

# EMN INFORM

## Attracting Highly Qualified and Qualified Third-Country Nationals to the EU

### 1. INTRODUCTION

This EMN Inform is based on the findings of the EMN Focussed Study 2013<sup>1</sup> on Attracting Highly Qualified and Qualified Third-Country nationals, informed by National Reports from 23 Member States.<sup>2</sup>

### 2. KEY POINTS TO NOTE

- ★ The [Europe 2020 Strategy](#) sets out a clear need to pave the way for economic migration in sectors in which labour and skills shortages are emerging, as well as to attract highly skilled third-country nationals in the **global competition for talent**;
- ★ In the EU-27 between 2008 and 2012, there has been an **increase in the proportional employment of third-country nationals in high-skill occupations** (ISCO 1-3)<sup>3</sup>;
- ★ In the past 10 years **most EU Member States have introduced measures to attract and facilitate entry to highly qualified third-country nationals** for the purpose of employment. This tendency has been further stimulated by the implementation of [Directive 2005/71/EC](#) on a specific procedure for admitting third-country nationals for the purposes of scientific research and [Directive 2009/50/EC](#) on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment;
- ★ What constitutes a highly qualified or qualified third-country national currently varies across the Member States, with **different definitions and concepts**,

based on national labour market demands and other national criteria;

- ★ Most of the Member States have national **policies and strategies** in place for attracting (highly) qualified third-country nationals, some of which explicitly target these groups. Similarities exist in the **rationale** for establishing such national policies and strategies - the creation of more jobs and growth, filling current labour market shortages and addressing future labour market needs. The development of policy is often subject to **debate** due to high national unemployment rates in some Member States;
- ★ Some Member States' policies **focus on certain groups of individuals** (e.g. self-employed workers, researchers, intra-corporate transferees) as well as for individuals working in precise areas of occupation (e.g. IT, healthcare, academia, sport). In addition to sectors, some specific niche skills are in demand;
- ★ The focus on attracting **self-employed persons, entrepreneurs and investors** is also increasing in EU Member States, in parallel with the development of EU policy in this area;
- ★ **Policy measures** to attract third country nationals include fast tracking of procedures; unrestricted access to the labour market; awareness and information provision; and employer sponsorship. Other measures include more favourable conditions for family reunification, taxation and access to social security benefits and integration measures. Accelerated procedures for entry plus allowable absences to return to the country of origin are also measures applied in relation to entrepreneurs.
- ★ There is limited evidence that Member States have entered into **agreements with third countries** to attract highly qualified and qualified workers. However, agreements that are in place are considered to be effective which suggests that this is

<sup>1</sup> The EMN Study and National Reports are available on the [EMN Website](#).

<sup>2</sup> **Austria, Belgium, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovak Republic, Slovenia, Spain, Sweden and United Kingdom.**

<sup>3</sup> The International Labour Organization's International Standard Classification of Occupations (ISCO). For definitions based on the ISCO "highly qualified" as well as "qualified" mostly relate to managers, professionals and technicians and associate professionals.

a measure whose capability could be further realised in the future;

- ★ For Member States to compete effectively, they will need to overcome **challenges** and **barriers** to the uptake of skilled employment. This can be done through the implementation of **good practices** that have been identified in relation to a number of different aspects of the migration process. These relate to the **provision of information**, the **adaption of migration procedures**, the introduction of **incentives** to attract (highly) qualified migrants and the **customisation of labour market practices**;
- ★ Though some **challenges and barriers** have been identified, it is expected that **national policies will further develop**, with some Member States placing increased focus on identifying specific occupational and sectoral gaps in the labour market which cannot be filled by nationals or EU citizens.
- ★ Through the EU Blue Card, there is also the **potential to maximise the benefits of highly qualified third-country national migrants** at the EU level by facilitating their mobility and allowing for skills progression and development, so that talent is both attracted to and, where still required, retained in the EU.

### 3. IS THERE A NEED FOR HIGHLY QUALIFIED MIGRATION TO THE EU?

The **Europe 2020 Strategy** sets out a clear need for economic migration in sectors in which labour and skills shortages are emerging, as well as to attract highly skilled third-country nationals in the **global competition for talent**. Countries outside the EU, such as the **US, Canada and China**, are also, through national policies, competing to attract highly qualified third-country nationals to their labour markets.

