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DIRECTORATE-GENERAL JUSTICE, FREEDOM AND SECURITY
Directorate B : Immigration and Asylum
Unit B1 : Immigration and Integration

MIGRAPOL
European Migration Network
Doc 187

EUROPEAN MIGRATION NETWORK
- SPECIFICATIONS FOR EMN STUDY –
SATISFYING LABOUR DEMAND THROUGH MIGRATION

FINAL Version: 22nd March 2010

Subject: These specifications relate to the production of the EMN Study 2010 on "*Satisfying labour demand through migration*"

Action: EMN NCPs are now requested to undertake this activity according to the Timetable given on Page 9. If needed, additional clarifications can be provided on the occasion of the 40th EMN NCP meeting.

I. INTRODUCTION

a) Study Objectives

The EMN Steering Board approved the selection of a study on *Satisfying Labour Demand through Migration*¹ as part of the EMN Work Programme 2010. The aim of the study is to understand the strategies for addressing labour market needs and shortages by the Member States; to gain an understanding of the perceived effectiveness of these strategies; and to examine the impact of the recent economic downturn and recovery on these strategies (e.g. how they have been or will be adapted).

This EMN study will help to inform policymakers and analysts about the different options for addressing labour demand, both in terms of long-term skill needs and in response to the impacts of changes in the economy. In addition, the study may generate evidence concerning the effectiveness of the different strategies, including co-operation with third countries, and highlighting best practice, as well as help to contextualise national policies and practices by providing an overview of policy in this area across the EU.

The study will partly reprise the 2007 EMN study on '*Conditions of Entry and Residence of Third Country Highly-Skilled Workers in the EU.*' However, this study will examine the role of immigrants in addressing *all* labour shortages (not just highly-skilled) and will reflect on lessons learnt from policy choices made as a response to the current economic climate. The EMN's previous study on "*Managed migration and the Labour Market – the Health Sector*" is also of relevance.

Consistent with the remit of EMN and with previous studies, the study will focus on third-country national migrants. However, information and data on *intra-EU mobility* and the labour market may be included when this is of particular relevance. For example, following enlargement in 2004 and 2007 plus in the context of the transitional arrangements² for EU-8 and EU-2 nationals in some EU-15 Member States, where the effects of intra-EU migration to meet labour demand on migration from third countries might be considered.

The study should also be seen in the context of the complementary EMN study on "*Temporary and circular migration: empirical evidence, current policy practice and future options in EU Member States,*" which will also be undertaken in conjunction with this study on satisfying labour demand through migration.

b) Target Audience

The outcome of this study is primarily intended for:

- Relevant Ministers and policy officers (at EU and national level) concerned with economic migration;
- Other groups (e.g. NGOs, academic researchers) who would be potential users of the study;
- Members of the public with an interest in economic migration policy.

¹ Following suggestions from the EMN NCPs, the title has been changed from the one discussed by the Steering Board in order that the title has more impact. However, the topic and aims of the study are entirely consistent with what was discussed and approved by the EMN Steering Board meeting.

² Details available from <http://ec.europa.eu/social/main.jsp?catId=466&langId=en>.

Subject to the agreement of the relevant EMN NCP(s), it is expected that the National Reports shall also be made publicly available. At least the Synthesis Report shall be published and made available to the wider public.

c) Rationale and context of study

The 2007 EMN study into highly skilled workers noted that the proportion of EU citizens of working age is likely to decrease from 67.2% in 2004 to 56.7% in 2050, with immigration being seen as a one way of addressing this change. Since then the global economic downturn is likely to have impacted on demand for labour across the EU. Also, the policy landscape is changing. In particular, the *European Pact on Immigration and Asylum* and the recently adopted *Stockholm programme* are likely to result in even closer co-operation between Member States and with third countries in managing migration flows, plus the “EU Blue Card”³ for highly qualified third-country nationals will become operational.

