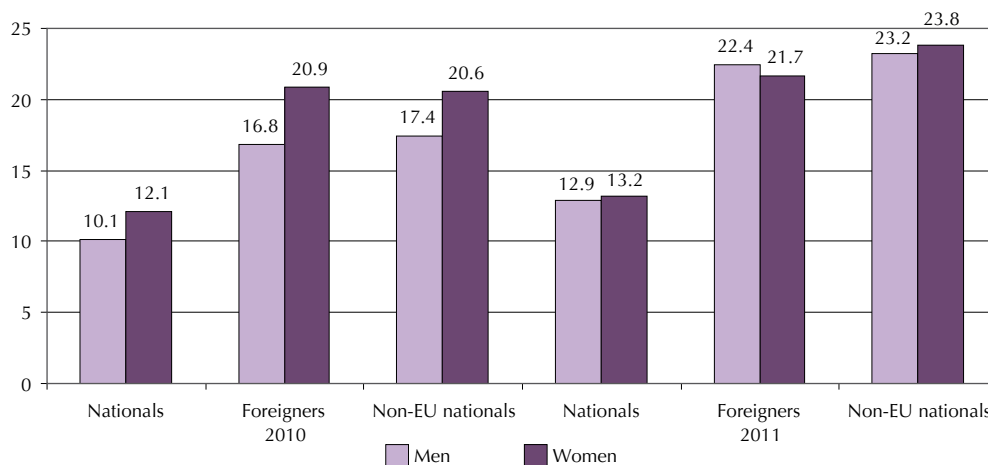
Migrants tend to be concentrated in certain sectors of the economy such as administrative activities and auxiliary services (19.5% of immigrants work in this sector), accommodation, restaurant and similar activities (18.4%), construction (15.6%) as well as in wholesale and retail commerce (13.5%) and manufacturing industries (10.3%). Contrarily, among natives, the majority of jobs are, by order of importance, in manufacturing industries, wholesale and retail commerce and construction. This suggests that there is evidence of complementarity in the dynamic of the labour market. Gender labour segmentation leads to migrant women being more concentrated in the categories of interns/apprentices (7.5% in the case of women compared to 5.8% in the case of men), less-skilled (31.8% compared to 18.7%) and semi-skilled professionals (28.9% compared to 23.7%); women are less represented in senior staff (1 percentage point less than men), middle staff (0.2 percentage points less than men) and heads and team leaders (0.7 percentage points less than men). In addition, the process of deskilling is stronger for female migrants. In light of this, migrant women face larger gaps in occupational attainment in relation to migrant men, but also to their national counterparts.

The difference in median monthly wages was 15 per cent between nationals and foreigners in 2010. The pay gap is even higher when one looks at women – they receive 20 per cent less than national females and 27 per cent less than migrant men. Although both females and males in the group of nationals and foreigners are participating more in part-time jobs as a consequence of the economic crisis, migrant women are five times more likely than immigrant men to have a part-time job and are two times more exposed to it than national females (Quadros de Pessal, 2010).

Although the recent drop in economic activity affects local and migrant workers alike, the full force of the downturn seems to have a stronger negative effect on employment opportunities for the foreign population, with the unemployment gap between natives and third-country nationals increasing (7.9 percentage points in 2010 and 10.5 percentage points in 2011). Indeed, unemployment among foreigners continues to increase and third-country nationals in particular are much more vulnerable than nationals, presenting an unemployment rate of 23.5 per cent in 2011. This is due to the concentration of immigrants in the sectors of activity that are more affected by the economic cycle.

In recent years, migrant women have always been the group faced with the highest unemployment rates. In contrast, in 2011, foreign men showed the highest unemployment rate, suffering an upsurge from 16.8 per cent to 22.4 per cent. In the same year migrant women displayed an unemployment rate of 21.7 per cent. However, when we look at third-country nationals it can be seen that migrant women coming from outside the EU are the most vulnerable group, showing an unemployment rate of 23.8 per cent.

Figure 1: Unemployment rate of nationals, foreigners and third-country nationals, by sex, in 2010 and 2011



Source: Labour Force Survey (Eurostat), population aged 15–64.

A major pool survey of immigrants²⁶⁸ pointed out that there are differences in the unemployment rates among immigrants according to the possession or otherwise of Portuguese nationality. In fact, those foreigners who have not yet acquired Portuguese nationality present higher levels of unemployment (almost twice as high) than those who are already Portuguese citizens (Malheiros et al., 2012).

3. Institutional and legal framework for admission and employment

The legal framework that regulates immigration, which has been in effect since 2007 with the implementation of Law No. 23/2007 and the Regulatory Decree No. 84/2007, has remained unchanged. In August 2012, a new immigration law was approved, making significant adjustments in order to transpose and be in line with several EU directives.²⁶⁹

The admission of third-country nationals in Portugal is regulated by an annual global contingent according to the analysis of the labour market needs, roughly predicting the employment opportunities that will presumably not be filled by the domestic workforce (Portuguese, other EU nationals, European Economic Area nationals, by workers who are citizens of third states with which the EU has signed an agreement

²⁶⁸ With a sample of 5,673 immigrants directly interviewed, and a sample of 13,634 also counting their family members.

²⁶⁹ Directive 2009/50/EC ('Highly Qualified' Directive), Directive 2009/52/EC ('Sanctions' Directive), Directive 2008/115/EC ('Return of Irregular Migrants'), Directive 2011/51/EU ('International Protection') and the Directive 2011/98/EU ('Single permit for third-country nationals to reside and work in an EU Member State').

regarding the free movement of persons, or by third-country nationals who are legally resident in Portugal) and consequently opened up to third-country nationals. It is important to note that sectors of economic activity in which there is no need for labour can be excluded from the quota, which is defined annually.

After a huge reduction in numbers in the last two years, in 2011, this overall quota was not formally approved (Article 59 of Law No. 23/2007, of 4 July – Foreigners' Law), without prejudice to the preparation of the respective auxiliary report used to define this overall quota, based on an unofficial assumption that there was no need for foreign workers in a time of high unemployment. This does not mean that there is no regular channel to enter Portugal. In fact, all the channels established in the law exist but there is no political recognition of the number of foreigners needed. For those that would enter through the quota, the cases are decided on an ad hoc basis by the relevant authorities.

Indeed, according to the government document 'Major Planning Options 2012–2015', as part of the strategy of fiscal consolidation and Portuguese socio-economic development set out in the Programme of the XIX Constitutional Government (in power since June 2011) and in the 2012 State Budget report, there is generally still a need to recruit foreign workers in specific sectors and areas of economic activity. This is justified by the government with the following arguments: the forecast development objectives, the need to balance the age pyramid, the demographic sustainability and the financial health of the social security system.

The structural approach defined by the new executive for the area of migration is based on three fundamental pillars: regulation, supervision and integration. In the first two components, international partnerships will be strengthened for better migration management, actions against irregular migration and the trafficking of human beings will be developed and the relationship with EU Member States will be reinforced, especially in decisions regarding the adjustment of the Schengen Treaty.

4. Institutional and policy framework for integration

In the period 2011–2012 there were no changes regarding the institutional framework for integration in Portugal. Despite the serious economic crisis, the Portuguese government has maintained a strong commitment towards migrant integration.

In 2012, in light of a context of significant restructuring of the public administration and high pressure to cut public costs, the budget of the High Commissioner for Immigration and Intercultural Dialogue (ACIDI) suffered a significant cut (12.7 million in 2011 being reduced to 9.3 million in 2012). With regard to the integration of the immigrant population, the new Government aims to develop measures promoting inclusion, citizenship rights and duties, especially in the areas of education, employment, professional qualifications and housing. To this end it will continue to promote the participation of Non-Governmental Organizations (NGOs) and immigrant associations as strategic partners.

In this context it is important to note the continued implementation of the Second Plan²⁷⁰ for the Integration of Immigrants (2010–2013) (see IOM, 2012). The new government, in the area of labour migration, gave priority to the promotion of access to social rights and measures to promote employment and professional training with a special emphasis on entrepreneurial ventures by immigrants as a response to the crisis, and on the Immigrant Entrepreneur Project (PEI), to provide support for implementing immigrants' business ideas.

5. Active labour market programmes

Immigrants enjoy the same resources in employment centres as natives and can benefit from technical assistance, namely with regard to information and professional guidance, access to training, to employment or to unemployment benefits, without prejudice. Aside from the general labour market measures there is a wide spectrum of labour market measures with migrants as the main target group (see IOM, 2012). In 2011, these initiatives continued, but no new measures were taken.

Based on the Government Major Planning Options for the period 2012–2015, in the employment area, policies that aim to combat the gender wage gap, the gender gap in positions of decision-making and sexual harassment in the workplace are assumed as priorities. Although not directly focused on migrant women, these measures are expected to benefit this group of citizens, especially if we bear in mind that they are the most disadvantaged group in the labour market.

In 2011 there were some new general labour market measures initiated, which are important to highlight:

- Programa Impulso Jovem – a set of measures that aim to decrease the high unemployment rates among young people (between 18 and 30 years, enrolled in the Job Centres for at least 12 consecutive months) and support the small and medium-sized enterprises, through financial support, in the celebration of full-time contracts;
- Estímulo 2012 – maximizing the return to the labour market of unemployed people with higher integration difficulties, empowering them with training and skills adapted to the workplace and simultaneously promoting the improvement of productivity and competitiveness;
- Encouragement of the acceptance of jobs – promoting the return to the labour market of the subsidized unemployed, registered at job centres for more than six months;
- Support in the creation of personal employment – for the unemployed that are receiving unemployment benefits there is the possibility of receiving the total

²⁷⁰ There is a public report of its implementation from 2010 until the end of 2011, stating that the level of execution was at 71 per cent in 2010 and 61.7 per cent in 2011.

amount of the subsidy in advance, to start up an enterprise or buy the social capital of an existent company.

The National Immigrant Support Centres continued to raise the number of attendances, especially the offices dealing with employment: in Lisbon, the support office of employment attended 7,349 immigrant people (70% more attendances than in 2010) and the qualification support office attended 8.5 per cent more immigrants than in 2010 (842 and 776 respectively). In Oporto, the support office of employment attended 2,163 immigrant people (8.4% more attendances than in 2010) and the Authority for the Work Conditions attended 68.2 per cent more immigrants than in 2010 (2,670 people in 2011). Since its inception until the end of 2011, the National Immigrant Support Centres and the Faro extension registered more than 2 million attendances, numbers that strengthen the great importance and utility of these structures in the welcoming and integration of immigrants. The 86 Local Immigrant Support Centres also built up the number of attendances in 2011 (73,735 compared to 66,922 in 2010).

6. Discrimination in employment

With regard to the institutional framework on the combat of racism and discrimination, the Commission for Equality and Against Racial Discrimination continues to be the main public body being chaired by the High Commissioner for Immigration and Intercultural Dialogue and composed of members of Parliament; Government representatives in the areas of labour, social protection, and education; migrant associations; anti-racist associations; trade unions; employer associations; human rights associations.

The Government defined four measures in the Second Plan of Integration of Immigrants to combat racism and discrimination. The priorities established for the period 2010–2013 are the following:

- Legislative changes to reinforce the intervention capacity of the Commission for Equality and Against Racial Discrimination;²⁷¹
- Awareness and training for combating racial discrimination;
- Combating racial discrimination in sport;
- Breakdown of statistical data.

In 2011, there were 111 complaints submitted to CICDR, 15 of which were referred to the Authority for Working Conditions in cases of labour discrimination. Regarding the nationality or ethnic origin of the submitters of complaints, it can be seen that the greatest number were Brazilians (22%), followed by Ukrainians and Africans. The number of complaints and sanctions related to racial discrimination is therefore still very low.

²⁷¹ This goal was part of the first plan for the integration of immigrants but no action was taken in this regard.

A recent study (Malheiros et al., 2012) points out that the majority of immigrants confirm the existence of ethnic and racial discrimination (74%), this perception being higher among the groups with lower education levels, and among women. However, when it comes to the personal experience of racial and ethnic discrimination, a smaller proportion (42%) admitted to having been (at least once) a victim of this type of discrimination. Women and immigrants in an irregular situation present slightly higher values on this (45% and 44.5% respectively). From the group of immigrants that declared having suffered from discrimination, it is possible to verify that it is during employment (or in related situations) that the majority of cases occurred (44% of immigrants have been discriminated in work and 22% in a job interview). Focusing purely on discrimination in employment, and in accordance with immigrants that have suffered it, the main actor of discrimination, in the labour market, is a colleague.²⁷² This could be due to the perception of competition as opposed to a feeling of complementarity. The employer is the agent of discrimination in more than a quarter of cases but discrimination occurs also on the part of clients, although this is in a small number of cases. Irregular migrants seem to be more exposed to discrimination in the labour market.

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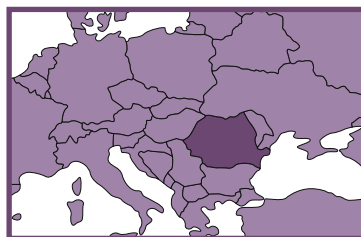
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ROMANIA

Iris Alexe²⁷³



1. Migration trends

At the beginning of 2012, Romania represents an important source country for migrants within the European Union (EU) with an estimated 3 million Romanians living abroad while, very slowly, it is also becoming a destination country for immigrants.

Romania's total foreign population stock amounts to around 100,000 persons, representing 0.5 per cent of the total population, including 59,000 third-country nationals (TCNs) (0.3%) and 41,000 EU citizens (0.2%).²⁷⁴ While the number of EU citizens has risen continually since Romania became an EU Member State (2007), data indicate for the years 2010 to 2011 a 1 per cent drop in the total number of TCNs legally residing in Romania.

Compared to 2010, while immigration for commercial activities and employment purposes diminished by about 20 per cent, the number of migrants arriving through family reunification and those of family members of a Romanian, EU or EEA citizen increased (by almost 15%) in 2011.

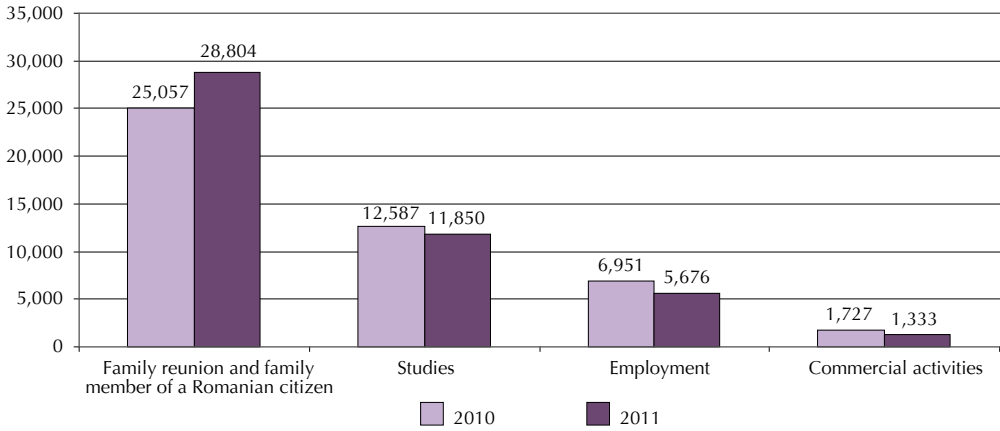
In 2011, there were 58,809 TCNs legally staying in Romania: 48,426 with temporary residence and 10,383 permanent immigrants. About half of them are family members of a Romanian, EU or EEA citizen, a quarter of them are students, less than a fifth are workers and less than 3 per cent came to Romania to do business. The main countries of origin for temporary and permanent migration in 2011 remained unchanged. More than 60 per cent of TCNs with temporary legal stay originate from Moldova (14,657), Turkey (6,693) and China (4,248) while the top three countries of origin

²⁷³ Iris Alexe coordinates the Migration and Development Programme at Soros Foundation in Romania.

²⁷⁴ The National Institute for Statistics' provisional data from the national census conducted in October 2011 indicate that Romania has a total population of 19 million (19,042,936), <http://www.recensamantromania.ro/rezultate-2/>.

for permanent immigrants are China (2,640), Turkey (2,112) and Syria (973). The majority of immigrants are within the working-age group and 57 per cent are under 35 years old. Men represent around 60 per cent of the total immigrant population.

Figure 1: Immigration by purpose of entry into Romania, 2010–2011



Source: Romanian Office for Immigration (ROI) statistical data.

The number of foreigners granted with a form of protection living in Romania at the end of 2011 was around 1,200, at the same level as 2010. The majority of foreigners granted with subsidiary protection (26.5%) or a refugee status (73.5%) are adults that are active in the labour market (75%); only 20 per cent are minors and two per cent over 65 years. Afghanistan emerged in 2011 as a relevant country of origin for foreigners granted with a form of protection (11%).²⁷⁵ The beginning of 2011 registered a high rise in the number of asylum applications that more than doubled as compared to 2010 due to the socio-political situation in Northern Africa. This is also visible in the top three countries of origin of migrants seeking asylum in Romania, more than half of them coming from the Maghreb region: Algeria (27%), Morocco (12.7%) and Tunisia (12.5%) (ROI, 2010c; 2011).