Legal migration, including labour migration, is also an integral part of the EU's cooperation and dialogue with third countries and a key area of the EU's external migration policy as defined through the **Global Approach to Migration and Mobility (GAMM)**. Policy priorities include the need to "better organise legal migration and foster well-managed mobility", focusing, amongst others, on (highly) qualified third-country nationals, based on the premise of offering employers wide opportunities to find the most suitably qualified individuals from the global labour market.

The **EU Entrepreneurship 2020 Action Plan**, adopted in 2012,<sup>4</sup> recognises Europe's need for more entrepreneurs, as a driver of economic growth and job creation and foresees migrants as an important pool of potential entrepreneurs for the EU.

<sup>4</sup> COM(2012) 795, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0795:FIN:en:P.DF>.

### 4. WHO IS CLASSIFIED AS HIGHLY QUALIFIED OR QUALIFIED?

Definitions and concepts of highly qualified and qualified third-country nationals vary across Member States, as these depend on national labour market demands and other national criteria. Member States therefore **do not have concrete definitions but seem rather to mix definitions with concepts**, and with specific academic, salary and professional requirements. The criteria applied in the Member States are frequently drawn from the **ILO's International Standard Classification of Occupations (ISCO)**, with highly qualified and qualified categories applied to occupations which include managers, professionals and associate professionals (Levels 1 – 3) as well as **UNESCO's International Standard Classification of Education (ISCED)** which provides an indication of the education levels attained by highly qualified individuals.

The **EU Acquis** has influenced the concepts used in the Member States, by setting out common definitions for both "highly qualified employment" and "higher professional qualifications" when Member States had no prior concepts and definitions. The most frequently used criteria are those based on education and / or salary levels. In practice, reported salary requirements existing in the Member States range from €1 293 per month<sup>5</sup> to a minimum annual salary of €67 842.<sup>6</sup>

### 5. WHAT IS THE SCALE OF (HIGHLY) QUALIFIED MIGRANT EMPLOYMENT IN THE EU?

In the EU between 2008 and 2012, there has been a **slight increase in the proportional employment of third-country nationals in high-skill occupations** (ISCO 1-3) in the total employed population from 2.01% (2008) of third-country nationals compared with 2.08% (2012),<sup>7</sup> corresponding to an estimated 1.6 million persons.<sup>8</sup> This increase was experienced by 10 of the Member States for which reliable and comparable statistics were available ([Figure 1](#)).<sup>9</sup>

<sup>5</sup> Lithuania

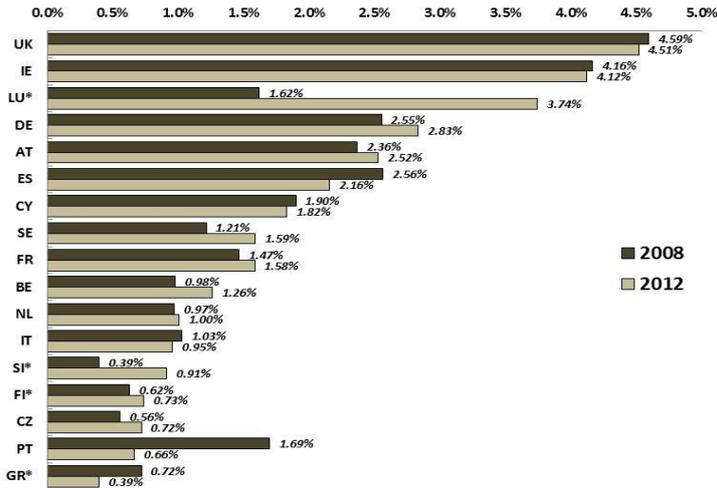
<sup>6</sup> Luxembourg

<sup>7</sup> Of the total employed population

<sup>8</sup> The number of all third-country nationals working in the EU in 2012 was 7,815,380. 21% of them worked within ISCO categories 1-3, accounting for 1,641,229 persons.

<sup>9</sup> AT, BE, CZ, DE, DK, EL, ES, FI, FR, HU, IE, IT, LU, NL, PL, PT, SE, UK.