The [European Pact on Immigration and Asylum](#),⁴ adopted by the European Council in October 2008, has, as one of the five commitments, to *Organise legal immigration to take account of the priorities, needs and reception capacities determined by each Member State, and to encourage integration*. The European Council considered that legal immigration should be the result of a desire on the part of both the migrant and the host country to their mutual benefit. It recalled that it is for each Member State to decide on the conditions of admission of legal migrants to its territory and, where necessary, to set their number. Any quotas involved might be implemented in partnership with the countries of origin. The European Council called on Member States to implement an immigration policy that is both managed, particularly with respect to all labour market needs, and concerted, given the impact it may have on other Member States. The European Council also stressed the importance of adopting a policy that enables fair treatment of migrants and their harmonious integration into the societies of their host countries.

To that end, the European Council agreed:

- (a) *to invite Member States and the Commission to implement policies for labour migration, with due regard to the *acquis communautaire* and Community preference, bearing in mind potential human resources within the European Union, and using the most appropriate resources, which take account of all the needs of the labour market of each Member State, pursuant to the conclusions of the European Council of 13 and 14 March 2008;*
- (b) *to increase the attractiveness of the European Union for highly qualified workers and take new measures to further facilitate the reception of students and researchers and their movement within the EU;*
- (c) *to ensure, in encouraging temporary or circular migration, pursuant to the conclusions of the European Council of 14 December 2007, that those policies do not aggravate the brain drain;*
- (d) *to regulate family migration more effectively by inviting each Member State, in compliance with the European Convention for the Protection of Human Rights and Fundamental Freedoms, to take into consideration in its national legislation, except for certain specific categories, its own reception capacities and families' capacity to*

³ Directive 2009/50/EC, available from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:155:0017:0029:EN:PDF>.

⁴ Available from http://ec.europa.eu/justice_home/news/intro/doc/doc_13440_08_en.pdf

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- integrate, as evaluated by their resources and accommodation in the country of destination and, for example, their knowledge of that country's language;*
- (e) *to strengthen mutual information on migration by improving existing instruments where necessary;*
 - (f) *to improve information on the possibilities and conditions of legal migration, particularly by putting in place the instruments needed for that purpose as soon as possible;*
 - (g) *to invite Member States, in line with the common principles approved by the Council in 2004, to establish ambitious policies, in a manner and with resources that they deem appropriate, to promote the harmonious integration in their host countries of immigrants who are likely to settle permanently; those policies, the implementation of which will call for a genuine effort on the part of the host countries, should be based on a balance between migrants' rights (in particular to education, work, security, and public and social services) and duties (compliance with the host country's laws). They will include specific measures to promote language-learning and access to employment, essential factors for integration; they will stress respect for the identities of the Member States and the European Union and for their fundamental values, such as human rights, freedom of opinion, democracy, tolerance, equality between men and women, and the compulsory schooling of children. The European Council also calls upon the Member States to take into account, by means of appropriate measures, the need to combat any forms of discrimination to which migrants may be exposed;*
 - (h) *to promote information exchange on best practice implemented, in line with the common principles approved by the Council in 2004, in terms of reception and integration, and on EU measures to support national integration policies.*

More recently, in Section 6.1.3 of the *Multiannual programme for an area of Freedom, Security and Justice serving the citizen* ([The Stockholm Programme](#)),⁵ it is stated:

The European Council recognises that labour immigration can contribute to increased competitiveness and economic vitality. In this sense, the European Council is of the opinion that the Union should encourage the creation of flexible admission systems that are responsive to the priorities, needs, numbers and volumes determined by each Member State and enable migrants to take full advantage of their skills and competence. In order to facilitate better labour matching, coherent immigration policies as well as better integration assessments of the skills in demand on the European labour markets are carried out. These systems must have due regard for Member States' competences, especially for managing their labour markets, and the principle of Union preference.

The European Council invites:

- *the Commission and Council to continue to implement the Policy Plan on Legal Migration,*
- *the Commission to consider how existing information sources and networks can be used more effectively to ensure the availability of the comparable data on migration issues with a view to better informing policy choices, which also takes account of recent developments,*

⁵ Adopted version available from the website of the Swedish Presidency of the EU at http://www.se2009.eu/en/the_presidency/about_the_eu/justice_and_home_affairs/1.1965.