Romanian Border Police reported that 3,142 foreign citizens were identified to be involved in irregular immigration in 2011, a rise of 62 per cent compared to the previous year. Migratory inflows at the Northern (Ukraine) and Eastern border (Republic of Moldova) have declined compared with the same period in 2010, while, at the beginning of 2011, a new migration route in the South-West of Romania has come up: Turkey – Greece – FYROM / Albania – Kosovo – Serbia – Romania – Hungary. Thus, the most significant case of growth of irregular migration was recorded at the border with Serbia, where 1,084 persons attempting illegal border crossing were apprehended (compared to 16 registered cases in 2010) (Romanian

²⁷⁵ More than half of the foreigners granted with a form of protection come from Iraq (51%), Afghanistan (11%) and Iran (8%), while other countries/regions of origin have modest shares, of less than 5 per cent (ROI, 2010c; 2011).

Border Police, 2010; 2011). In 2011, the Romanian Office for Immigration (ROI) reported 1,501 third-country citizens identified as illegally residing in Romanian territory, a drop greater than 60 per cent against the level of 2010.

2. Labour market impact

Despite the economic difficulties within the past two years, Romania's employment rate recorded a moderate increase of about 0.4 per cent between 2010 and 2011, while the number of employees went up by 0.1 per cent and the number of self-employed by 1.1 per cent. Employment increased in agriculture, industry and constructions and some services, while other services cut the number of employees (NIS, 2012).

According to the National Employment Agency (NEA) the official number of jobs available annually amounted, with slight sectorial difference, to between 10,000 and 20,000 vacancies. Furthermore, during 2011, NEA reported a total of 41,794 of jobs available as the employers repeatedly declared them vacant. In 2011, among the occupations with high numbers of vacancies are: merchandise carrier, textile worker, mason, concreter, machine and installation operator, worker in construction/highway infrastructure, small trader (NEA, 2011).

As indicated in the previous IOM LINET report (IOM, 2012), in Romania, employment and unemployment rates as well as other labour market indicators are produced only for nationals; little data concerning the labour market participation of foreigners is being collected and in-depth information or statistical analysis on different groups (for example, TCNs and EU residents) and categories of migrants are lacking. In addition, for TCN workers some indicators (such as unemployment rate) are not applicable because of the prevailing provisions of the immigration regime.²⁷⁶

Labour market developments and the dynamics of migratory flows are closely linked to the national economic performance. The annual quota is dependant mostly on the changing nature of labour demand for particular skills and occupations and on the extent to which they can be filled from existing sources of supply that can be made easily available to address the immediate needs on the labour market (Table 1).

Table 1: Correlation between Romania's economic growth (GDP %), annual quota and work authorizations issued, 2008–2011 period

Year	2008	2009	2010	2011
Economic growth (GDP %)	+7.1%	-7.1%	-1.3%	+2.5%
Annual quota	10,000 supplemented by 5,000	8,000	8,000	5,500
# of work authorizations issued	15,000	4,278	2,970	2,680

Source: ROI, the Ministry of Labour, Family and Social Protection and NIS data.

²⁷⁶ After termination of employment, the migrant worker has two months to regularize his/her situation and find a new employer, if not, the stay permit is cancelled, the right to stay is revoked, the migrant worker becomes irregular and is forced to leave Romanian territory.

Therefore, since 2009, fewer and fewer work authorizations have been issued every year. In 2010, only 2,970 work authorizations were issued, this representing 37 per cent of the annual quota approved for 2010 and a 30 per cent decrease compared to the previous year. In 2011, the number of work authorizations issued (2,860) continued to fall, a moderate decline of 9.8 per cent against the year before, yet this accounting for 47.7 per cent of the approved annual quota.

As regards work authorizations issued in 2010 compared to 2011, Table 2 highlights among the top countries of origin a downhill trend for almost all countries with one exception: the Philippines. Moldova, which ranked the fourth country of origin in 2010, has undergone a sharp decrease and fell into fifth place in 2011.

Table 2: Work authorizations issued in 2011 compared to 2010, breakdown by top countries of origin

Year/ Country of origin	2011	2010	Variation (absolute values)	Variation (%)
Turkey	542	616	-74	-12.0
China	492	530	-38	-7.2
Philippines	329	266	63	23.7
Sri Lanka	145	n/a	n/a	n/a
Moldova	138	226	-88	-38.9
Nepal	121	160	-39	-24.4
Korea	111	115	-4	-3.5
Serbia	86	156	-70	-44.9

Source: Romanian Office for Immigration (ROI) statistical data.

In 2010 and 2011 we noticed a rebalancing in terms of migrants' occupational profiles and the economic sectors where migrant workers are concentrated. Thus, in 2010 compared to 2009, most jobs for migrants were available in services, domestic and educational care sectors. In 2011, in the context of a slight recovery of the construction sector and several investments in the infrastructure and national industry sector, migrant workers have turned to these economic sectors too.

Statistical data provided by the Labour Inspection²⁷⁷ give a broader and more comprehensive image regarding immigrants' participation in the Romanian labour market. At the end of January 2012, the Labour Inspection informed that 13,329 foreigners were enrolled as active employees in the General Electronic Employees Register. Statistics show that foreign employees from EU countries came from Italy (884), Hungary (761), Germany (512), France (456), Greece (382), and Bulgaria

²⁷⁷ In 2011, in order to improve the labour market functioning, following the amendments to the Labour Code, drafting of the subsequent legislation was required. To this end, the Romanian Government approved the GD 500/2011 on General Electronic Register of the Employees, which lead to a complete database reflecting as accurately as possible the employees' activity.

(349). Foreign workers from third countries mainly came from Turkey (2,505), China (1,660), Moldova (854), and the Philippines (385).

In Romania the share of the informal economy in the GDP is about 30 per cent, while the share of undeclared work is almost half of the grey economy. The sectors with high incidences of undeclared work of foreigners are the construction and services sectors, including small trade, wholesale stores, small carriers, activities in the public food sector and seasonal occupations in the hospitality area. In 2011 compared to 2010, ROI's control actions intensified (+8%).

3. Institutional and legal framework for admission and employment

An important policy change with high impact on the future operations of Romania's immigration management was the adoption of the National Strategy on Immigration for the period 2011–2014²⁷⁸. It governs the actions of the Romanian institutions in the field of immigration, asylum and integration of foreigners and will be implemented through National Annual Plans. Labour immigration represents a major area addressed by the Strategy. It is considered that the migrant workforce in Romania is mainly low- and medium-skilled and that it is imperative that Romania should encourage admission for the employment of highly skilled TCNs.

Law 157/2011 on the regime of foreigners in Romania has amended and completed the existing national legislation on foreigners in Romania and aims to transpose recent European directives in the matter of migration and asylum, as well as to align the specific national legislation as part of the process of Romania's acceding to the Schengen Area, such as the application of the Visa Code. In this regard the law has introduced new visa requirements for TCNs who migrate to Romania for the purpose of commercial activities by raising the limit and quantum of their investments, and has modified the type of visa for posted workers in Romania²⁷⁹. In addition, Law 157/2011 has modified the conditions of long-stay visas for posted workers in Romania by regulating a new type of visa issued for the purpose of employment (visas for posting workers). Previously, the foreigners that applied for employment as posted workers in Romania had to use the visa for other purposes. The law has also transposed the Blue Card Directive by regulating the right to work for the highly skilled, and it has established new procedures and sanctions for the employers that hire TCNs with irregular stay or who employ TCNs in the informal labour market. Relevant provisions of Law 157/2011 that could have an important impact on admission and access to the labour market and the employment of immigrants in Romania are as follows: 1) to hire a highly skilled migrant, the employer is obliged to pay the migrant worker a wage

²⁷⁸ Government Decision (GD) 498/2011, published in the Official Gazette no 391 from 3 June 2011.

²⁷⁹ Thus, to obtain a visa for commercial activities in Romania, foreigners that are associates in a limited company must invest a minimum of EUR 100,000 (previously a quantum of EUR 70,000), while for foreigners who are share-holders in a joint stock company the minimum investment is EUR 150,000 (raised from EUR 100,000).

amounting to at least four times the average gross salary in the economy; 2) to hire a migrant who requires work authorization, the employer must pay the migrant worker a wage that amounts to at least the average gross salary; 3) the employer that applies for work authorizations must have a clean legal and financial record and no previous sanctions for using undeclared work or irregular employment.

Joint efforts of the civil society, which, as of 2010, acted together and initiated advocacy actions to amend the draft bill are reflected in the new Law 157/2011. For example:

- “The possibility to extend the right to stay for a motive other than the purpose of visa provided the request complies with the regulations of the Ordinance regarding the right to stay for that new purpose [...] without the obligation to apply for another visa”. This change covers only two categories of migrants: third-country graduates and migrants on the grounds of family reunification.
- “The extension from 30 to 60 days of the term in which a new work authorization application must be filed after the termination of the employment relationship”. This amendment proves beneficial for migrant workers who have, thus, more time to find a new job and employer.
- Migrants with a toleration status who only had permission to stay on Romanian territory were granted the right to work and thus to participate in the national labour market and earn their living.

Another major change of the legal framework that took place in 2011 was the adoption of Law 80/2011²⁸⁰ regarding the free movement of EU and EEA citizens. Hence, the legislation changes ensured the full transposition of the European acquis on residence (Directive 2004/38/CE) and introduced the necessary regulations to allow full exertion of the right of free movement in Romania for EU and EEA citizens and their family members.

The Romanian Labour Code was revised and supplemented by Law 40/2011, in order to improve flexibility, to better adapt to the realities of labour relations and to the socio-economic situation, as well as to harmonize its provisions with the European Directives and the ILO Conventions. Another legal and institutional change that took place in 2011 was the establishing of a new Social Dialogue Code. As a consequence, the possibility of the migrant workers to stand for their rights and promote their interests either by joining a trade union or just benefitting from the support of trade unions, including the advantages derived from the collective negotiating, narrows significantly. This is because the new Social Dialogue Code eliminates the collective bargaining at national and at branch level which is replaced by an industry or sector level.

Finally, in 2011 the Romanian parliament also passed the Law 52/2011, called ‘Daytime Workers Law’ on the performance of occasional or seasonal activities,

²⁸⁰ Published in the Official Gazette no. 443 from 24 June 2011 that modified and completed the Government Emergency Ordinance (GEO) 102/2005.

which has already been discussed in the previous IOM LINET report (IOM, 2012).

4. Institutional and policy framework for integration

The social 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, similar to the previous Strategy for 2007–2010 (see IOM, 2012).

Over the period 2010–2011, the funds allocated through the European Integration Fund (EIF) Annual Programmes increased to address the immigrants' needs and to ensure that particular categories (vulnerable groups) are provided the necessary support in the context of the economic crisis. The projects implemented by NGOs via this Fund have the following objectives: 1) to disseminate information to TCNs regarding their rights and opportunities to integrate in Romania; 2) to increase the integration opportunities for vulnerable migrant categories; 3) to inform the Romanian population regarding the benefits of immigration; 4) to improve the migrants' opportunities to access and attend Romanian language classes and introductory courses; 5) to research and develop better knowledge about the TCNs residing in Romania; 6) to develop and implement inter-institutional cooperation; 7) to set up an intercultural environment in the view of facilitating integration and social cohesion (ROI, 2010; 2011).

The only partial data available (projects' outcomes)²⁸¹ indicate that an increased number of TCNs benefited from introductory courses. In 2010 a training curriculum on interculturalism was produced. Moreover, in 2011, intercultural mediators with immigrant background were identified, selected and trained in five cities of Romania so that they might develop and sustain a national migrant community network able to promote migrants' interests and rights.

Concerning Romanian language courses, some progress has been made:²⁸² a Romanian language initiation manual, a network of teachers functioning in Romanian cities where there is a high concentration of immigrants, and teaching groups more attuned to the migrants' characteristics.

From 2010 to 2011, the National Authority for Qualifications (NAQ)²⁸³ progressed in the implementation of sectorial occupation standards that constitute the general

²⁸¹ <http://ori.mai.gov.ro/detalii/pagina/ro/Fondul-European-pentru-Integrare/182>.

²⁸² Areas where further improvement is necessary, both in content and set up, are: Romanian classes only for beginners; delivery of courses is not tailored to the immigrants' needs (working hours, gender, culture and beliefs); curriculum should be changed; inefficient dissemination of information about the availability and about the institution that organizes the Romanian language courses; inconsistencies in the entire delivery process: geographical location, logistics, institutional personnel.

²⁸³ National Authority for Qualifications (NAQ) was established by reorganizing the National Council of Qualifications and Vocational Training of Adults (NCQVTA) and the Executive Unit of the National Council of Qualifications and Vocational Training of Adults (EUNCCQVTA). According to GD556/2011, to fulfil its duties, NAQ took over all rights and obligations of NCQVTA and EUNCCQVTA, which were abolished.

framework for evaluation and recognition of TCNs' formal and informal skills and qualifications. A total of 573 qualifications were described in terms of skills as against the initially proposed target of 500 qualifications; the methodology on the implementation of the National Qualification Framework in Higher Education (CNCIS) was also developed and is pending approval. At the end of 2010, a small guide regarding the recognition of diplomas and qualifications of foreigners was produced, within an ERF funded project.

5. Active labour market programmes

The National Employment Agency (NEA) developed few migrant-specific labour market actions and particular categories of migrants are addressed mainly as part of other vulnerable groups targeted by the active national occupational programmes. Nevertheless, every year, NEA establishes an annual target in its Employment Strategy referring to a number of immigrants that would benefit from active labour market measures. Given the small number of immigrants in Romania, the target envisaged is usually a figure below 200 foreigners. In 2011, NEA informed that out of 101 foreigners recorded in its database, 76 foreigners benefited from information, counselling and job placement assistance and 36 secured employment.

Other important active labour market programmes are the bilateral agreements with third countries, transnational institutional cooperation (a relevant example is the partnership with Moldova) that promote better occupational and geographical labour mobility.²⁸⁴ Moreover, in 2011, NEA initiated information campaigns addressed to EU and EEA workers interested in finding employment in Romania through the European Job Mobility Portal (EURES).

6. Discrimination in employment

Several qualitative studies on immigration conducted in 2011 and 2012 (Timisoara Intercultural Institute, 2010; 2011; ADRA Suceava, 2012) confirm that Romania has a good legal and institutional anti-discrimination framework but stress the importance that the law implementation and practices are under permanent monitoring. Although no cases of immigrant discrimination have been reported to the Romanian authorities, these studies draw attention to the fact that during meetings, focus groups and interviews with immigrants the topic of discrimination in employment and in relationship with employers and institutions is an issue ever present.

²⁸⁴ For more details see the MLFSP's website: www.mmuncii.ro.

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SLOVAKIA

Zuzana Bargerová²⁸⁵



1. Migration trends

At the end of 2011, Slovakia had 5.4 million residents of whom 66,191 (1.2%) were immigrants, amongst whom were 41,858 EU nationals with registered stay and 24,333 third-country nationals with granted residence permits. Third-country nationals represented 0.45 per cent of the whole population.

The population in Slovakia slightly decreased in 2011, with the demographic forecast showing future stagnation and significant decline in population numbers as of 2030.²⁸⁶ Following a different trend, the numbers of immigrants from the EU and third countries keep growing, although at a lower pace (Table 1).

Table 1: Foreign immigration in Slovakia, 2009–2011

Indicator/ Year	2009	2010	2011
Number of all foreigners as at 31 December of a relevant year	58,322	62,584	66,191
Annual increase (in %)	10.66	7.3	5.67
Proportion to the total population in the country (in %)	1.07	1.15	1.22
Residence permits granted to TCN during a relevant year	21,492	22,932	24,333
Annual increase (in %)	29.8	6.7	6.1

Source: Author's elaboration on Statistics of UHCP data.

Regarding countries of origin, the largest immigrant communities remain similar to previous years, with the majority of migrants coming from the Czech Republic and Ukraine. The number of Ukrainians – the largest community amongst third-country nationals – increased from 5,413 in 2009 to 6,091 in 2011. Since 2006, there has been a significantly growing number of Romanians, Hungarians, and Serbs. The

²⁸⁵ Zuzana Bargerová is a consultant at the International Organization for Migration (IOM) Bratislava.