**Figure 1** Proportion of employed third-country nationals working in high-skill occupations (ISCO 1-3) among the total employed population, selected

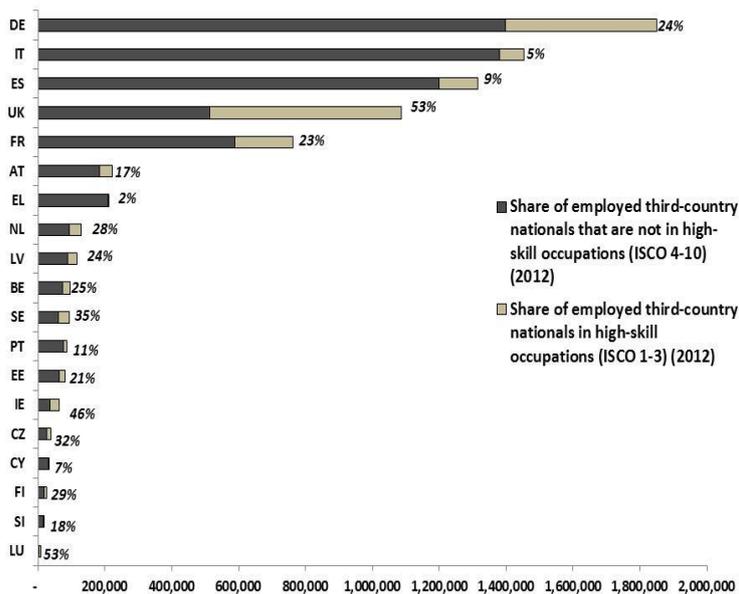


*Note:* Data for those Member States with an (\*) is characterized by low reliability. No reliable data or no data was available for the outstanding EU Member States. Source: Eurostat, Labour Force Surveys

In the EU in 2012, out of all employed third-country nationals, 26% (2.03 million) had reached the highest educational attainment level (university degree and/or PhD, ISCED categories 5-6) and 21% (1.64 million) were working as either managers, professionals, technicians or associate professionals (ISCO categories 1-3), accounting for up to 4.29% of all employees working in such categories.

**Figure 2** gives an overview of the share of third-country nationals working in high-skill occupations on the total number of employed third-country nationals.

**Figure 2** The share of employed third-country nationals (ISCO categories 1-3) on the total number of third-country nationals employed, 2012



## 6. WHAT PROVISIONS ARE AVAILABLE WITHIN THE EU ACQUIS?

In the past 10 years, most EU Member States have introduced measures to facilitate entry to highly skilled third-country nationals. This tendency has been further stimulated by the implementation of [Directive 2005/71/EC](#) on a specific procedure for admitting third-country nationals for the purposes of scientific research (hereinafter Researcher's Directive) and, to a lesser extent given its recent transposition by Member States, [Directive 2009/50/EC](#) on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (the EU Blue Card Directive).

## 7. WHAT NATIONAL POLICIES ARE BEING IMPLEMENTED?

Most of the Member States have policies and strategies in place for attracting (highly) qualified third-country nationals, many of which pre-date the EU Blue Card Directive. While the majority of the Member States include provisions targeting this group in wider migration policies, some have developed specific policies targeted at (highly) qualified migrants. Similarities exist in the rationale for establishing national policies and strategies, with the most common identified objectives being the creation of more jobs and growth, the contribution to the establishment of centres of research and excellence, the filling of shortages and existing labour market needs and the addressing of potential future labour market needs.

As part of their national policy, some Member States have placed a **specific focus on certain groups of individuals** (e.g. self-employed workers, researchers, intra-corporate transferees) as well as for individuals working in precise areas of occupation (e.g. IT, healthcare, academia, sport). In addition to sectors, niche skills and specific mixes of skills, for example languages experience, are in demand.

The systems in place in the Member States vary from points-based systems to systems which are employed led. In some Member States where such policies are in place, higher shares of (highly) qualified workers have been reported.

## 8. ARE SPECIFIC POLICIES IN PLACE FOR ENTREPRENEURS AND INVESTORS?

Several Member States have **developed specific measures** for **self-employed, entrepreneurs and investors** which define the conditions and criteria for admission and grant, in certain cases, specific benefits and exemptions to attract these groups. **The focus on attracting entrepreneurs and investors appears to be increasing in the EU**, with new targeted policies being introduced recently in some Member States. The conditions applying to self-employed and entrepreneurs primarily relate to the expected potential economic activity so that the Member State can assess the added

value that the third-country national will bring to the national economy. The main admission criteria relate to the sum of money to be invested as well as proof of secured funding for entrepreneurs.