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- *the Commission and the Council to evaluate existing policies that should, inter alia, improve skills recognition and labour matching between the European Union and third countries and the capacity to analyze labour market needs, the transparency of European on-line employment and recruitment information, training, information dissemination, and skills matching in the country of origin,*
- *the Commission to assess the impact and effectiveness of measures adopted in this area with a view to determining whether there is a need for consolidating existing legislation, including regarding categories of workers currently not covered by Union legislation.*

These policy orientations were based on a conference held under the Swedish Presidency of the EU entitled "[*Labour Migration and its Development Potential in the Age of Mobility*](#)"⁶ in October 2009, which led to [*JHA Council conclusions of 30th November 2009*](#).⁷ Of particular note from these conclusions are:

- recommendation for a thorough examination of the development of potential mechanisms which are capable of identifying and facilitating better employment matches;
- improve co-operation with countries of origin to ensure that the educational and vocational qualifications and skills of third-country nationals are compatible with the requirements of EU employers, in particular with a view to avoiding "brain waste", and to facilitate the transfer of skills back to the county of origin;
- importance of a dialogue with all relevant stakeholders, including the private sector, social partners, labour market agencies of Member States, and relevant third countries, in order to ensure better policy making in this field.

Another recent development, within a broader context, are the ongoing consultations on the [*EU 2020 strategy*](#)⁸ and in particular the latest Europe 2010 Communication from the Commission (COM (2010) 2020), an initiative resulting from the recent economic and financial crisis and considered to be the point of entry into a new sustainable social market economy, a smarter, greener economy where prosperity will result from innovation and from using resources better, and where knowledge will be the key input. The Commission Working Document launching this debate (COM(2009)647) states that, despite its substantial contribution to growth, the potential of migration is not fully factored into policymaking at EU or national level and that employment rates of migrants can be improved, particularly for specific categories such as migrants with low levels of education, women and those recently arrived. It is notable, however, that a first overview of responses to this public consultation (SEC(2010)116) includes no mention at all of the (possible) role of migration.

⁶ See

http://www.se2009.eu/en/meetings_news/2009/10/15/labour_migration_and_its_development_potential_in_the_age_of_mobility.

⁷ See http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/111545.pdf.

⁸ See <http://ec.europa.eu/eu2020/>

d) Definitions and understandings of terms used

The [EMN Glossary](#)⁹ has a number of terms related to Economic Migration which should be used for your National Report in order to ensure a comparative description based on the same, common definitions. Amongst these are:

Economic Migration

Refers to migration mainly for economic reasons or in order to seek material improvements.

Related Term: Managed Migration, Economic Migrant, Forced Migration

Migrant Worker

From UN Convention, a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.

From OECD, means foreigners admitted by the receiving State for the specific purpose of exercising an economic activity remunerated from within the receiving country. Their length of stay is usually restricted as is the type of employment they can hold.

Synonyms: Labour Migrant, Foreign Worker, Guest Worker

Related Term: Labour Migration

Broader Term: Economic Migrant

Note:

UN definition is more common in literature and more comprehensive since it specifically includes those migrant workers who may currently be out of work, but had been working earlier. The Convention includes also self-employed workers, which are not included in the ILO instruments.

Country of Origin

The country (or countries) which are a source of migratory flows and of which a migrant may have citizenship. In refugee context, from Directive 2004/83/EC, this means the country (or countries) of nationality or, for stateless persons, of former habitual residence.

Synonym: State of Origin

Narrower Terms: Country of Origin Information, Safe Country of Origin

Related Terms: Country of Nationality, Country of Transit

Note:

In some cases, a migrant may enter the EU from another country, which is not his/her country of origin. See Country of Transit.

The definitions specific to this study are further elaborated **in Section 1.2 of the common specifications (Section IV)**.