²⁸⁶ Infostat: *Population Projection of Slovakia Until 2050*. Bratislava, 2008.

increase in the number of Serbs might be influenced by the aspiration of obtaining the status of a Slovak living abroad.²⁸⁷

Table 2: Immigrants (including EU nationals) by country of origin, 31 December of relevant year, 2009 – 2011

Year/Country of origin:	2009	2010	2011
Czech Republic	7,764	8,331	8,757
Romania	5,350	5,755	6,245
Ukraine	5,413	5,786	6,091
Hungary	4,396	5,184	5,940
Poland	4,680	4,959	4,849
Serbia /Montenegro	2,434	2,597	4,311
Germany	3,844	3,770	3,713
Russian Federation	1,738	1,942	2,165
Vietnam	2,204	2,032	1,974
Austria	1,900	1,948	1,949
China	1,609	1,729	1,739
Republic of Korea	1,525	1,592	1,552
Bulgaria	1,475	1,641	1,855

Source: Author's elaboration on Statistics of UHCP data.

Table 3: Third-country nationals with legal residence permit, by country of origin and legal status, 31 December 2011

Country of origin:	Total	Temporary residence permits*	Permanent residence permits**	Tolerated stay permits	Work permit	Total employed
Ukraine	6,091	3,508	2,546	37	705	998
Serbia/Montenegro	4,311	3,890	412	9	2	505
Russian Federation	2,165	938	1,220	7	133	255
Vietnam	1,974	868	1,059	47	263	294
China	1,739	943	791	5	249	279
Republic of Korea	1,552	1,078	474	0	521	885
USA	855	449	404	2	188	284
Macedonia	540	220	311	9	92	104
Croatia	457	162	287	8	76	127
Turkey	341	185	149	7	54	78

Source: Author's elaboration on Statistics of UHCP data.

Note(s): *Certain restrictions on the labour market; **No restrictions on the labour market. Permanently residing foreigners can work without work permit, with the 'information card', like EU nationals.

²⁸⁷ UHCP's answer to FOIA request of July 20, 2012. However, from 1.1.2012 even these persons must apply for a temporary residence permit (the exemption from the residence permit has been abolished).

While the total number of female migrants residing in Slovakia since joining the EU continuously grew (from around 9,800 in 2004 to 24,000 in 2010), their total share has been declining in the last five years (currently about 35.6 per cent). Women are also under-represented among citizens of third countries (around 40 per cent) (Filadelfiová et al., 2011). Among the working migrants in Slovakia the gap is even wider, with migrant women constituting only around one fourth of the total number of working foreigners.

Migrants in Slovakia represent a relatively well-educated population. Out of 5,186 employed third-country nationals, in 2011, only 7.7 per cent had just basic education, while 21 per cent had secondary, 27 per cent attained upper secondary and 44 per cent higher education. In this regard, a recent research (IVO, 2011) reveals the scale of over-qualification (see IOM, 2012).

Among newly arrived migrants, permits for the purposes of enterprise, employment and family reunification prevail. Other types of temporary stay are in practice very rarely and are cautiously used. Permanently residing migrants currently constitute around 40 per cent of all third-country nationals, and 14 per cent of the whole population of foreigners in Slovakia.²⁸⁸ Since the accession of Slovakia to the EU, numbers of asylum-seekers are gradually decreasing, from 3,549 in 2005 to a total of just 491 in December 2011.

Table 4: Residence permits granted to third-country nationals according to purpose of stay, 2009 and 2011 (31 December)

Purpose of stay:	2009	2010	2011
Permanent stay*	8,246	9,089	9,739
Total number of granted temporary stay	12,986	13,610	14,368
Temporary stay – Enterprise	2,933	3,019	2,624
Temporary stay – Employment	3,090	2,822	2,916
Temporary stay – Seasonal work	1	5	5
Temporary stay – Study	581	669	602
Temporary stay – Family reunion	1,584	1,842	2,116
Temporary stay – Special Activity, Artist	3	1	2
Temporary stay – Special Activity –Research, Science	11	6	12
Temporary stay – Special Activity –International treaty	163	95	86
Temporary stay – Governmental programme	58	58	84
Temporary stay – Special activity – Volunteer	0	28	57
Temporary stay – Special activity – Lecturer	35	33	50
Temporary stay – Special activity –Health care	0	7	14
Temporary stay – Special activity –Internship	15	1	6
Temporary stay – Special activity – Sport	165	161	184

Source: Author's elaboration on Statistics of UHCP data.

Note: *New types of permanent stay were introduced in the new Act on residence of foreigners from January 2012. No statistics are available yet.

²⁸⁸ Permanent residence is a precondition for naturalization.

2. Labour market impact

Due to the upturn in export production, fuelled mainly by the growth of consumption in Slovakia's primary export markets, the Slovak economy has begun to recover from the economic downturn. The GDP – after a negative growth rate of 4.9 per cent in 2009 – grew by 4.2 and 3.3 per cent in 2010 and 2011 respectively. This is, however, achieved by an increase in work productivity rather than a rise in employment. Even though Slovakia continued to experience a slight increase in employment in industrial sectors throughout 2011 (1.5 per cent), employment in other economic sectors, such as services, construction or retail, continued to fall.

Even though the economic situation of the country did not have a visible impact on reducing the number of foreigners in the labour market,²⁸⁹ immigrants remain one of the most vulnerable groups in the Slovak labour market.²⁹⁰ According to the last annual Central Office of Labour, Social Affairs and Family (UPSVaR) report, the employment of foreigners in Slovakia in 2011 was marked by a similar trend as in 2010. This means that the number of employed or seconded EU citizens to Slovakia and third-country nationals who do not need a work permit increased (+24% and 21% respectively), while the number of employed TCNs with work permits rose gradually (+9%).

Pursuant to the latest UPSVaR statistics, at the end of December 2011 there were 22,185 employed foreigners in Slovakia, both EEA nationals and third-country nationals. Among them there is a significant gender gap; 80 per cent of migrant workers were male (17,558). EU nationals constitute a majority of employed foreigners in the labour market (0.8%). There were 17,255 EU nationals employed in Slovakia at the end of 2011, out of which 13,994 were men (81%). Romanians represent the largest community in the labour market – 4,513 (1,578 more permits than in 2010), followed by the Czech community – 3,227 with an increase of 397 permits. In 2011, there were 2,196 Poles employed in Slovakia, as the third largest group, closely followed by Hungarians (2,164).

The number of third-country nationals with issued work permits was 3,253, among which 72 per cent were granted to men. The largest group was composed of Ukrainian citizens, followed by citizens of the Republic of Korea (mainly through significant investment in the Slovak Republic by KIA, Samsung and the associated influx of subcontractors) and by citizens of Serbia. There were 1,905 third-country nationals working with the information card (meaning they were exempt from the work permit) at the end of December 2011 (1,437 men and 468 women).

Respectively, 11 per cent of Ukrainians and Vietnamese were employed with work permits, mostly as experts in biological, medical and related fields, as skilled workers

²⁸⁹ Employment of foreigners in the Slovak Republic (assessment for the year 2011), sent by UPSVaR on 17 July 2012.

²⁹⁰ Third-country nationals' residence is tied to a particular employer and position. As a result of the economic crisis, this situation has worsened since it is difficult to change employer and at the same time to obtain a work permit.

in the mining and construction sectors and drivers (Ukrainians), and as operational staff in service and trade, as craftsmen and qualified producers, repairers, machine and equipment operators (Vietnamese).

Official data on migrants pursuant to occupation and economic activities are difficult to obtain, as there is an absence of research and reliable statistical data in the Slovak Republic. Available statistics only count migrants registered as employed on a work permit or with an information card, but some groups of foreigners are not covered (for instance, entrepreneurs, self-employed foreigners or managers and associates of companies). Data on different business activities other than employment, including the self-employment of migrants, broken down by age or gender, are lacking.

Newly arrived migrants who were granted temporary residence permits for purposes of employment are strictly dependent on an approved activity and a particular employer. Once their employment finishes, the former employer informs the relevant department of the foreign police and the residence permit is cancelled within 30 days. Third-country nationals who were granted permanent residence permits may enter the labour market without a special permit from the Labour Office. In the case of their unemployment, they may use the mediation services of the Office and be registered as job-seekers.

Unemployment can only be measured among those migrants with permanent residence (EU and third-country nationals) who are registered in the official registry of job-seekers. Statistics are not available for the reporting period. According to IVO research (2011) on economic aspects of immigration, at the time of the study only 6 per cent of respondents were unemployed.

Several studies point to the fact that humanitarian migrants and migrant family members (women migrants) are often involved in undeclared work, for example as domestic workers (Bargerová et al, 2011; Pufflerová, 2010).

3. Institutional and legal framework for admission and employment

In February 2011, the Migration Office of the Ministry of the Interior of the Slovak Republic was appointed to prepare the draft of a new migration policy.²⁹¹ The Government adopted the *Migration policy of the Slovak Republic with a view to 2020*, but details of the migration policy will be further provided by separate action plans such as, for instance, the action plan on migration policy in the domain of the Ministry of Labour, Social Affairs and Family of the Slovak republic 2012–2013.

At the same time, the Ministry of the Interior introduced a new tool of migration policy, the Act on the Residence of Foreigners and Amendment and Supplementation of Certain Acts, with effect from 1 January 2012 (hereinafter *Act on Residence of*

²⁹¹ In May 2011, the migration policy proposal has been submitted to the ministries and central state authorities for comments.

Foreigners)²⁹². The bill was prepared by the Bureau of Border and Aliens Police (UHCP), which decided to unify the rules for border control with regulations of entry and residence of foreigners in the territory of Slovakia. The combination of these two areas of immigration has been criticized by NGOs as an effort to establish an atmosphere of threat to the state and its borders by foreigners.

In this context, the drafting and adoption of the new legislation was accompanied by several statements of the Minister of the Interior, according to which uncontrolled immigration in the EU is a serious problem that Slovakia will face with more stringent regulation and measures to promote the recruitment of foreigners with a preference for qualified and highly qualified migrants, and a focus on ‘culturally close countries’.

The new *Act on Residence of Foreigners* brought substantial changes to the legal status of migrants. Among the initiatives, the independence of migrant workers from employers is promoted, extending the job-search period after job loss to one month. Moreover, the Ministry of the Interior abolished the one-year transitional period that had previously hampered employment of labour migrants’ family members who now may seek employment immediately upon arrival. The Act also introduced a *legal claim* to obtain a residence permit after fulfilling all legal conditions. Applications for residence now cannot be rejected if all conditions have been met and all documents provided. However, procedural rules have been tightened, so that merely lodging an application is now very difficult. According to the new Act on residence of foreigners, a migrant has 30 days to find a new job and manage to get a new work permit, before a residence permit is cancelled. This is being applied as of January 2012.

Legislative authorities prepared another amendment to the *Act on Residence of Foreigners* only several months after its adoption, which again substantially changed the legal status of certain migrant categories and further complicated foreign employment. In November 2012, 450 comments were submitted, out of which 25 per cent are related to employment. A new law is to be adopted in May 2013.

The Ministry of Labour is also currently drafting a new Employment Services Act that is expected to cover all issues related to the employment of migrants.

The adoption of an active migration policy concept as discussed in the scope of the Minerva 2.0 project for the development of a knowledge-based economy in Slovakia, seems highly questionable with the new Government (in place since April 2012). The Blue Card, as a new instrument of migration policy, was introduced by an amendment to the Act on the Residence of Foreigners of 29 June 2011 (effective from 20 July 2011).²⁹³ Although, by the end of 2011, five requests had

²⁹² Presented in May 2011 as ‘Act on border control and residence of foreigners’ and adopted in October 2011 as ‘Act on Residence of Foreigners’. Under this act a foreigner is “anyone who is not a citizen of the Slovak Republic”.

²⁹³ Highly qualified applicants for a Blue Card must document: 1) an achieved professional qualification necessary for the job, i.e. a university degree or five years of experience in the field; 2) a confirmation consent from the UPSVaR; 3) the proposed wage must be at least 1.5 times the average wage in the given branch of a national economy; and 4) the applicant must have an employment contract or a written promise of the employer.

been accepted, no Blue Card was issued. In 2012, according to UHCP, only six temporary residences for the purpose of an EU Blue Card were issued. In addition, temporary residence for the purpose of seasonal work was issued in three cases in 2011, despite the fact that Slovakia is, for instance, especially during harvest, facing labour shortages in agriculture. The above numbers suggest that there is room for improving the use of these specific tools so that they better match labour market needs with certain groups of migrants according to their qualifications and skills.

4. Institutional and policy framework for integration

State integration policy is governed by two main documents, the above-mentioned *Migration Policy of the Slovak Republic with a view to 2020* adopted in 2011 as a principal strategic tool in the field of migration management, and the *Concept of Foreigner Integration* in the Slovak Republic that was adopted in 2009 determining the legislative, organizational, conceptual and practical measures and defining the main objectives and instruments of the Slovak integration policy. This document has been broadly criticized for its pro forma character and lack of funding for implementation.

In 2011, the Ministry of Labour launched the process of negotiation, reformulation and clarification of certain tasks of the *Concept of Foreigners' Integration*.²⁹⁴ The *Summary Report on the Discharge of Tasks ensuing from the Concept of Foreigners' Integration in the Slovak Republic in 2011* was approved on February 2012.²⁹⁵ The document summarizes the status of the fulfilment of the tasks and concludes that performance and measures resulting from the concept were marked by the economic crisis and a lack of adequate funding.

Several institutional and legislative changes have been undertaken in the last years (see IOM, 2012). These have been criticized by experts who fear that the abolition of a specialized migration and integration department in the Ministry of Labour (OMIC) in April 2010, the reduction of the human and financial resources, and the cutting of NGO resources is a very negative signal for the integration of third-country nationals (Debrečéniová, 2011).

Positive feedback was received for the establishment of the *Coordination Centre for Foreigners' Integration (Centrum pre koordináciu integrácie cudzincov)* based on a decision of the Minister of Labour, Social affairs and Family, effective from 1 September 2011. The Centre has developed the *Forum on Integration*, a new platform

²⁹⁴ Vláda SR (2009), *Stratégia integrácie cudzincov v SR* ['Strategy of Foreigners' Integration in the Slovak Republic'].

²⁹⁵ Vláda SR (2012), *Súhrnná správa o plnení opatrení vyplývajúcich z Koncepcie integrácie cudzincov v Slovenskej republike za rok 2011*; available at: https://lt.justice.gov.sk/Attachment/Vlastny_material_doc.pdf?instEID=53&attEID=44081&docEID=233453&matEID=4889&langEID=1&tStamp=20120224104511083.

for experts from both public and non-profit sectors as well as migrant communities working together on the integration of foreigners in Slovakia.

A serious cross-cutting issue is a general lack of information provided to migrants regarding their legal rights and duties, via official websites or directly in the responsible offices in foreign languages. Labour contracts are also usually signed only in Slovak, without proper explanation of an employee's rights and duties. With financial support from the European Commission, a portal for free online Slovak language e-learning has been established, containing language courses at levels A1 and A2 of the Common European Framework.²⁹⁶ Although this method of teaching is available only to those migrants who are familiar with computing and/or have regular access to the Internet, this opportunity complements the range of services provided to migrants in the field of education.

The European Integration Fund (EIF)²⁹⁷ still constitutes the main source of funding of different NGOs' integration activities. For the 2011 Annual programme, EUR 916,284.25 were allocated.

A negative aspect of integration policy in Slovakia is the fact that several groups of immigrants might never be able to obtain citizenship, due to strict immigration legislation and high discretionary powers of state officers in charge. In addition, certain groups of third-country nationals do not benefit from the integration policy. The Act on Residence of Foreigners is very complicated and creates around 20 categories of migrants, allotting them different legal statuses, from very low (no chance of being granted permanent residence in the future), to the highest status, such as family members of EU nationals residing in Slovakia. Only permanent resident permit holders are equal to nationals with regard to social security and social assistance.

5. Discrimination in employment

A recent amendment of the *Labour Code* in the Anti-discrimination Act extends the scope of protected grounds. It also includes trade union involvement, unfavourable state of health and genetic features as additional new grounds (Debrecéniová, 2011). Another amendment, related to the *Civil Procedure Code*, introduces two novelties in relation to judicial proceedings dealing with the principle of equal treatment. First, a new wording of section § 9a of the Anti-discrimination Act extends the list and therefore the likelihood of possible claims under the *actio popularis*. Second, the invocation of judicial costs by NGOs, by the Slovak National Centre for Human Rights and other institutions representing parties to these judicial proceedings is being enabled.

²⁹⁶ <http://slovakia.eu/en/intro>.