## 9. WHAT MEASURES ATTRACT HIGHLY QUALIFIED THIRD-COUNTRY NATIONALS TO THE EU?

A wide array of measures is used by the Member States to attract third-country nationals. These include the **fast-tracking of procedures, unrestricted access to the labour market, and the provision of information and employer sponsorship.**

Some Member States have also developed several measures aimed to positively influence the immigration decision of third-country nationals, by offering **improved rights, benefits and incentives.** These include the right to be accompanied by family members with unrestricted access to the labour market and / or exemptions for family members from proof of language skills and / or from signing integration contracts for family members of highly qualified workers. Tax incentives are also offered by a few Member States to both employers and (highly) qualified employees. These range from granting specific expatriate statuses which offer tax-free allowances and tax exemptions to general income tax reductions.

## 10. DO AGREEMENTS WITH THIRD COUNTRIES HELP IN MEETING DEMAND FOR (HIGHLY) QUALIFIED LABOUR?

Member States have entered into many agreements with third countries which aim to facilitate labour migration though **only a very limited number** of these agreements focus specifically on attracting (highly) qualified third-country nationals to their territory. The limited number of specific agreements currently in place could be explained by the strong interest of Member States to attract the most relevant and talented (highly) qualified third-country nationals to their territory from anywhere in the world.

## 11. ARE POLICIES AND MEASURES APPLIED IN THE MEMBER STATES EFFECTIVE?

Trends in the proportion of employed third-country nationals working in high-qualified occupations over the period 2008 to 2012, show that many Member States which had specific policies and measures in place to attract (highly) qualified immigrants saw an increase in their proportion of the total number of employees in these occupational levels. Though an impact of the policies and measures can be seen in some cases, only a few Member States have specific evaluation systems in place for regularly assessing the impacts of policies aimed to attract highly qualified and qualified third-country nationals through the undertaking of evaluations, reports and interviews with stakeholders.

Based on the examples provided by Member States through national evaluations (or individual analysis), emerging good practice has been identified in relation to a number of different aspects of the migration process. Identified good practices have been in the areas of:

- ★ **information provision** (provision of relevant up-to-date information and guidance to migrants and employers from third countries and the establishment of focal points);
- ★ **adaptation of migration procedures** (replacing generic highly-skilled routes by more specialised routes, maintaining an open, employer-driven system);
- ★ the **introduction of incentives to attract** (highly) qualified migrants (tax advantages, improved family reunification rights); and
- ★ the **customisation of labour market practices** (ensuring that highly qualified third-country nationals are employed in sectors showing a shortage of domestic supply, involvement of national institutions in scrutinising the suitability of applicants).

In addition to good practices, the Member State evaluations and analysis highlighted a number of existing **challenges and barriers:**

- ★ **characteristics which are inherent to the Member State's culture**, history and traditions (language, public debate related to immigration, community conflicts);
- ★ **economic, social and educational factors** (economic crisis, salaries/wages, working conditions) and
- ★ **immigration rules and measures** (bureaucracy, lack of information, waiting times to process applications etc.).

The national evaluations undertaken have outlined that these challenges and barriers have led, in some cases, to shortage occupation lists not necessarily keeping pace with current needs, to targets initially agreed not being reached and to policies aim at attracting (highly) qualified third-country nationals ultimately having a limited impact on migration flows.

## 12. WHAT HAS BEEN THE IMPACT OF THE EU ACQUIS IN ATTRACTING (HIGHLY) QUALIFIED THIRD-COUNTRY NATIONALS?

Member States identified a number of benefits arising from the EU Blue Card Directive's provisions such as the introduction of a definition of highly qualified third-country nationals which did not exist in some national legislation prior to the Directive's transposition as well as the facilitation of intra-EU mobility, providing the opportunity to change jobs and be temporarily unemployed, providing access to long-term residence and the facilitation of family reunification. The main advantages identified in the Member States from the Researcher's Directive were the provisions to exempt from the work permit requirement, to apply for a long term residence permit and facilitating of family reunification.

## 13. FURTHER INFORMATION

You may obtain further details on this EMN Inform and/or on any other aspect of the EMN, from [HOME-EMN@ec.europa.eu](mailto:HOME-EMN@ec.europa.eu)

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