⁹ Available from <http://emn.sarenet.es/Downloads/prepareShowFiles.do?directoryID=117>.

e) Previous outputs/studies

There have been eight related EMN Ad-Hoc Queries, namely on:

- *Policy on Labour Migration* (February 2008)
- *Legal framework on employment of third country nationals* (March 2008)
- *Entry and residence of third country nationals for business purposes* (February 2009)
- *Policy in respect of migrant workers who are made redundant* (June 2009)
- *Policy measures taken in migration management as the reaction to global crisis* (June 2009)
- *Establishment of commercial companies by Third Country Nationals* (July 2009)
- *Permits to attract highly skilled workers* (October 2009)
- *Admission system for labour migration purposes* (November 2009).

For reference, the pdf files of the available compilations of responses received to these queries are given in Annex 1 to these specifications.

As one might expect, there have been a number of studies on economic migration, including an assessment of the impact of the recent economic crisis. Relevant examples are:

- [*The Economic Impact of Migration*](#)¹⁰ (UK House of Lords Select Committee on Economic Affairs, April 2008)
- [*Shaping the future. A long term perspective of people and job mobility in the Middle east and North Africa*](#)¹¹ (World Bank, March 2009)
- IOM Policy Brief on the [*Impact of the global financial crisis on migration*](#)¹² (March 2009)
- IOM [*World Migration Report 2008: Managing Labour Mobility in the Evolving Global Economy*](#)¹³
- [*Managing Highly-Skilled Labour Migration: A Comparative Analysis Of Migration Policies And Challenges in OECD Countries*](#)¹⁴ (March 2009)
- [*Skill needs in Europe: Focus on 2020*](#) (CEDEFOP - European Centre for the Development of Vocational Training).
- [*Identifying Skills Need*](#)¹⁵ (CEDEFOP - European Centre for the Development of Vocational Training)
- Report of the Expert Group on New Skills for New Jobs (February 2010): [*New Skills for New Jobs: Action Now*](#)
- Reports and other outputs from the [European Employment Observatory](#)
- [DG Employment, Social Affairs and Equal Opportunities web-pages on Immigration and Employment](#). Links on this page which are particularly relevant concern the *Employment in Europe Report 2008 - Chapter 2: The labour market situation and*

¹⁰ Available from <http://www.publications.parliament.uk/pa/ld200708/ldselect/ldeconaf/82/82.pdf>.

¹¹ Available from <http://go.worldbank.org/K5OF91WM60>.

¹² Available from

http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy_and_research/policy_documents/policy_brief_gfc.pdf.

¹³ Available from

http://publications.iom.int/bookstore/index.php?main_page=product_info&cPath=37&products_id=62.

¹⁴ Available from [http://www.ois.oecd.org/olis/2009doc.nsf/LinkTo/NT00000ED2/\\$FILE/JT03261489.PDF](http://www.ois.oecd.org/olis/2009doc.nsf/LinkTo/NT00000ED2/$FILE/JT03261489.PDF).

¹⁵ See http://www.cedefop.europa.eu/themes/theme_a/default.asp.

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impact of recent third country migrants” and the “*Gaining from migration: EU-OECD study*.”

- DG Employment, Social Affairs and Equal Opportunities: Mutual Learning Programme, peer review Tallinn (Estonia): [Renewed procedures for employing migrant workers with the emphasis on favouring highly-qualified labour](#).
- Eurostat: [Labour Force Survey](#) and 2008 Ad-Hoc Module on the Situation of Migrants and their Immediate Descendants. For the latter, EU data is not yet available¹⁶, but several national documents are currently online, e.g.:
 - UK: [Employment of Foreign Workers: Focus on Eurostat Ad Hoc Module 2008](#)
 - SI: [Labour market situation of migrants and their immediate descendants, Slovenia, 2nd quarter 2008 – PROVISIONAL DATA](#)

With regard to the impact of enlargement and on the mobility of workers within the EU, published information on this may be found from:

- DG Employment, Social Affairs and Equal Opportunities webpages on Mobility at <http://ec.europa.eu/social/main.jsp?catId=25&langId=en>.
- The EURES website (<http://ec.europa.eu/eures/>)
- A Report on the experiences of enlargement for **Ireland** and **Sweden** is available from <http://www.sieps.se/en/publications/rapporter/freedom-of-movement-for-workers-from-central-and-eastern-europe-experiences-in-ireland-and.html> and for the **United Kingdom** from <http://research.dwp.gov.uk/asd/asd5/WP18.pdf>.
- A report on the impact of accession for the EU as a whole is available from http://eur-lex.europa.eu/LexUriServ/site/en/com/2006/com2006_0048en01.pdf.
- "The enlarged EU benefits from labour migration," available from http://wiiw.ac.at/e/research_networks_lms.html.

II. IMPLEMENTATION OF STUDY

Each EMN NCP shall participate, producing a National Report which, whenever possible, should be in co-operation with their national network members. The National Reports of this study should be based on recent and current information available at the Member State level.

Following a desk analysis of current publications (see, for example, the previous Section 1e) and statistics, as well as the internet, press and other media documents, each EMN NCP shall provide its main findings. Relevant studies (monographs, essays, research papers, statistical data, internet content, etc.) used for producing your National Report should be listed in an Annex and eventually transferred into the EMN's Information Exchange System.

With regard to relevant studies and other information already available, note that, consistent with the EMN's objective and the desk research approach, the intention is to analyse and/or synthesise the information only, with a view to providing information which you (as EMN NCP, plus possibly your national network members) consider to be of relevance and use to, as well as needed by, policymakers. If needed, other sources of information (e.g. stakeholder interviews) may also be included, when considered relevant to do so.

¹⁶ This data may become available in the course of the study.

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National Reports should be as concise as possible and *Final* versions submitted by 18th July 2010. Each National Report should typically be 30-40 pages in total (excluding Tables of data, Annexes), although this very much depends on the information available in your Member State. An indication is given for the expected number of pages for each Section in the Specifications below.

A review of these specifications and the progress made will occur at EMN NCP meetings in 2010 and, if needed, minor modifications made in light of the experience gained in undertaking the study. Any further meetings that might be required, e.g. in order to begin the formulation of the Synthesis Report, will also be scheduled at this review.

The Synthesis Report shall *inter alia*, and in accordance with the Synthesis Report Guidelines (MIGRAPOL EMN Doc 75), adequately and correctly reflect (through, for example, comparison/contrast) the key findings from each National Report, highlighting the most important aspects and placing them as much as possible within an EU perspective (e.g. by relating to recent policy initiatives). In particular, emphasis shall be placed in highlighting information in the Synthesis Report which is considered to be needed by policymakers.

III. TIMETABLE

30th October 2009	Initial exchange of views at 37th EMN NCP meeting.
11th December 2009	Discussion of draft specifications at 38th EMN NCP Meeting.
4 th February 2010	Discussion of updated draft specifications at 39 th EMN NCP Meeting.
March 2010	Finalisation of specifications and launching of the study.
15 th July 2010	Provision of Final National Reports to Commission.
30 th September 2010	Discussion of Synthesis Report at 43 rd EMN NCP meeting.
4th November 2010	Finalisation of Synthesis Report at 44 th EMN NCP meeting

IV. COMMON SPECIFICATIONS FOR NATIONAL REPORT

The following template has been developed for the individual National Reports, which shall be followed by all EMN NCPs in order to ensure comparability between National Reports and to facilitate the production of the Synthesis Report.

The analytical part of the National Reports should focus on developments in 2009 and, if possible, relevant developments in 2010. The statistical data is to be provided from 2004 onwards.

As mentioned previously, in order also to improve comparability, use should be made as much as possible of the terms given in the EMN Glossary, according to the definitions contained in this glossary.