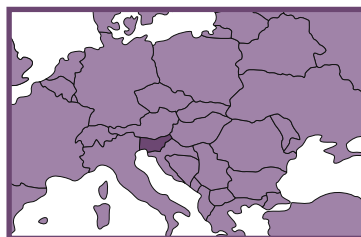
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SLOVENIA

Mojca Pajnik²⁹⁸



1. Migration trends

On 1 January 2011, foreign citizens represented 4 per cent of the total population of Slovenia (82,746 out of approximately 2 million).²⁹⁹ This is an increase of 0.2 per cent when compared to 2010; it is lower than the increase from 2008 to 2009 (0.5%). The vast majority of the foreign-born population (97%) is from Europe (including non-EU countries), mainly from the Yugoslavia successor states, which represent 90 per cent of all foreigners from Europe and as much as 87 per cent of Slovenia's total foreign population (especially citizens from Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia, FYROM) (Table 1). Only 3 per cent of migrants are from countries outside of Europe; and of those, 62 per cent are from Asia. Male migrants represent 71 per cent of the foreign population, most of whom come for the purpose of work, while 29 per cent are women, mostly in connection with family reunification.

At the end of 2011, 100,910 foreigners had valid residence permits³⁰⁰ in Slovenia, compared to 96,880 in 2010. In both years 97 per cent of the holders of valid permits were third-country nationals and only 3 per cent were citizens from EEA countries.³⁰¹ Valid permanent permits rose from 43,074 in 2010 to 48,228 in 2011, a rise of 10.7 per cent, while the number of valid temporary residence permits has seen a slight decline of 2.1 per cent. However, the majority of migrants in Slovenia are still holders of temporary residence permits.

²⁹⁸ Mojca Pajnik is a scientific counsellor at the Peace Institute, Institute for Contemporary Social and Political Studies, Ljubljana, Slovenia, and Assistant Professor at the Faculty for Social Sciences, University of Ljubljana.

²⁹⁹ Data taken from the Statistical Yearbook 2011 published by the Statistical Office of the Republic of Slovenia, available at <http://www.stat.si> (30 July 2012).

³⁰⁰ Valid permits are those that have actually been issued to migrants in defined periods while issued permits show numbers of new permits that have been granted to migrants.

³⁰¹ Statistical report of the Directorate for Migration and Integration at the Ministry of the Interior for 2011, available at <http://www.mnz.gov.si/> (5 August 2012).

Table 1: Foreign population in Slovenia by citizenship and gender, 1 January 2011

Country of citizenship	Men	Women	Total
Europe	57,451	22,807	80,258
European non-EU countries			
Bosnia and Herzegovina	30,642	8,194	38,836
Kosovo	6,577	2,457	9,034
FYROM	5,595	3,222	8,817
Croatia	5,129	2,609	7,738
Serbia	5,356	2,205	7,561
Ukraine	322	897	1,219
Montenegro	343	266	609
Russian Federation	174	423	597
Moldova	109	164	273
Switzerland	46	35	81
Belarus	14	46	60
EU countries			
Bulgaria	791	293	1,084
Italy	546	324	870
Germany	375	386	761
Slovakia	227	224	451
United Kingdom	242	149	391
Austria	213	165	378
Romania	86	144	230
Hungary	112	89	201
France	111	68	179
Poland	60	115	175
Czech Republic	113	50	163
Netherlands	78	33	111
Other European countries	208	161	369
Asia	781	752	1,533
North and Central America	204	361	520
Africa	154	48	202
South America	58	97	155
Australia and Oceania	49	29	78
Total	58,697	24,049	82,746

Source: Author's table on Statistical Office of the Republic of Slovenia data.

Over the years the vast majority of temporary permits have been issued for purposes of employment and work, followed by family reunion and study purposes. We see a notable decrease of permits issued for employment and work due to the economic decline (from 57,893 in 2009 to 33,866 in 2011).³⁰² Permits issued for family reunion and study purposes, in contrast, display a gradual increase (of about 1,000).

Table 2: Number of valid residence permits, 2010–2011

	31 Dec 2010		31 Dec 2011	
	Valid permanent	Valid temporary	Valid permanent	Valid temporary
Third country	41,812	46,308	46,970	44,253
EEA	1,262	7,498	1,258	8,429
Total	43,074	53,806	48,228	52,682

Source: Author's table on Ministry of the Interior data.

2. Labour market impact

As for the general economic situation of Slovenia, data show that the real growth rate of GDP was 1.4 per cent in 2010, while for 2011 there was a negative trend of -0.2 per cent.³⁰³ Notoriously, there is a lack of data assessing the impact of migrants' labour on the economic development of the country. In Slovenia's labour market the officially recognized shortage occupations play a key part, together with the condition that no 'native' workers with appropriate skills are registered as unemployed, that is only when employers cannot find 'native-born' workforce can they employ migrant workers. The Ministry of Labour, Family and Social Affairs, based on data from the Employment Service, publishes on a monthly basis a list of professions that are in high demand on the labour market, showing that these are mostly occupations requiring lower skills and low or medium levels of education. Relevant sectors employ male workers in general and male migrant workers in particular (for instance as construction workers, carpenters, metal workers, roofers, plumbers, stone masons or builders).

Work permit data proportionally reflects statistical data on the foreign population in the country. Official Employment Service of Slovenia data on valid work permits³⁰⁴ show that 32,057 (93.7%) of valid work permits go to citizens of Yugoslavia successor states, while citizens of other countries are represented with 2,164 valid permits, mainly from Ukraine as well as the Russian Federation and China. From January to December 2011, however, the number of valid work permits declined from 74,001 in January 2011 to 34,221 in December 2011. To some extent, the reason for this

³⁰² Residence Permits for employment and work are issued to migrants based on a valid work permit.

³⁰³ Eurostat data, available at <http://epp.eurostat.ec.europa.eu/portal/page/portal/eurostat/home/> (3 August 2012).

³⁰⁴ Employment Service of Slovenia data, available at http://www.ess.gov.si/trg_dela/trg_dela_v_stevilkah/zaposlovanje_tujcev (15 July 2012).

change can be linked to the adoption of the new *Law on Employment and Work of Foreigners* in April 2011, which enables free access to the labour market to various groups of migrants, such as family reunion migrants, who previously needed a work permit (see below).

In 2011, more than one third of work permits to foreigners still pertained to the construction sector (33%), which intensely relies on the cheap and hard-working migrant labour force (cf. Pajnik et al., 2010; Pajnik and Bajt, 2011; Medica and Lukić, 2011; Medvešek and Bešter, 2010). A large percentage of permits pertained to unknown activities (28%), followed by manufacturing (12.4%) and transportation and storage (11%). In January 2011, 27,625 valid work permits existed for the construction sector, while in December 2011, the figure was just 11,198. This 41 per cent decrease is not only a consequence of changes of the *Law on Employment and Work of Foreigners*, but also a consequence of the closing down of many posts due to bankruptcies of firms and the faulty organization and payment disorderliness (cf. Medica and Lukić, 2011). The crisis in construction has compelled several migrants to seek work in agriculture, specifically seasonal work, while many also seek employment elsewhere (for example in Germany and Austria).

Table 3 shows numbers of valid and issued work permits.³⁰⁵ The number of valid work permits for 2010 is 73,913 which was low in comparison with previous years and 54 per cent more than the year 2011, when the number decreased to 34,221. Whereas the number of issued work permits has been on the rise in the period 2000–2008, it saw a steep decline in the recession period 2008–2010 (IOM, 2012). The recent period has displayed further decline, from 40,688 work permits issued in 2010 to 27,010 in 2011, which is a significant fall of 66.4 per cent. Data for mid-2012 show a continuous decrease that is expected to reveal much lower figures at the end of 2012. Observations from the field show that, not fulfilling conditions for obtaining personal work permits, and therefore losing their temporary jobs, many migrants consequently returned to their countries of birth (cf. Pajnik et al., 2010; Pajnik and Bajt, 2011; Medica and Lukić, 2011).

Information about unemployment amongst migrants is difficult to obtain from official data, since only holders of personal work permits³⁰⁶ can register with the Employment Service. Also, financial compensation for unemployment or any other social security can only be obtained in the case of permanent residence. 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 even more precarious.

³⁰⁵ Valid work permits are permits that have actually been issued to migrants in defined periods while issued work permits show numbers of new permits that have been granted to migrants.

³⁰⁶ Three main types of work permits are issued to migrants from third countries: personal work permit, employment permit or permit for work. The issue of the different permit is conditional upon the regular status of the migrant, the kind of work and on the general situation on the labour market.

Table 3: Valid and issued work permits by type, 2010–2012

Year	Personal work permit	Employment permit	Permit for work	No permit	Total
Valid work permits					
December 2010*	56,627	12,343	4,943		73,913
December 2011	22,232	8,563	3,426		34,221
June 2012**	22,461	8,323	3,327		34,111
Issued work permits					
December 2010	14,709	18,636	4,859	2,484	40,688
December 2011	8,992	10,750	3,688	3,580	27,010
June 2012	2,539	4,926	1,878	1,527	10,870

Source: Author's table on Employment Service of Slovenia data.

Note (s): *Data refer to the period 1 January – 31 December; **Data refer to the period 1 January – 30 June.

3. Institutional and legal framework for admission and employment

The new *Aliens Act* that sets the conditions and paths of entry into, departure from, and residence of foreigners in Slovenia came into force at the end of October 2011. Major changes include the introduction of the Blue Card of the EU, that is, work and residence permits for highly qualified workers; the introduction of the visa for long-term residence to facilitate entry and issue of first residence permits for some categories of foreigners (namely sportsmen, coaches, journalists, businesspeople, students, family members of Slovene citizens); the possibility to issue temporary residence permits to foreigners whose residence is in the state's interest; family members who can obtain residence permits for family reunion now include some new categories, such as registered partners; and higher protection envisaged for victims of trafficking and victims of illegal employment who after losing their jobs can stay in the country for three months to decide whether they want to testify in legal cases. In public debates, changes were recognized as an improvement if compared to previous provisions, but were also criticized by some NGOs, trade unions and intellectuals working on migration issues. The general reproach is the lack of a coherent and long-term strategy of migration policy that would call for the adoption of a more holistic approach to migration.

The major change of the new *Employment and Work of Aliens Act* (April 2011) is that it broadens the groups of migrants whose access to the labour market is not conditioned, that is to say several groups of migrants can be (self)employed without needing a work permit, as was previously the case. The groups include: 1) family members of Slovenian citizens based on temporary residence permits; 2) citizens of EU, EEA and Swiss confederation based on their citizenship; 3) family members who are not citizens of EU, EEA or the Swiss confederation and have the temporary residence

permit of a family member or a visa for long-term residence; 4) foreigners with permanent residence permits; 5) refugees; 6) foreigners who are long-term residents of other EU member states, after a year of residing in Slovenia based on a temporary residence permit; 7) foreigners of Slovenian descent based on temporary residence permits. The law also abolished seasonal work in tourism, the hotel/catering industry and in the construction sector. This provision limits migrants' employment and was adopted mainly as a response to the growing unemployment trends. Finally, the law cancelled the obligation of a quota for the number of foreign workers, so none were set for 2011 and 2012. However, it seems that the reason for not setting the quotas in recent years is primarily related to the current situation when bankruptcies of many firms and job redundancies made it more difficult for migrants to find employment and stay in Slovenia, forcing them to leave the country.

Various NGOs and trade unions have recognized the importance of some of the changes, namely the prolongation of the duration of the personal work permit for some categories of migrants to a three-year period and the possibility of employment with various employers instead of being tied to one specific employer as a condition for obtaining the permit. Such provisions would supposedly make migrants less vulnerable and more flexible to change employers (Pajnik and Bajt, 2011; Medica and Lukić, 2011).

4. Institutional and policy framework for integration

The *Decree on Aliens Integration* has been changed in 2011 to align with EU standards. The amended version widens the circle of migrants who are entitled to integration programmes, primarily to include family members of sponsoring migrants. Free integration courses include Slovenian language courses and courses on Slovenian culture, history and constitution (IOM, 2012). More still needs to be done for integration to be recognized as a two-way process, also taking into account anti-discrimination measures as well as tackling social attitudes towards equal opportunities of migrants compared to the majority population, in various spheres of work and social life.

Slovenia currently faces a trend of many migrants returning to their countries of birth due to layoffs in key sectors engaging migrant workers, specifically in construction, which is expected to reduce the number of those who are entitled to integration programmes. Active labour market programmes that include migrants are not available in Slovenia.

5. Discrimination in employment

Reports (Medica and Lukić, 2011) state that the situation has not been continuously improving, as the crisis seems to hit migrant workers most. NGOs, trade unions, and activists have been pointing at migrants' discrimination in recent years on the part of the employers who, in several sectors, clearly take advantage of the vulnerable status

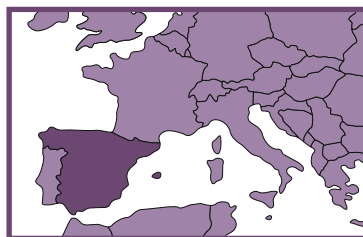
of migrants. Since 2010, several groups of migrants working for different companies and various outsourcing firms, many of which were linked to the construction sector, started to self-organize and raise their voices against the miserable work conditions and work-related exploitation, staging several protests including hunger strikes. One such action was the strike at the Port of Koper in 2011, organized by the trade union of crane operators, which was followed by a spontaneous rebellion of workers employed by external providers of port services. According to their 2011 Annual report, the Employment Service promptly reinforced control over the issuing of work permits as a response to public pressure, namely trade unions, NGOs and engaged individuals, including the media, disclosing several cases of severe violations of work-related rights.

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SPAIN

Joaquín Arango, Héctor Cebolla,
Gemma Pinyol and Mikolaj Stanek³⁰⁷



1. Migration trends

At the beginning of 2011, Spain counted approximately 6,680,000 foreign-born people, representing 14.2 per cent of the total population of the country. In recent years the intense growth in the immigrant population has slowed down and the increase of the total foreign population registered in Spain between 2010 and 2011 did not surpass the 70,000 mark. Between 2011 and 2012 the yearly increase was even lower – barely 60,000.

The recent slowdown in the growth of the foreign population has resulted from both the economic downturn and the corresponding dramatic increase in unemployment, as well as the reduction of inflows and the increase of outflows. Data on residential variations suggests that Spain has witnessed rising emigration during recent years, although a massive return of migrants to the countries of origin has not been observed.

One of the most salient features of the immigrant population in Spain is its enormous diversity of origins. In 2011, 58.4 per cent of all foreigners living in Spain were third-country nationals. Among them, Moroccans (13.5%), Ecuadorians (6.3%) and Colombians were the largest groups (4.7%) (Table 1). The largest groups of foreign-born EU nationals in Spain were Romanians (15.1%), British (6.8%) and Germans (3.4%). While the last two are traditional EU national groups in Spain, Romanians represent the new migratory trend that has arisen in recent years in Spain. The large contingent of Romanians in Spain is partly accounted for by the initial lifting of the transitional measures on Romanian labour mobility within the EU, upon their accession.³⁰⁸

³⁰⁷ Joaquín Arango is Professor and Chair, Department of Sociology II, Complutense University of Madrid, and Director, Center for the Study of Migration and Citizenship, Instituto Universitario de Investigación Ortega y Gasset. Héctor Cebolla-Boado is lecturer at the Department of Sociology II, UNED, in Madrid and the Universidad Autónoma de Madrid. Gemma Pinyol is a Research Fellow at the Barcelona Center for International Studies (CIDOB). Mikolaj Stanek is a Postdoctoral Researcher at the Institute of Economics, Geography and Demographics (IEGD)/ Spanish National Research Council (CSIC).

³⁰⁸ The transitional measures have been recently reintroduced, see below.

Table 1: Stock of foreign population in Spain by nationality 2009–2011 (main nationalities)

	2009		2010		2011	
	No.	%	No.	%	No.	%
Romania	191,002	14.1	195,824	15.1	195,987	15.1
Morocco	120,507	12.7	123,870	13.5	122,503	13.5
United Kingdom	375,703	6.7	387,677	6.8	391,194	6.8
Ecuador	798,892	7.5	831,235	6.3	865,707	6.3
Colombia	718,055	5.3	754,080	4.7	773,995	4.7
Germany	142,270	3.4	132,249	3.4	120,738	3.4
Bolivia	230,703	4.1	213,169	3.5	199,080	3.5
Peru	296,674	2.5	292,641	2.3	273,176	2.3
France	421,426	2.1	399,586	2.1	360,710	2.1
Argentina	139,179	2.5	140,182	2.1	132,552	2.1
Other	2,214,260	39.2	2,277,221	39.6	2,315,845	40.3
Total	5,648,671	100	5,747,734	100	5,751,487	100

Source: National Statistics Institute, Municipal Register Statistics.

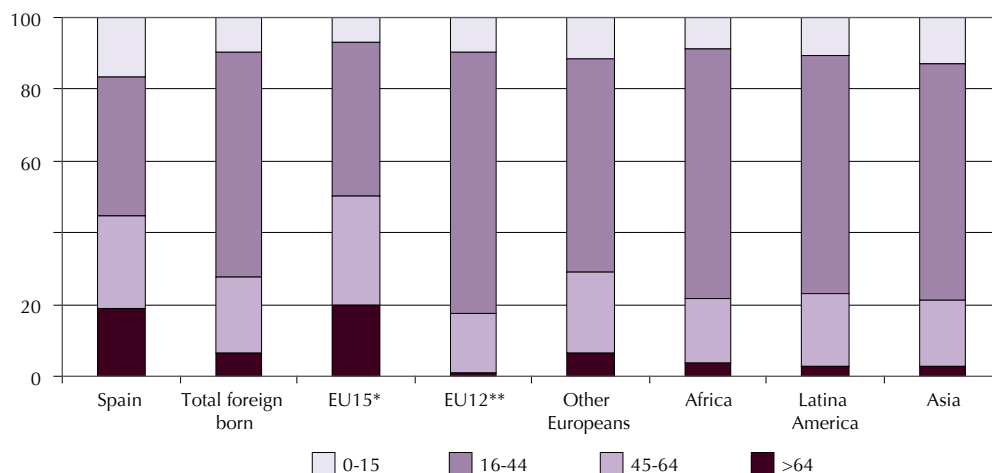
The age structure of the immigrant population differs considerably from that of the native population, a difference which is mainly due to the fact that, in the last decade, immigration to Spain was primarily labour migration. Figure 1 reveals a marked predominance of young adults in the age categories with the highest economic activity in 2011. However, important differences within the foreign-born population can also be observed. Half of the immigrants from the EU-15 countries are above 44 years of age, while in other groups this age category accounts usually for less than 25 per cent. This difference is due on the one hand to the long history of flows from Western European countries to Spain and on the other hand to the fact that a considerable part of this population is made up of retirees.

The number of residence permit holders in Spain increased by 3 per cent between 2009 and 2010, and by 7 per cent between 2010 and 2011, which represents a relatively low inter-annual variation when compared to previous years. It can be observed that the composition of permits by type among non-EU residents has changed significantly in the last few years. Specifically, the proportion of temporary permits issued for employment reasons (salaried work and self-employed)³⁰⁹ and non-lucrative stay has decreased considerably, while the proportion of permanent permits has risen from 43 per cent in 2009 to 69 per cent in 2011. On one hand, this change is related to the aforementioned slowdown in the arrival of new immigrants to Spain. On the other hand, as the bulk of immigrants arrived in the first seven years of the century, the number of residents who become fully eligible

³⁰⁹ The proportion of temporary permits issued for salaried work has decreased from 34.2 per cent in 2009 to 14.9 in 2011; for permits for self-employed from 0.6 to 0.3 per cent.

for permanent residence after the required five-year period of regular residence increases progressively.

Figure 1: Age structure of the Spanish and foreign born population, 2011



Source: National Statistics Institute, Municipal Register Statistics.

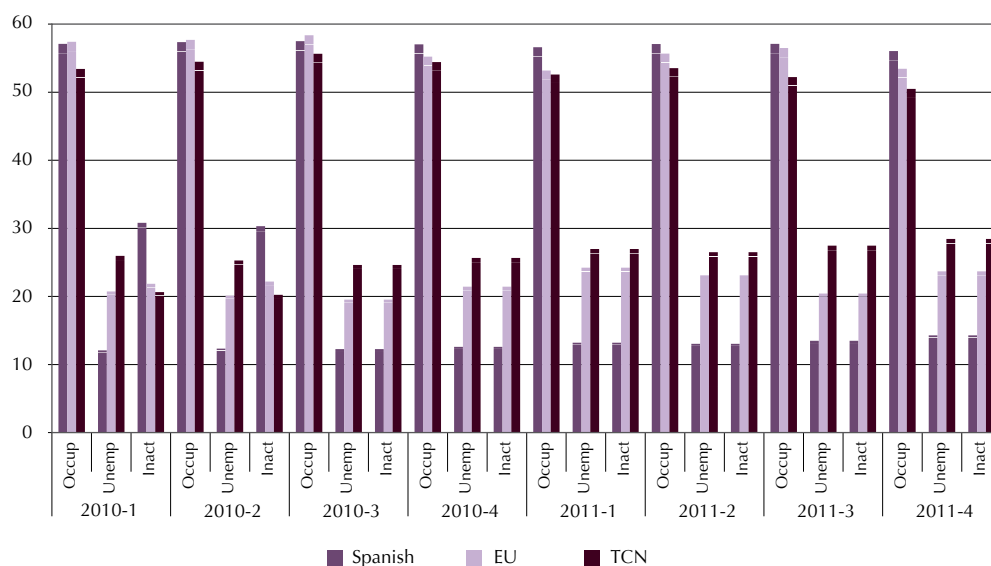
Note(s): *EU-15 – EU countries before the 2004 and 2007 enlargements.; **EU-12: 2004 and 2007 accession countries.

One tool for estimating irregular immigration in Spain has so far been the number of health cards issued to third-country nationals by the municipalities upon their subscription in the Padrón Municipal, since this simple fact entitles everyone, regardless of their legal status, to a card granting them full access to the Public Health Service. This right, however, has been withheld by the Spanish government as of 1 September 2012 to those immigrants who are not in possession of a residence permit, excepting people under the age of 18, pregnant women, and emergency cases.

2. Labour market impact

Weakly industrialized, although with important regional exceptions, the Spanish economy has traditionally relied heavily on services (tourism-related activities being vastly represented within them), often of a labour-intensive and low-skilled nature. The huge construction bubble, which exploded at the start of the crisis, seriously aggravating it, is the primary manifestation of this reliance on labour-intensive, low-skilled productive activities. The rate of growth since then has shown a fluctuating pattern, with a low point in 2009 and a slight recovery in 2011.

The percentage represented by the inactive population has been stable over time for EU citizens and other foreigners. Thus, the increase in unemployment has mostly resulted from a significant transfer of population from the occupied to the unemployed population.

Figure 2: Activity and occupation by nationality and term, 2010–2011

Source: National Statistics Institute, Labour Force Survey.

In 2011 (fourth term), male third-country nationals were mostly occupied in manufacturing (22.6%), services (20.8%) and low-skilled occupations (26.3%). Among women, occupational segregation is even more significant compared to the native population; almost half of the female third-country nationals were employed in occupations that did not require any qualifications.

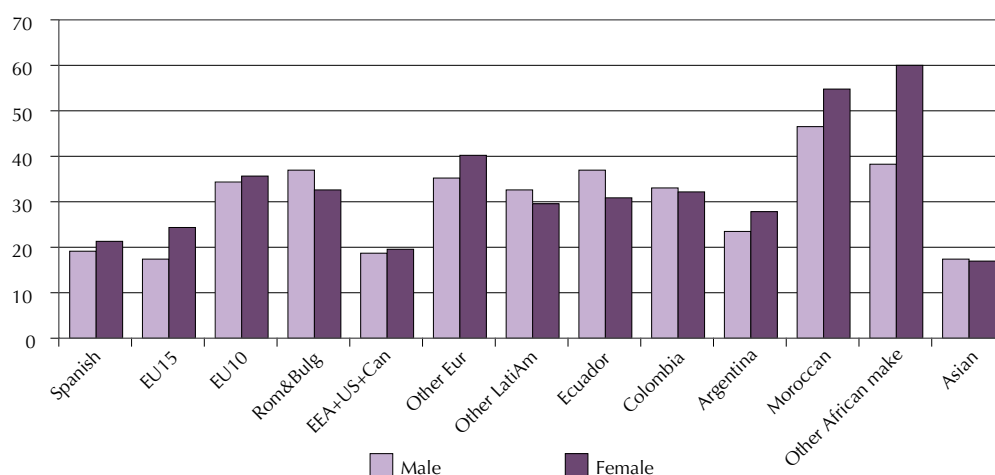
Table 2: Male and female occupations by nationality groups, 2011 (4th term)

Occupation	Spanish		EU		TCN	
	Male	Female	Male	Female	Male	Female
Army	0,91	0,13	0,16		1,07	0,25
Managers	6,37	3,19	5,37	2,88	2,4	1,56
Professionals	13,58	21,4	9,16	11,86	5,8	5,61
Technicians	11,97	9,11	7,58	6,73	4,2	2,49
Administration	6,66	15,15	2,37	6,25	2,67	4,3
Services	14,9	30,27	12,16	31,09	20,75	34,73
Agriculture	4,53	2,15	3,48	1,44	3,27	0,25
Industry	20,79	2,23	31,28	2,4	22,62	1,93
Manual workers	13,12	2,35	13,43	2,72	10,94	1,62
Non-qualified	7,17	14,01	15,01	34,62	26,28	47,26

Source: National Statistics Institute, Labour Force Survey.

This uneven distribution of the labour force by nationality across sectors explains, to a significant extent, inequalities across these groups in terms of risk of unemployment. Unemployment is high, but it differs across nationalities and gender. In 2011 (fourth term), the unemployment rate was at 19.4 per cent for male nationals and at 37.5 per cent for male third-country nationals. The rates for females were at 21.4 per cent (nationals) and 34.7 per cent (TCNs). As Figure 3 shows, African workers (Moroccans and other Africans) are in the least favourable situation. For other nationals, it is clear that ‘country of birth’ differences are more remarkable than gender differences within each category. With the only exception of Argentinians, gender differences are positive for males (more likely to be unemployed), and the same applies to Romanians and Bulgarians and Asians, whose rate of unemployment is lower than that of the native-born.

Figure 3: Unemployment rates by country of birth, 2011 (4th term)



Source: National Statistics Institute, Labour Force Survey.

Geographic mobility – which could be considered as an alternative by unemployed workers – tends to be low across all groups, especially for nationals. Self-employment as a second alternative seems to be an unusual option among migrant workers.

As of the beginning of the crisis, the share of unemployed Romanians among the total number of unemployed immigrants recorded by the public employment services sharply increased. This was true of all sectors of activity, and especially of agriculture (with an increase of 5.7 percentage points) and among people without prior employment (up 3.2 percentage points) or working in construction (up 1.7 percentage points). Justifying it as a tool to accommodate migration flows to the needs of the labour market, in 2011, the government re-installed the transitional arrangement for the access of Romanian citizens to the labour market.³¹⁰ As a

³¹⁰ When Romania and Bulgaria entered the EU in 2007, their treaties of accession stipulated a seven-year transition period during which other EU members could limit the access of Romanian and Bulgarian nationals to their labour markets. Spain lifted this restriction in January 2009, but warned at the time that it could reimpose it at a later date if the state of the economy worsened.

result, their admission will be contingent upon obtaining a work permit based on an employment contract prior to their arrival in Spain.

3. Institutional and legal framework for admission and employment

In order to strengthen the link between labour migration and the needs of the labour market, a reform of the legal framework for immigration took place in 2011. A government decree, which was approved in April, had the double aim of developing the Aliens Act of 2009 and of trying to bring immigration policies more in line with the new economic circumstances. The new regulation also aimed at reducing red tape in a number of processes.

Building upon the labour market orientation of immigration policy, the 2011 reform implies a number of improvements. The new legal framework regulates the collective hiring of workers in countries of origin, mainly in relation to seasonal jobs. The reform limits the spatial and sectoral scope for initial work and residence authorizations, but alleviates some limitations for those foreign workers who renew their permit whilst unemployed. The regulation also includes the possibility of filling vacant positions with unemployed workers (national or foreigner) who, although lacking the appropriate profile, could achieve it after a short training period. To avoid irregular entries and irregular hiring, the employer should demonstrate having the necessary financial means to hire a foreign worker. A limitation of hiring is imposed if the employer has previously fired foreign workers without justification.

The decree also contained an innovation in relation to the Voluntary Return Programmes (VRPs) established in 2008 in order to facilitate the return of unemployed migrants and at the same time alleviating pressures on the Spanish labour market. The regulation aims to somewhat preserve the link migrants had with Spain, by simplifying the administrative procedure for an eventual re-entry and by giving re-entrees a more favourable channel to come back to Spain for work purposes. Another innovative development is the inclusion of the length of previous residency in Spain in the calculus of the five-year requirement for getting the long-term residence permit. These measures should be understood in the framework of the voluntary return programmes existing in Spain. There are currently three main programmes geared at migrants willing to return to their country of origin (or to migrate to a third country) (Table 3).

Among the few new regulations passed in the 2010–2011 period concerning foreign workers, two deserve highlighting: the above-mentioned re-institution of the transitional measures period for Romanian workers and the new regulation regarding domestic work (mainly affecting female immigrant workers). On 1 January 2011, a new regulatory structure for domestic work came into force as a result of which domestic workers, mainly foreign women, enjoy working conditions similar to those in all other sectors. Consequently, the labour relation

between a domestic worker and her/his employer demands the existence of a written contract (previously it could be verbal), and the remuneration cannot be below the minimum wage (EUR 641.41 per month). The new regulation includes two additional monthly payments per year for the employees, and the right to unemployment compensation.

Table 3: VRP entitlements and obligations

SOCIO-ECONOMIC DEPRIVATION-BASED VRPs	INVESTMENT-BASED	UNEMPLOYMENT-BASED VRP (APRE)
Free transportation home for the principal returnee and family members	Free transportation home for the main returnee	Free transportation home for the main returnee and the family members
Pocket money of EUR 50, up to EUR 400 per family	Pocket money of EUR 50, up to EUR 400 per group of entrepreneurs	Pocket money of EUR 50, up to EUR 400 per family
Return grant of EUR 400 per person, up to EUR 1600 per family	Return grant of EUR 400, up to EUR 1600 for joint projects EUR 1500 project support, up to EUR 5000 in case of joint projects	Cash advance of accumulated unemployment benefits
	Project assessment orientation and training	

Participants of all programmes must surrender health care, work and residence permits and not return to Spain for employment purposes within three years

Source: (former) Ministry of Labour and Immigration. Elaboration by Plewa, 2010.

4. Institutional and policy framework for integration

In February 2011, a profound and extensive reform of the 2003 Employment Act took place. It does not, however, propose special measures for supporting active employment initiatives for immigrants. Alongside labour market regulations, promoting integration and ensuring social cohesion in the new socio-economic scenario constituted the main concerns and challenges for Spain's immigration policy.

The Second Strategic Plan for Citizenship and Integration 2011–2014 (PECI II) was approved, aiming to strengthen social cohesion and to ensure equality in the access to public services. The PECI II called for bidirectional integration and underlined that it involved both immigrants and natives. In line with its predecessor, the new plan placed more emphasis on key issues such as diversity management, the importance of strengthening human capital and the key role of the municipalities in promoting social cohesion.

The Integration Fund suffered a dramatic downturn: following a peak in 2008, drastic budget cuts reduced it to 66 million in 2011³¹¹ and to nothing in 2012³¹². The official explanation lies both in the harsh strategy of fiscal consolidation to which Spain is committed, and in the change of priorities which resulted from the arrival of a new government at the end of 2011.

5. Discrimination in employment

In order to curb racism and xenophobia, the Government approved a so-called Comprehensive Strategy to Combat Racism, Racial Discrimination and Xenophobia in 2011. The new plan stems from the acknowledgement that “not only discriminatory attitudes and manifestations, but also acts of racially or ethnically motivated violence and hatred persist in Spanish society, and that this poses a risk to harmonious interaction, cohesion and social peace”.³¹³

Furthermore, the programme aimed to improve the collection of statistical information on racist and xenophobic attitudes and incidents, in line with EU directives.

The main purpose of the plan was to promote a more effective response to the challenges posed by racist and xenophobic attitudes and manifestations.

At the end of 2011, however, a lack of time prevented the Spanish Government from passing the Comprehensive Law on Equal Treatment and Non-discrimination and the new government that took office in December 2011 has not included the bill in its legislative agenda.

The attitudes towards immigration since the onset of the crisis have remained basically stable, notwithstanding the perception that immigrants receive ‘a lot of’ or ‘very much’ attention by the government is widespread. In fact, public concern about immigration has progressively decreased, while concern about unemployment (and the economy in general) has soared.³¹⁴

³¹¹ Ministry of Labor and Immigration, *General Budget 2011* (Madrid: Ministry of Labor and Integration, 2010).

³¹² Ministry of Employment and Social Security, *General Budget 2012* (Madrid: Ministry of Employment and Social Security, 2012).

³¹³ Comprehensive Strategy to combat racism, racial discrimination and xenophobia, Ministry of Labour and Immigration.

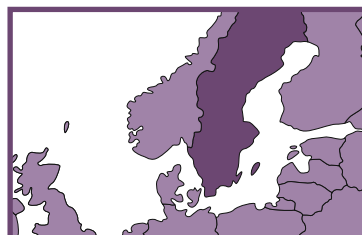
³¹⁴ The monthly public opinion surveys of the Centro de Investigaciones Sociológicas (CIS) include a question about the three major problems faced by Spain, as perceived by respondents. In December 2011, immigration ranked fifth, with just over 7 per cent of respondents mentioning it. The monthly average for 2011 was 10.8 per cent, well below the averages in the years preceding the economic crisis.