Statistics shall, to the extent possible, also be provided according to the details given in Section 5. The aim is to provide the data that you have in order to then see what data are

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available and how these data may be presented in the Synthesis Report. If you are unable to provide data to the level of detail suggested, this is acceptable, since again the aim is to obtain the data that is available in your Member State.

For some Member States, who have few data, data protection legislation might prevent them from publishing the data. Consequently, any tables in the Synthesis Report for comparing the data between Member States shall ensure that such legislation is respected. Each EMN NCP is requested to provide their National Reports with the data they have available and it shall then be decided how best to create tables for the Synthesis Report. Data which is subject to data protection legislation should be provided in the Tables only, not in the general text. This will facilitate the publication of the National Report with the Tables removed.

SATISFYING LABOUR DEMAND THROUGH MIGRATION IN

[MEMBER STATE NAME]

Executive Summary (up to two pages)

The Executive Summary should summarise the report, focussing on key findings and messages that you consider are of most relevance to policymakers. It should be organised according to the main Sections of your National Report.

1. INTRODUCTION: PURPOSE AND METHODOLOGY FOLLOWED (3-4 pages)

State the aims of the study, as given in Section Ia) of these specifications, plus any specific ones established at national level. This is primarily for the benefit of those readers who will see only the National Report. Where possible, indicate who is likely to find the report most useful, and for what purpose, in your Member State.

1.1 Methodology

With regard to methodology, explain how your National Report was produced and who has contributed to the study. Explain also how your National Report would add to/complement the information already available (published). In particular, information on the following should be provided:

- the methods used in identifying and selecting sources of data, databases used and criteria followed (such as data/research quality) for including a source;
- an overview of the type and sources of information used, including existing studies;
- which, if any, organisations/institutions have been contacted to obtain the relevant information;
- what problems were encountered in doing the study;
- whether some aspects (or statistics) could not be addressed (or provided) in accordance with these specifications (if alternative information is provided, outline how it should be interpreted with relation to what is requested in these specifications);
- whether there are reservations/caveats one should apply to any of the findings and, if so, how.

1.2 Definitions

To the extent possible, terms used in these specifications are in accordance with their definition given in the EMN Glossary.

In order to provide a common framework for the study to facilitate comparability, it is proposed to use the following five broad categorisations:

- a) Highly skilled
- b) Skilled
- c) Low skilled
- d) Researchers
- e) Seasonal workers

Throughout the text, these are referred to as ‘economic migrants’. Each of these categorisations is elaborated in turn below.

a) Highly skilled (Highly Qualified Migrant)

(Derived from Article 2(b) of Council Directive 2009/50/EC ("highly qualified employment"))

In EU context, this refers to a person who is employed in a Member State; is protected as an employee under national employment law and/or in accordance with national practice, irrespective of the legal relationship, for the purpose of exercising genuine and effective work for, or under the direction of, someone else; is paid; and has the required adequate and specific competence, as proven by higher professional qualifications.

In global context, this refers to a person falling within ILO ISCO-88 Classes 1, 2 and 3, e.g. a person with qualified as a manager, executive, professional, technician or similar, who move within the internal labour markets of trans-national corporations and international organisations, or who seek employment through international labour markets for scarce skills.

Synonym: Highly skilled Migrant/Worker, Business Migrant

Related Terms: Highly qualified Employment, EU Blue Card

Note:

In some Member States, there is a distinction between *highly skilled*, referring to someone who has the required adequate and specific competence, as proven by higher educational qualifications, and/or extensive (vocational) experience; and *highly qualified*, referring to someone who has required adequate and specific competence, as proven by higher educational qualifications only. In EU context, however, these terms are considered to be inter-changeable, e.g. the definition for highly skilled used in the Migratory Statistics Regulation (862/2007) uses the definition for highly qualified.

b) Skilled

Where possible, it is proposed to generate data on the category "*Skilled*" by following the practice of the Eurostat's Labour Force Survey, aggregating the following groups in the [International Labour Organisation ISCO-88 classifications](#)¹⁷ into one group "Skilled":

- Major Group 4: Clerks
- Major Group 5: Service Workers and Shop and Market Sales Workers
- Major Group 6: Skilled Agricultural and Fishery Workers
- Major Group 7: Craft and Related Trades Workers
- Major Group 8: Plant and Machine Operators and Assemblers

If data in the Member State is not organised according to the above ISCO-88 classifications, it is proposed that the corresponding national categories are used in order to create data on the category "Skilled". In this case, Member States need to provide **clear definitions of the category or categories used**.