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SWEDEN

Henrik Emilsson³¹⁵



1. Migration trends

The share of foreign-born persons and foreign nationals in the total population in Sweden has been on a slight increase since 2005. This trend continued between 2010 and 2011 (Table1).

Table 1: Share of foreign nationals and foreign born of total population, 2005, 2008, 2010–2011

	2005		2008		2010		2011	
		%		%		%		%
Foreign nationals	479,899	5.3	562,124	6.1	633,292	6.7	655,100	6.9
EU nationals	216,373	2.4	255,571	2.8	269,950	2.9	276,043	2.9
Third-country nationals	263,526	2.9	306,553	3.3	363,342	3.9	379,057	4.0
Foreign born	1,125,790	12.4	1,281,581	13.8	1 384,929	14.7	1,427,296	15.1
Total population	9,047,752	100	9,256,347	100	9 415,570	100	9,482,855	100

Source: Statistics Sweden.

Examining the stock of immigrants residing in Sweden by country of birth, the largest group in 2011 continued to be the Finnish, followed by Iraqi nationals. The Finnish group has decreased by about 30,000 between 2000 and 2011. Since 2005, the number of Iraqi, Polish, Somali, Danish, German, Thai, United Kingdom and Chinese nationals has increased considerably. Polish, Somali and Chinese nationals have more than doubled. In 2011, Poland became the third most significant country of origin of immigrants in Sweden.

³¹⁵ Henrik Emilsson is a researcher at the Malmö Institute for Studies of Migration, Diversity and Welfare (MIM) at Malmö University, Sweden.

Table 2: Number of immigrants residing in Sweden (stock) each year, 10 largest countries (in 2011) by country of birth, 2008, 2010, 2011

	2008	2010	2011
Finland	175,113	169,521	166,723
Iraq	109,446	121,761	125,499
Poland	63,822	70,253	72,865
Yugoslavia	72,285	70,819	70,050
Iran	57,663	62,120	63,828
Bosnia-Herzegovina	55,960	56,183	56,290
Germany	46,854	48,158	48,442
Denmark	46,167	45,548	44,951
Turkey	39,230	42,527	43,909
Norway	44,310	43,430	43,058

Source: Statistics Sweden.

Among the holders of foreign nationality, Finnish, Iraqi and Polish nationals were still the three largest groups (Table 3). The stock of foreign nationals looks a little different from the foreign born. The reason for this is that immigrants from different countries have different prospects when it comes to naturalization. Most immigrants from outside Europe choose to become citizens as soon as possible, while immigrants from Europe have fewer incentives to acquire Swedish citizenship. It also depends on the recent influx of immigrants who have not yet lived in the country long enough to be naturalized.

Table 3: Number of immigrants residing in Sweden (stock) each year, 10 largest countries (in 2011) by country of citizenship, 2008, 2010, 2011

	2008	2010	2011
Finland	77,063	70,596	67,936
Iraq	48,569	56,581	55,846
Poland	34,733	40,882	42,743
Denmark	39,717	40,458	40,468
Norway	35,484	34,949	34,812
Somalia	18,265	30,807	33,003
Germany	26,587	27,584	27,755
Thailand	15,539	18,278	19,008
United Kingdom	16,539	17,391	18,113
China	9,441	14,134	15,494

Source: Statistics Sweden.

After an uninterrupted increase over the period 2005–2009, the number of inflows fell slightly for the second consecutive year in 2011, to less than 96,500. Swedish

citizens returning from abroad were the main group, making up a fifth of all inflows. The second largest group were Iraqi citizens, with 5,300 inflows, followed by Polish citizens (4,500). The immigration of citizens from Afghanistan has increased over the past four years and in 2011 they were the fourth largest immigrant group, with 3,200 entries. Somali citizens, who in 2010 were the second largest immigrant group, became the sixth largest group in 2011 (3,000), also as a result of stringent proven identity criteria for the issuance of a residence permit on the grounds of family reunification.³¹⁶ Immigration increased from countries that experienced unrest in the wake of the Arab spring. Compared to 2010, the number of immigrants from Egypt, Yemen, Libya and Syria increased by 58 per cent. In terms of numbers, however, the group is not that large, reaching a total of 2,638 in 2011. Emigration increased by almost 5 per cent in 2011 compared with 2010, reaching the record high of 51,179 persons. Of those who emigrated, about 40 per cent were born in Sweden and 60 per cent were born abroad. The most popular destination country was Norway – where 19 per cent of all emigrants moved – followed by Denmark, the United Kingdom and the United States. Emigration to China increased by 80 per cent in 2011 compared with the previous year.

In 2011, 93,000 residence permits were granted in Sweden, which was 2,000 more than in 2010 (Table 4). The most dramatic change that occurred between 2010 and 2011 concerned the reversal of the trend for increasing intake of foreign students observed until 2010. In 2011, the inflow of foreign students almost halved compared to the previous year, as a result of the introduction of enrolment and tuition fees as of the autumn semester of 2011.

Family reunion continued to constitute the main reason for granting residence permits. The decrease in family migration observed in 2010 was only temporary, as it rose again to 32,000 in 2011. A trend of growing immigration of family members of labour migrants was observed. During the first half of 2011, permit applications filed by family members of workers or researchers rose by 81 per cent on a yearly basis, to 5,271.³¹⁷ The number of requests for family reunification is expected to rise by 18,500 in 2012 and 12,000 in 2013.

Immigration from EU/EEA countries increased by almost 5,000 to a record number of 23,200 in 2011, when it accounted for the second-largest category of inflows. Humanitarian migration increased slightly to over 12,700. Since 2009, the largest group has been from Somalia. In 2011 fewer Somalis were granted asylum. On the other hand, the number from Afghanistan doubled to over 3,100. According to the Migration Board's forecasts, Sweden will continue to receive many asylum-seekers from Afghanistan in 2012.³¹⁸ The Migration Board has raised the estimate of the number of asylum-seekers several times during 2012. In May, the forecast was raised from 31,000 to 34,000 in consideration of the fact that there had been more asylum-seekers from Afghanistan and Somalia in the first quarter of 2012 than during

³¹⁶ See also Section 3 below.

³¹⁷ www.migrationsverket.se/info/4287.html.

³¹⁸ www.migrationsverket.se/info/5053.html.

the corresponding period of 2011. There has also been a sharp increase of asylum-seekers from Syria and a vast majority of them will be given a residence permit.³¹⁹ While the figures for humanitarian migrants have been rather stable since 2008, the number of unaccompanied minors has multiplied. In 2004 and 2005, close to 400 unaccompanied minors were applying for asylum in Sweden. In 2009 their number had jumped to 2,250, to reach 2,650 in 2011. The majority are boys aged 15 to 17 years, primarily from Afghanistan, Somalia and Iraq. Most of them get to stay in the country. During 2011 the Migration Board granted 74 per cent of unaccompanied children's claims. Sweden was, in 2010 and 2011, the European country with the highest number of unaccompanied minors that applied for asylum.³²⁰ This growing trend was expected to continue in 2012.³²¹

Table 4: Residence permits granted and registered rights of residence 2000–2011

Year	Total	Humanitarian 1)	Family 2)	Labour market 3)	Guest students	EEA/EU
2000	59,614	10,546	22,840	15,759	3,073	7,396
2001	56,114	7,941	24,524	12,809	3,989	6,851
2002	53,527	8,493	22,346	10,135	4,585	7,968
2003	56,005	6,460	24,553	10,249	5,509	9,234
2004	57,986	6,140	22,337	8,529	6,021	14,959
2005	61,658	8,859	21,908	5,985	6,837	18,069
2006	85,813	25,096	26,668	6,257	7,331	20,461
2007	85,555	18,414	28,975	9,859	8,920	19,387
2008	89,518	11,237	33,184	14,513	11,186	19,398
2009	98,022	11,265	37,710	17,954	13,487	17,606
2010	91,008	12,130	29,837	16,373	14,188	18,480
2011	92,779	12,726	32,114	17,877	6,836	23,226

Source: *The Migration Board*.

Note(s): 1) Temporary permits are not included. 2) Family reunification of labour market migrants included as of and including 2009. 3) First permit, permanent residence permits included. Since last year's IOM LINET report the statistics from the Migration Board has changed. Now all labour market migrants are included.

The increase in recent years in the number of labour migrants from outside the EU/EEA is due to the new policy on labour migration. However, despite the openness of such policy, the increase has been less than anticipated. Until 2009 most labour migrants were seasonal agricultural workers and fewer than 1,000 persons per year were granted longer residence permits. Since then, labour migrants have been more diverse and there have been about 16,000 to 18,000 per year. Most of them come from India and China, and 78 per cent are men. A notable change in 2011 is that

³¹⁹ www.migrationsverket.se/info/5833.html.

³²⁰ www.migrationsverket.se/info/5587.html.

³²¹ www.migrationsverket.se/info/5564.html.

the number of work permits for two years or longer has almost doubled, while the permits for seasonal workers decreased by about 2,000. According to data from the Migration Board (Table 5)³²², professionals and workers in elementary occupations were the most common areas. The largest occupational groups were agricultural workers and computer specialists, followed by employees in restaurants and catering, and cleaners. During the first quarter of 2012, 3,833 workers from outside the EU were granted work permits, an increase of almost 20 per cent compared to the corresponding period for 2011. The number of agricultural worker permits declined in 2011 compared to 2010, mostly because of stricter rules for seasonal berry pickers. However, the number of foreign berry pickers – who mostly come from Thailand – was expected to rise again in the summer of 2012.

Table 5: Work permits granted by area of work and occupational group, 2009–2011

	2009	2010	2011
Total	14 481	13 612	14 722
Area of work			
Elementary occupations	7,859	5,712	4,784
Professionals	3,232	3,257	4,052
Service workers and shop sales workers	1,032	1,512	2,037
Craft and related trades workers	576	959	1,322
Technicians and associate professionals	1,023	1,142	1,117
Skilled agricultural and fishery workers	300	391	536
Legislators, senior officials and managers	206	264	375
Plant and machine operators and assemblers	128	172	253
Clerks	110	200	244
Armed forces	8	2	2
Occupational group			
Agricultural, fishery and related labourers	7,200	4,508	2,821
Computing professionals	2,202	2,208	2,795
Housekeeping and restaurant services workers	769	1,049	1,323
Helpers and cleaners	295	487	798
Helpers in restaurants	257	548	796
Architects, engineers and related professionals	541	525	630
Food processing and related trades workers	130	330	386
Building frame and related trades workers	191	226	362
Physical and engineering science technicians	481	332	338
Market gardeners and crop growers	169	220	286

Source: Swedish Migration Board.

³²² Data on labour migration from the Migration Board do not include athletes, artists, au-pairs, trainees and holiday workers.

2. Labour market impact

In 2011 the general labour market development was positive. Overall, the number of employed people rose, while the number of those unemployed or outside the labour force decreased. Foreign born accounted for almost one third of the increase in employment. Unemployment fell considerably amongst the native born while it continued to rise amongst the foreign born. The economic decline in 2007 and 2008 led to a decrease in the total employment between 2008 and 2010. Still, the number of employed foreign born continued to rise during this period. At the same time, the number of foreign born who were unemployed or outside the workforce grew even more. There is a gap of almost 15 percentage points in the employment rate between the native born and foreign born. In 2011, 77.9 per cent of the native born aged 16–64 were employed, compared to 63.2 per cent for the foreign born. The employment rate of immigrant women is more than 5 per cent lower than the foreign-born average, and almost 20 percentage points lower than the corresponding figure for Swedish women. The unemployment rate of the foreign born is almost three times higher than that of native born (Table 6). The unemployment rate decreased for all groups except foreign-born men between 2010 and 2011. As a consequence of the economic slowdown, the unemployment of foreign born rose by about 4 percentage points between 2008 and 2010, and 2011 saw only a small improvement.

Table 6: Unemployment rate, 16–64, years by country of birth and sex. 2008, 2010–2011 (%)

		2008	2010	2011
Swedish born	men	5.0	7.3	6.0
	women	5.3	6.6	5.8
	total	5.1	7.0	5.9
Foreign born	men	11.5	15.8	16.0
	women	12.7	16.6	15.9
	total	12.1	16.2	15.9
Total	men	5.9	8.6	7.7
	women	6.4	8.3	7.5
	total	6.1	8.4	7.6

Source: Statistics Sweden, LFS.

Among the foreign born, immigrants from non-EU/EEA countries have by and large a lower employment status than EU/EEA immigrants. Employment status also seems to be related to the category of migration, and is less favourable for family and humanitarian migrants. Length of stay also plays a part.

According to the industrial classification of the occupations, the highest share of foreign born works in the hotel and restaurant sector (46% of employed men and 22% of women in 2010). There is also a relatively high share of foreign born working in tourism, security, real estate and secretarial activities (25% of men and

29% of women). For men born outside Europe, the most negative labour market developments were observed in hotels and restaurants with almost 10 per cent fewer jobs in 2010 than in 2008. The trend is the opposite for European-born men, for whom employment in the sector was doubled during the same period. Between 2008 and 2010, over 10 per cent of jobs in the manufacturing industry were lost. Over 40,000 jobs were lost in the three industries: i) metal products, except machinery and equipment; ii) manufacturing of computers, electronics, optics, electricity apparatus and other machinery and equipment; and iii) manufacture of transport equipment. The foreign born were moderately more affected with 15.8 per cent fewer jobs in those industries in 2010, compared to 12.4 for native born.

3. Institutional and legal framework for admission and employment

A new regulation extending the right of access to subsidized health care to irregular migrants was agreed by the coalition parties in June 2012 and is due to come into force in July 2013.³²³ Another policy development in the field of irregular migration was the transposition of the EU Return Directive into the Swedish law, as of 1 May 2012.

As of the autumn semester in 2011 there is a fee for international students from outside the EU/EEA area who are studying in Sweden. Those fees apply only to bachelor's and master's programmes, while PhD programmes continue to be free of charge.

While there were no major changes to the legal framework for legal immigration and asylum in 2011 and 2012, some changes in the praxis are deemed to emerge from administrative decisions and court rulings. On family migration, a new ruling from the Migration Court of Appeal of 18 January 2012 is expected to facilitate the reunion in Sweden of families with children from countries where identity documents are not trusted (notably Somalia)³²⁴, by allowing proof of relationship by DNA test and other information.

In the domain of labour migration policy there have been administrative efforts to prevent misuse of the new, entirely demand-driven labour migration regulation by employers, and the exploitation of migrant workers. In 2011, the Migration Board launched a project to combat trafficking of persons in the labour market and reduce sham contracts and abuse. In a report to the government, the Migration Board describes its work to counter fraudulent employment (Migration Board, 2011b). If an employer offers a number of people employment at the same time, it is requested that

³²³ www.regeringen.se/content/1/c6/09/03/31/7f3fa737.pdf.

³²⁴ Sweden does not accept any Somali identity document issued after 1991. Thus, the previous 2011 Migration Court ruling stating proven identity as a requirement for family reunification had resulted in de facto impossibility for Somali nationals residing in Sweden to reunite with their children from abroad.

the company reports its financial capacity to pay wages to the employees. Hijacked company identities are discouraged by systematically checking all companies against available public records. When a company is not yet active or is newly established, shorter permits are granted which makes it easier to find inactive companies whose purpose is not to offer jobs. In November 2011, the Migration Board tightened controls against migrant exploitation (Migration Board, 2012).³²⁵ As of January 2012 more thorough checks are being carried out in sectors where exploitation is over-observed, such as cleaning, hotels and restaurants, service, construction, staffing, retail, agriculture, forestry, car repairs and all start-up businesses. Companies in those sectors must now show that a salary is guaranteed for the employee in connection with the applications for work permits. The Migration Board also requires that the employee, at the moment of applying for an extension of the work permit, reports specifications of salaries and control data from the Tax Agency. In cases where workers are employed by a non-EU company which operates in Sweden, the company must have a branch office registered in Sweden. Furthermore, companies must show that the employee has been informed of the conditions of the employment. At the same time, as it tries to prevent misuse of the labour migration rules, the Migration Board has launched a new certification system to speed up processing times for liable companies that employ many immigrant workers.³²⁶

There have also been similar administrative changes for seasonal workers. In early 2011 the Migration Board amended the rules regarding work permits for non-EU berry pickers, requiring that the company that offers employment guarantees a salary even if the availability of berries is poor. Ahead of the 2012 season, the Migration Board also introduced a requirement for companies to demonstrate their financial capacity for paying wages. Furthermore, companies must show that there are arrangements concerning food, accommodation and transport, as well as professional guidance on how to pick the berries. In addition to information on the terms of employment offered, employers must also include information about the conditions for termination of contracts and insurance coverage.

4. Institutional and policy framework for integration

On 1 January 2011, the former Ministry of Integration and Gender Equality was dissolved. Responsibility for integration issues has been transferred to the Ministry of Employment. The minister with responsibility for these issues is the Minister for Integration.

In contrast with the trend towards integration budget cuts observed in many EU countries in the context of the economic crisis, in Sweden the state budget for integration policies has increased over the past few years. In 2012 the Government anticipated that SEK 8 billion (EUR 1 billion) will be spent on integration and anti-

³²⁵ www.migrationsverket.se/info/5124.html.

³²⁶ www.migrationsverket.se/info/4650.html.

discrimination efforts, almost 2.5 billion (EUR 300 million) more than in 2011. This is in large part due to the new reform for newly arrived humanitarian migrants and the increase in unaccompanied minors. The spending on integration activities is also increasing in the municipalities. The number of persons participating in Swedish for Immigrants (SFI) has increased dramatically in recent years. In 2011, there were just over 102,400 students in SFI, which is an increase of 7 per cent since the previous year and a doubling since 2005³²⁷. According to the Swedish National Agency for Education the municipalities were spending nearly SEK 1.9 billion (EUR 225 million) on SFI in 2010.

In May 2011 the Government set up an intra-departmental working group to develop a new national integration strategy.³²⁸ The group reviewed existing integration policy goals and objectives and assessed areas for change. The main focus is to reduce the gap in employment between native and foreign born. Other priorities are to improve the situation on the labour market for foreign-born women and to improve Swedish for Immigrants (SFI). The aim was to present a new integration strategy and concrete policy proposals in conjunction with the budget bill in autumn 2012.

Preliminary evaluations of the implementation of the policy for integration of newly arrived humanitarian migrants, which came into force on 1 December 2010, are encouraging and the reform seems to have accelerated the first contact of this group of migrants with employment services. Monitoring by the Swedish Agency for Public Management, however, has shown that, while the labour market perspective has been strengthened, length of time for asylum-seekers having obtained residence permits to leave the accommodation centres and settle in a municipality has increased. As a consequence, in March 2012, the Government gave the county administrative boards an assignment to intensify the dialogue between municipalities and relevant state authorities,³²⁹ with the objective of finding ways to accelerate settlement and reception.

Evaluations play an important role in the Government's integration policy development. All major reforms in the last couple of years have been or are being evaluated. Most are done by two state institutions: the Institute for Evaluation of Labour Market and Education Policy (IFAU) – a research institute under the Swedish Ministry of Employment – and the Swedish Agency for Public Management (Statskontoret).

The Swedish Government is currently investigating how to improve labour market integration of newly arrived immigrant women. Since the end of 2011, a Government commission has been set to study the situation for newly arrived women and investigate the actions needed to achieve a higher labour force participation of this group of migrants.³³⁰ An interim report was presented to the Government in March

³²⁷ www.skolverket.se/statistik-och-analys/2.1862/2.4402/2.4514/fler-an-100-000-elever-i-sfi-1.178149.

³²⁸ www.regeringen.se/sb/d/14205/a/165671.

³²⁹ www.regeringen.se/sb/d/15563/a/188090.

³³⁰ www.regeringen.se/sb/d/15123/a/178140.

2012 (Ministry of Employment, 2012b). The report shows that some municipalities, to save money, encourage newly arrived women to take parental leave instead of studying Swedish. The commission has suggested changes to the parental leave system for immigrant parents. Today, those who come to Sweden with children can use full parental leave for all children up to the age of eight. Parental leave days are given retroactively so that a mother who, for example, comes to Sweden with three children, will get 480 days per child and thus is guaranteed more than four years of paid parental leave. The commission is worried that women, instead of learning Swedish and entering the work force, are encouraged to stay home with their children, who then cannot take advantage of preschool education.

In the beginning of 2012 the Government appointed a commission on “certain citizenship issues”.³³¹ The aim is to upgrade the importance of Swedish citizenship. The commission shall, before 1 April 2013, propose among other things the content and organization of citizenship ceremonies that are available to all new Swedish citizens and examine whether citizenship can be used to a greater extent as an incentive to promote integration.

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TURKEY

Gülay Toksöz³³²



1. Migration trends

Turkey, nowadays, is simultaneously a migrant sending, receiving and important transit country at the crossroads of Asia, Africa and the European Union. Due to the country's rapid recovery from the worldwide recession, the impact of the crisis on the labour market in terms of unemployment levels was rather limited in Turkey. For this reason and because of economic hardship in various European countries, there are some signs that irregular migrants heading towards EU countries – especially Greece – preferred to stay in Turkey or to return to Turkey.

The bulk of migrant workers in Turkey work informally in low-skilled jobs, while regular labour migration occurs only in very limited numbers. Even so, according to the Department of Foreigners, Border and Asylum of the Directorate General of Security under the Ministry of Interior (MoI), between 2010 and 2011, the total number of non-nationals with residence permits increased about 23 per cent, amounting to 217,206 – quite a tremendous increase (+23%) compared with growth rates in previous years. The majority of people holding a residence permit in Turkey come from Bulgaria, the Russian Federation, Azerbaijan, Germany, the United Kingdom, Afghanistan, Iraq and Iran. The increase in 2011 can be related to the growing number of people either of Turkish origin or considered to be 'kinfolk' to the Turkish nation and culture.

In 2011, 23,027 of the residence permits granted were related to work purposes, 37,260 for educational purposes, and 156,919 fall under the 'various reasons' category, mostly for Turkish citizens' married foreign partners, family reunification for dependants of work or study permit holders, tourists with lengthy periods in-country, and patients undergoing long-term treatment. An increase of 22.8 per cent from 2010 to 2011 is visible in this data. More specifically, the increase in

³³² Gülay Toksöz is Professor of Economics at Ankara University in Turkey.

the total number of foreigners with residence permits comes mainly from the rise in the number of students (27.3%) and people obtaining residence permits for 'various reasons' (22.3%). Although not to the same extent, the amount of permit holders for work purposes has also increased in 2011 (19%). Migrants who have been granted a residence permit for work-related purposes mainly come from the Russian Federation, Ukraine, the Republic of China, the United States, the United Kingdom, Germany, and France, with the Russian Federation, Ukraine and the UK displaying an increasing trend.

Looking at the distribution of residence permits granted for work purposes in 2010 and 2011 by fields of employment, it can be observed that the number of permits provided for the tourism sector has increased. Migrants from the Russian Federation and the Ukraine are preferred by the employers and they make up the bulk of permits granted in the context of tourism. Although private companies, either multinational or national, recruit people from various countries, those from China constitute the largest group of private company employees. The majority of those coming from EU countries and the United States have permits granted for academic purposes.

Table 1: Number of residence permits, by country of origin, 2008, 2010, 2011

Country of Origin	2008	2010	2011
Bulgaria	26,209	20,212	17,189
Russian Federation	11,363	12,744	16,291
Azerbaijan	9,619	10,575	13,645
Germany	9,909	11,045	12,25
United Kingdom	8,318	8,93	10,963
Afghanistan	6,583	7,081	10,071
Iran	5,382	6,717	9,253
Iraq	8,961	7,948	9,201
Kazakhstan	6,189	7,293	7,556
USA	5,992	6,518	7,181
Ukraine	4,429	5,563	7,111
Turkmenistan	3,574	4,418	6,242
Kyrgyzstan	4,314	4,723	5,865
Greece	5,154	5,237	5,564
Moldova	3,414	3,388	4,611
China	3,603	4,037	3,036
Georgia	2,206	2,127	2,629
Other countries	49,707	48,388	72,746
Total	174,926	176,944	217,206

Source: Ministry of Interior (MoI).

Note: The table includes statistics on all types of residence permits issued by the MoI.

Table 2: Types and number of residence permits, 2005, 2008, 2010, 2011

Years	Residence Permits (Various Reasons)	Residence Permits (Work-related Purposes)	Residence Permits (Educational Purposes)	Male	Female	Total No. of Foreigners with Residence Permits
2005	131,594	22,128	25,242	95,037	83,927	178,964
2008	127,429	18,900	28,597	90,385	84,541	174,926
2010	128,327	19,351	29,266	88,293	88,651	176,944
2011	156,919	23,027	37,260	101,658	115,548	217,206

Source: MoI, Directorate General of Security, Department of Foreigners, Border and Asylum.

According to statistics provided by the Ministry of Labour and Social Security (MoLSS) as the agency issuing work permits to foreigners, the number of work permits issued in 2011 (newly granted or extended) totalled 16,890, constituting a slight increase of around 16 per cent. The difference between the numbers provided by the MoI and the MoLSS can be attributed to the existence of foreign workers who are exempt from work permits, or workers whose permits are issued by other public institutions.

The distribution of work permit holders according to gender by year shows that the number of migrant women steadily increases and will probably equate to that of men in the near future. Almost two thirds (65.2%) of work permit holders in 2011 have completed higher education. A fourth of them have only high-school education. This is consistent with the allocation of work permits primarily for qualified jobs. The rates are similar for both sexes, being 63.1 per cent for migrant women and 65.8 per cent for migrant men (Table 3).

Table 3: Educational distribution of work permit holders by gender, 2011

Educational level	Female	%	Male	%	Total	%
Postgraduate	379	5.4	683	7	1,079	6.4
University	3,280	46.2	4,650	46.6	7,934	47
Vocational College	819	11.5	1,195	12.2	2,016	11.9
High School	2,128	29.9	2,512	25.6	4,626	27.4
Primary education	458	6.4	676	6.9	1,135	6.7
Literate	42	0	58	0	100	0.01
Total	7,106	100	9,784	100	16,890	100

Source: Ministry of Labour and Social Security.

According to data on branches of economic activity, the leading sectors where migrants were employed were accommodation and food/beverage services (2,479), education (2,103), wholesale and retail trade (1,277), manufacturing (1,979), air transport (917), creative and performing arts activities (915), sports and entertainment activities (821), making up 62.1 per cent of all foreigners' permitted employment.

2. Labour market impact

An extensive informal economy, a lack of institutional care services and a demand for informal labour in Turkey are determining factors for the emergence of the migrant labour supply. Migrant workers are employed in labour-intensive and low-paid sectors including manufacturing, construction, agriculture, tourism, entertainment, commercial sex and domestic/care services. With the exception of the construction sector, it can be assumed that females outnumber males in the informal labour market. Not only for migrant workers coming from neighbouring countries, but for a significant part of the working population in Turkey, labour markets are characterized by informal employment, gender imbalances and regional disparities. Various factors that shape the processes of informalization in the Turkish economy and labour market are born from the insufficient level of industrialization and the resulting external dependence. Interregional discrepancies in terms of the level of development and the share of national income also foster informality.

Additionally, a disproportionately youthful population means a rising potential labour supply, which may lead to further expansion of informal employment, as the possibilities of employment in the formal economy remain limited. Excess labour supply and high unemployment rates boost informality in the form of vulnerable jobs, with the occupations in the most precarious conditions often left to migrant workers.

3. Institutional and legal framework for admission and employment

Law No: 4817 grants work permits to foreigners only in cases where domestic workers are not available under certain circumstances. Employers criticize the fact that the restrictive regulations inhibit them from applying for work permits and contribute to the informalization of labour relations.

According to Article 13 of the implementation regulation of the Law, as of August 2010 the Ministry of Labour and Social Security stipulated the obligatory evaluation criteria to be fulfilled by both the applicant holder's employer and the foreign worker. In the enterprises for which the employment application is undertaken, a minimum of five Turkish citizens must be engaged in employment. For the additional employment of a foreigner, employment of five other Turkish nationals is a precondition. Some other prerequisites that have to be met by the enterprise include the achievement of a certain volume regarding paid-in capital, gross sales or export. The planned monthly wage for foreigners should be at least between 1.5 and 6.5 times more than the minimum wage of comparable positions considering the qualifications necessary for the job, aimed at preventing employers from using foreign workers as a cheap labour source.

A recent change in the Law (No: 5683) on Residence and Travel of Foreigners in Turkey, within the harmonization process of visa regulations with those of the

EU, has paved the way for irregular migrants in domestic and care work to become regularized. The amendment to the law permits foreigners who have a visa or an exemption period shorter than 90 days to stay for three months within six months prior to their leave. Broad discussions took place in the media around the fact that domestic and care workers who leave the country after the expiration of their tourist visas to re-enter again will no longer be able to do so, causing a crisis in the care sector. A circular of the General Directorate of Security (dated 07.06.2012) allowed visa and residence permit overstayers, with the payment of a fine, to apply for a residence permit within two months. To instigate the procedure for obtaining a work permit, the employer and the worker with a valid residence permit should apply to the MoLSS simultaneously.

The steps taken in 2012 towards the regularization of irregular domestic and care workers can be expected to reduce their vulnerability in cases where a significant number of employers apply for work permits on behalf of their workers. With the regularization, not only informal but also formal institutions can be functional in finding jobs and providing access to information for migrant women.

A draft of a new Law on 'Foreigners and International Protection' was accepted by the Government and presented to the Presidency of the Parliament in May 2012. The Law was expected to come into force by the end of 2012 and aims to simplify the bureaucratic procedures related to work and residence permits. It also aims to bring about a resolution to the current situation in which workers with unlimited work permits still acquire residence permits that are only valid for a limited period of time.

Turkey does not yet have official integration policies in place for migrant workers.

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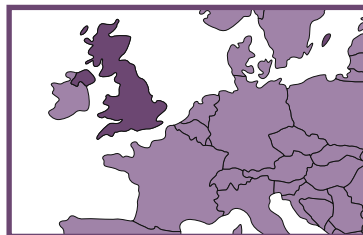
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UNITED KINGDOM



Ashley McCormick³³³

1. Migration trends

In the year 2010 to 2011 foreign nationals made up 12 per cent of the total population in the United Kingdom.³³⁴ This was a result of a constant growth in net immigration in the past decade, a significant share of which was due to immigration from countries that joined the European Union in 2004.

Table 1: Population by citizenship (%)

Year	United Kingdom	European Union	Third-country Nationals
2004	91.14	2.53	6.34
2005	90.66	2.65	6.69
2006	89.97	2.96	7.07
2007	89.45	3.27	7.27
2008	88.97	3.49	7.54
2009	88.66	3.58	7.76
2010	88.36	3.72	7.91
2011	87.93	3.99	8.08

Source: UK labour Force Survey.

A diverse migrant population resides in the UK, without any major dominant nationalities and evenly split between EU and non-EU citizens; the largest shares

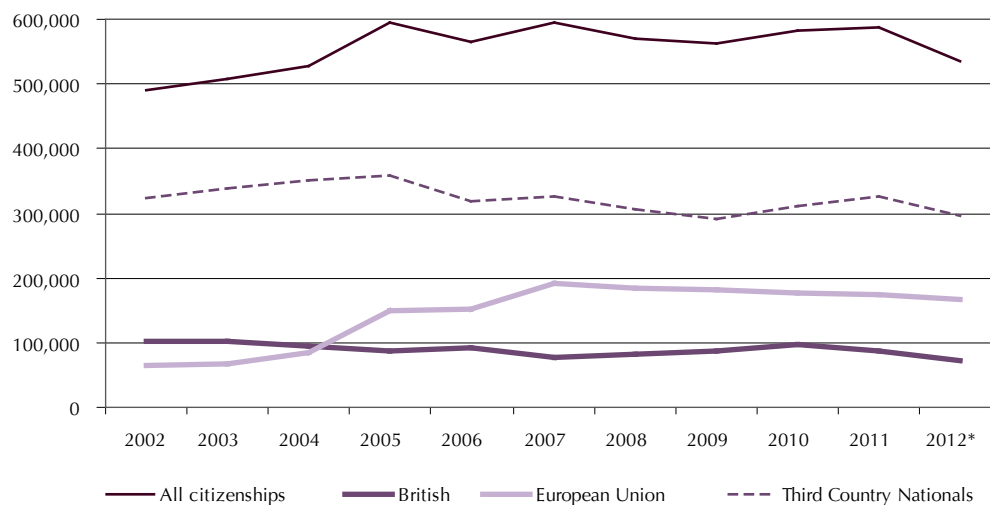
³³³ Ashley McCormick is a Research Assistant at the Robert Schuman Centre for Advanced Studies, European University Institute.

³³⁴ Unless otherwise noted, the data set used in this paper is the UK Labour Force Survey, which collects detailed information on employment and earnings for a sample of households at private addresses in Great Britain.

come from India (11%) and Poland (around 10%), with Pakistan and Ireland having significant shares at 7 per cent and 6 per cent respectively. The remaining 55 countries have a share ranging from 3.6 per cent to less than 1 per cent. The intended length of stay of migrants in 2010 evidently followed longer-term trends. Over half of all migrants were in the UK for short stays (one to two years) in 2010–2011, with a concomitant decrease in the share of those who are staying three to four years. Stays of more than four years have shown decreases but still involve around one in four migrants.

Overall flows to the UK by citizenship (Figure 1) highlight that on average the UK has a steady flow of expatriates returning per annum, which fell slightly in 2011–2012. Inflows of third-country nationals showed a larger drop of around 20,000 persons. EU citizens continued to enter the UK at around the same rate. The most significant statistic is the overall fall in the migration flows to the UK, which is the largest decline in 10 years.

Figure 1: Mid-year inflows of migrants into the UK by citizenship, 2002–2012 (%)



Source: Office for National Statistics, 2012.

Note: * Data collected in March

Disaggregated data by main legal reason for migration is available only until 2010. Immigration to the UK for employment reasons continued to follow a decreasing trend in 2010, accounting for 34 per cent of the total, as compared with 43 per cent in 2005. Job-seeking migration, reunifying with family members, 'other' and 'no reason' all remained at similar levels as the previous five years. However, inflows for study purposes represented a 40 per cent share of the total, as compared to 30 per cent in 2008.

Table 2: Long-term migration by reason

Year	Work Related	Family (Re)Unification	Formal study	Other	No reason stated
2005	43.39	14.81	24.69	11.64	5.47
2006	39.43	17.62	26.34	9.23	7.38
2007	42.16	14.81	25.78	11.32	6.10
2008	37.29	14.92	29.66	10.85	7.46
2009	34.04	13.40	37.21	8.82	6.35
2010	34.35	13.54	40.27	6.77	4.91

Source: Office for National Statistics, 2012.

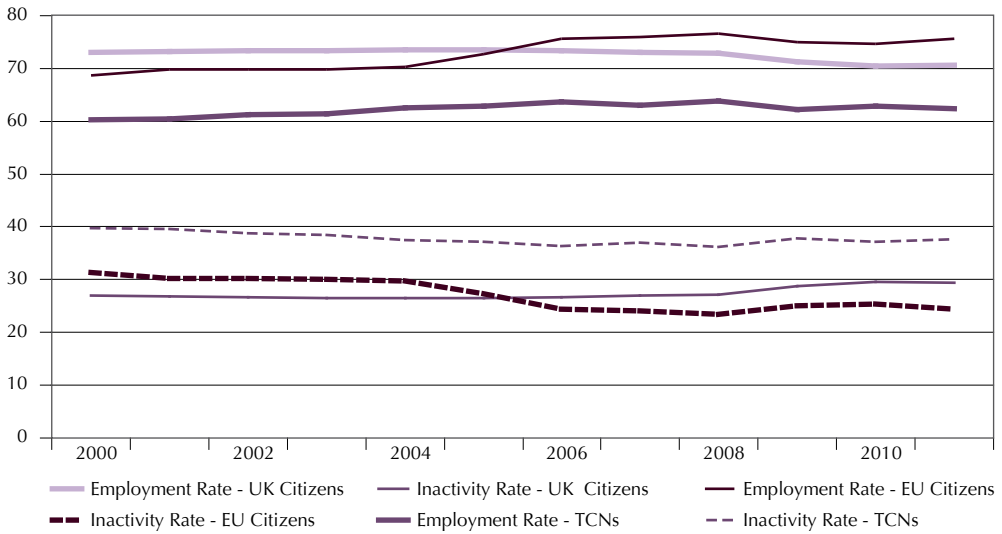
Overall, third-country nationals in the UK are on average more likely to be of working age and to have high qualifications than UK citizens. The skill gap between third-country nationals and UK citizens has been increasing in the period 2010–2011, from 5 per cent to 15 per cent. The skills composition of the foreign population in the UK reflects the focus of UK migration policy on highly qualified immigrants. The group of EU nationals also presents a higher share of highly qualified people compared with UK citizens, although the gap is just over 9 per cent. UK nationals are more heavily distributed in the medium-skill ranges of the labour force (24% of the native population as compared with 13% of the foreign population). In 2011 the percentage of low-skilled persons of all three citizenships converged to similar levels, whereas in previous years EU and third-country nationals had a higher percentage of lower-skilled workers as compared with EU nationals.

2. Labour market impact

The overall age and skills distribution of the foreign population indicates that immigration is a clear benefit to the UK economy and welfare.

Since 2009 the employment rate in the UK has remained around 72 per cent, however this statistic masks marked differences by migrant group and by gender. Third-country nationals have consistently lower employment and higher inactivity rates in comparison to both UK and EU nationals. In 2011, the employment rate gap between third-country nationals and UK citizens was 7 percentage points. The differential with EU nationals was 10 percentage points. In fact, since 2005–2006 EU nationals have higher employment rates than UK nationals, with the differential continuing to expand in 2010–2011.

Significant differences in labour market indicators are also observed by nationality. Indian, American and EU14 nationals have similar but slightly lower employment rates than UK nationals (which stand at 71.33%). African, Bangladeshi and Pakistani migrants have considerably lower levels of employment (51%). Yet migrants from the EU-8, South Africa, Australia and New Zealand have higher levels of employment.

Figure 2: Employment and inactivity rates by migrant group per annum (%)

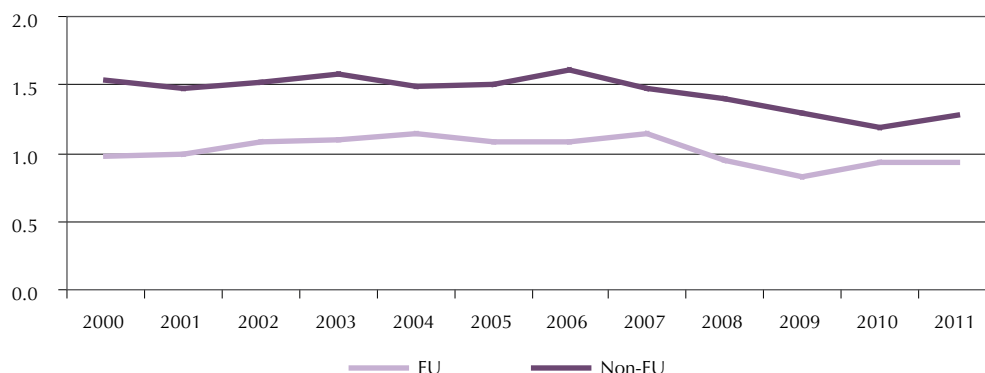
Source: UK Labour Force Survey.

Overall, employment levels in the UK are distinctly higher for men than for women – an employment differential of 8 per cent. In the period 2010–2011, the employment rate of women remained at 68.8 per cent, the lowest rate in a decade. The employment gaps by gender are even more marked for third-country nationals. The inactivity rate for migrant women is significantly higher than that of their male counterparts, although this has decreased by 10 percentage points in the past decade (from 50% in 2000 to just over 40% in 2011).

Figure 3 shows the recent evolution of unemployment rates by migrant groups. To compare unemployment rates across groups, UK unemployment has been baselined to 1 for each year. When third-country nationals or EU citizens have a rate higher than 1, this means that their unemployment rates are higher than the UK average. Throughout the period of analysis EU nationals have similar levels of unemployment as UK nationals, although in 2007–2008 the rate fell below that of UK nationals. In 2010–2011 the unemployment rates of EU and UK nationals were almost exactly the same. Third-country nationals on the other hand have a consistently higher unemployment rate. Although a five-year trend (since 2006) had seen this gap shorten, in 2010–2011 the gap increased again.

The number of unemployed persons per vacancy highlights a steady and significant increase since 2007. Barring a small fall in 2010, the ratio increased from 2.4 persons in 2007 to nearly one in six in 2011. Opportunities for employment in the UK are therefore becoming more difficult for unemployed persons. The most affected group are third-country nationals. In particular, third-country nationals have a consistently higher long-term unemployment rate as compared with both EU and UK nationals, although in 2011 this differential fell by a quarter (Table 3).

Figure 3: Overall EU and Third-country nationals unemployment differentials baselined on UK nationals' rates (%)



Source: UK Labour Force Survey

Table 3: Long-term unemployment differentials (%)

Year	EU-UK	Third country-UK
2001	0.12	0.27
2002	-0.15	0.34
2003	-0.12	0.28
2004	-0.22	0.33
2005	0.22	0.21
2006	-0.09	0.33
2007	0.02	0.49
2008	0.09	0.38
2009	-0.07	0.30
2010	-0.07	0.43
2011	0.18	0.34

Source: UK Labour Force Survey.

In 2010–2011, the occupational distribution of immigrants in the UK remained similar to the previous year.³³⁵ Changes in the relative stocks of occupations were only observed in the three most qualified categories. In 2010–2011 the share of third-country nationals who are managers and senior officials fell to below that of UK and EU citizens. For the previous decade this relationship was the opposite. Instead, third-country nationals have an increasing percentage of ‘professional occupations’, which notably increased in 2010–2011 – a 7 per cent higher share than EU and UK nationals – as a likely consequence of the higher education levels (on average) of third-country migrants. Between 2010 and 2011 associate professional and technical jobs saw a fall in the share of EU and third-country nationals by around a third; whilst UK nationals kept a steady and higher percentage of these occupations.

³³⁵ For a detailed description see the previous UK report in IOM LINET (IOM, 2012).

In every occupation both EU and third-country nationals are paid higher gross hourly wages than UK citizens, with only small differentials across migrant groups. Different theories have been put forward to explain this phenomenon.³³⁶

3. Institutional and legal framework for admission and employment

Since its introduction in 2008 the points-based system (PBS) for the admission of third-country nationals 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 party's pre-election pledge to reduce net immigration "from the hundreds of thousands to the tens of thousands" (Conservative Party, 2010).

Reforms to the PBS introduced in 2010–2011 have drastically reduced the annual number of permits available to third-country migrants without a job offer. In April 2011 Tier 1 (supply-side stream) saw a closing of post-study work routes for persons who were planning to stay in the UK after their student visa ended. The new route for persons in this scenario is to apply via Tier 2. Prior focus on graduate entrepreneurship and post-study work has been combined into an entrepreneur-focused Tier 1. Tier 1 is essentially reserved for the exceptionally talented, and capped to 1,000 annual entries over the next two years.

Tier 2 (employer-driven stream) was also subject to major changes in 2011. In 2016 there will be a GBP 35,000 minimum pay requirement for jobs offered under Tier 2 scheme (or an appropriate rate for the particular job: there is an exemption for persons with PhDs and for migrants filling vacancies on the 'Government's Shortage Occupation list'). There are two major routes of entries under Tier 2: the 'general' category – for migrants filling vacancies in occupations affected by labour shortages, as identified by the Government's 'Shortage Occupation List' or a 'resident Labour Market test' – and the intra-company transfers route. Overall, Tier 2 recruitment is dominated by intra-company transfers which covers 60 per cent of all sanctioned visas, whereas the shortage occupation list only accounts for 8 per cent. For the former the major users of the PBS are in industries that are male-dominated and technically skilled-centred, such as IT (Murray, 2011).

³³⁶ The sample size of migrant wage data is considerably smaller than nationals, hence this may be simply a sampling issue. Another hypothesis is employer preference. Having the desire to work abroad of migrants may be compensated through pay. Standards set by migrant work practices may be more valued by employers and therefore reflected in their wages. It has also been highlighted that migrants are also generally higher qualified in their occupations than UK nationals, reflecting standard wage differentials between qualification levels. Furthermore, a large proportion of migrants live in London, which pays higher wages (on average) than the rest of the UK, hence the difference may be due to where migrants live, rather than their characteristics.

In early 2011 the UK Government placed an annual 20,700 person limit for the General Tier 2 route. There is a monthly limit to these visas, and when criteria are met by more than the 20,700 quota the process follows a ranking system, based on: (1) a valid certificate of sponsorship; (2) a minimum salary of GBP 20,000; (3) the migrant being capable of (financial) maintenance; (4) a suitable level of English. The reform also requires all Tier 2 entrants to hold graduate-level qualifications.

The minimum salary for those coming through the intra-company transfer route was raised. Only those paid GBP 40,000 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 GBP 24,000 and GBP 40,000 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 reapply for 12 months.

In the first five months of the changes to the PBS (April–August 2011) there were significantly lower subscriptions for Certificates of Sponsorship for employers wanting third-country national migrants for Tiers 1 and 2. Out of an available 10,200 certificates, only 4,323 were applied for. Explanations include the UK Government making it ineligible for social care workers and chefs entering the UK via the Tier 2 route. Formerly both professions made up for a substantial amount of applications. The occupation shortage list was also reduced in September 2011.

Following a government consultation on Tier 4 arrangements, significant changes have also been made to the rules on student migration to the UK. A first objective is to counteract abuse of the system. Thus, 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 required 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.

After six months in the UK, Tier 4 students can work for up to 20 hours per week during term-time, and full-time when not in term. As of April 2012, the Post-Study Work route for non-UK students is closed. From that date forwards, in order to stay in the UK, non-UK students graduating from a UK university with a recognized degree, Postgraduate Certificate in Education (PGCE) or Postgraduate Diploma in Education (PGDE) have to apply to switch into Tier 2 before their student visa expires, and are subject to the Tier 2 requirements (apart from the Resident Labour Market Test). Alternatively, the most talented among them have the possibility to apply to the new graduate entrepreneur route under Tier 1.

Family migration rules have also been tightened. A new income requirement for third-country/EEA citizens residing in the UK and wishing to reunite with

their family members (third-country nationals) who are abroad, has been set at a minimum threshold of GBP 18,600 (EUR 21,195), starting October 2013. For a child joining the partner the threshold is increased by GBP 2,400, per child (EUR 3,000). Formerly, a resident migrant wishing for his/her partner to join was allowed immediate reunification if he/she had lived with the partner outside of the UK for four or more years. This has now been abolished. Partners are required to fulfil the above criteria, as well as pass an English proficiency exam as part of a visa application. Any dependents (such as elderly persons) can only gain a visa if long-term personal care is provided by a relative in the UK, with no cost to UK welfare.

From May 2011 EU-8 nationals are no longer subject to transitional arrangements and have the right to work in the other EU Member States under the same conditions as EU-15 nationals. In the UK, this meant the termination of the Worker Registration Scheme (WRS) (UK Home Office, 2012a), which had served as a monitoring mechanism on the entries of EU-8 workers; Romanians and Bulgarians remain subject to limitations of access to the UK labour market until the end of 2013. Fears of large inflows of EU-2 workers after that date have recently dominated the public debate on migration in the UK.

4. Institutional and policy framework for integration

The UK has no comprehensive policy framework for integration. Traditionally, the bulk of measures have been directed at refugees as well as at improving language proficiency of third-country migrants. However, as a consequence of the crisis, budget cuts have affected those measures.³³⁷

Very few local policies in the UK have been directly tailored for the integration of immigrants, and limited funds have been supplied to such ventures. Direct focus has instead been given to small programmes, with few lasting in the long-term, the effectiveness of which have been limited in scope. Instead, the focus of the UK Government has been to incorporate migrant rights into broader equality legislation, such as developments in housing, employment and health. The 2010 Equality Act is a primary example of such legislation; providing a strengthening of equality and diversity within the UK. From October 2010 all persons, including migrants lawfully living in the UK, are legally allowed equal access to any publicly used facilities. Hence, without any direct legislation or policy initiatives towards migrant integration, there is indirect strengthening of the possibility of migrants to live with the same freedoms as any other person in the UK. At present there has been no direct research into the impacts of this legislation upon the lives of migrants.

³³⁷ For more details on this, please see IOM, 2012.

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Migration and Economic Crisis: Implications for Policies in the European Union

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- Volume 1: Analysis of data
- Volume 2: Labour market integration policies

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Migration, Employment and Labour Market Integration Policies in the European Union (2010)

Identification of Labour Shortages in the Context of Migration and Employment Policies

Labour Market Inclusion of Less-Skilled Migrants

2012-2013

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Recognition of Qualifications and Competences of Migrants

Improving Access to Labour Market Information for Migrants and Employers

Summary Brief on LINET key findings for 2009-2013

The International Organization for Migration (IOM) study *Migration, Employment and Labour Market Integration Policies in the European Union (2011)* analyses recent trends in labour migration and the labour market position of migrants, reflects on the possible impact of these trends on employment and the national labour markets, and relates these findings to the relevant legislative, institutional and policy developments. It covers, to the extent of data availability, new data and analysis for the year 2011.

This publication is an annual review of new data and analysis which forms part of a series of studies on the impact of migration on employment and outcomes of labour market integration policies produced by the LINET network. It updates and complements the previous volumes *Migration, Employment and Labour Market Integration Policies in the European Union (2000–2009) Part 1 and 2* as well as *Migration, Employment and Labour Market Integration Policies in the European Union (2010)*.

The study has been commissioned and funded by the Directorate-General for Employment, Social Affairs and Inclusion of the European Commission in the framework of the IOM Independent Network of Labour Migration and Integration Experts (LINET).

The full text of this publication is available for free download online at:
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International Organization for Migration
Regional Office for EU, EEA and NATO
40 Rue Montoyer
1000 Brussels
Belgium
Tel.: +32 2 287 70 00
E-mail: ROBrussels@iom.int
Website: <http://labourmigration.eu>