¹⁷ Major, Sub-Major, Minor and Unit Group titles are available from <http://www.ilo.org/public/english/bureau/stat/isco/isco88/major.htm>.

c) Low skilled

In line with the above, where possible, it is proposed to then consider the following ISCO-88 classifications as "low skilled":

➤ Major Group 9: Elementary Occupations

Again, if data in the Member State is not organised according to the above ISCO-88 classification, it is proposed that the corresponding national category or categories are used in order to create data on the category "Low skilled", accompanied by **a clear description of the definitions used.**

d) Researcher

(Derived from Council Directive 2005/71/EC)

Means a third country national holding an appropriate higher education qualification, which gives access to doctoral programmes, who is selected by a research organisation for carrying out a research project for which the above qualification is normally required.

It is noted that there is a possible overlap with category a) Highly skilled. Especially when providing data, EMN NCPs should clarify whether this is the case or not in their National Reports. Ideally, however, these should be treated as a separate category.

e) Seasonal Worker Migrant

(Derived from Council Resolution of 20 June 1994 on limitation on admission of third-country nationals to the territory of the Member States for employment)

Refers to a (Third Country National) worker who is resident in a third country but is employed in an activity dependent on the rhythm of the seasons in the territory of a Member State on the basis of a contract for a specified period and for specific employment.

There is a possible overlap with categories a) to c) above, as seasonal workers can have different skills levels. Especially when providing data, EMN NCPs should clarify whether this is the case or not in their National Reports. Ideally, however, these should be treated as a separate category and details of the actual occupation (e.g. agricultural, tourism, education) of the seasonal workers should be included.

NB: The use of the definitions in the EU acquis, the (aggregation of) ISCO-88 classifications¹⁸ and/or similar categorisations at national level is highly preferable in order to facilitate comparability. However, should this not be available for all data requested, an additional categorisation of data, especially with regard to vacancies, concerns the economic sector or type of economic activity, i.e. the [Nomenclature statistique des activités économiques dans la Communauté Européenne \(NACE\)](#)¹⁹.

NB: The definition of Employment and Unemployment should be as used for the Labour Force Survey, available from:

http://epp.eurostat.ec.europa.eu/portal/page/portal/employment_unemployment_lfs/methodology/definitions.

¹⁸ The **International Standard Classification of Occupations** is an [International Labour Organization](#) (ILO) classification structure, which organises jobs into a defined set of groups of occupations, according to the tasks and duties undertaken in the job, as well as the skills required. An updated version of the structure, known as ISCO-08, was released in 2008 but is not yet in use for the data covered by the study.

¹⁹ NACE is used to classify the economic sector of employers. The classifications are available at: <http://ec.europa.eu/eurostat/ramon/nomenclatures/index.cfm?>

2. APPROACH TO ECONOMIC MIGRATION POLICY IN [MEMBER STATE] (6 – 8 pages)

This Section is intended to provide an overview of your Member States' approach/vision, policies and legislation in relation to satisfying demands for highly skilled, skilled and low skilled labour and the (possible) role of economic migration.

Include in your description any impact and relevance of respective EU legislation, transposed, yet to be transposed (e.g. highly qualified employment directive) and non-participation ("opt-out"), where this is appropriate.

2.1 National Vision and Policy

- a) Does your national government have a vision on the (possible) future role of migration in combating labour shortages?
- b) What is the policy towards addressing any labour shortages in your Member State? Is (labour) migration used in your Member State as a tool to combat labour shortages?
 - i. If so, does this policy focus on specific groups of migrants (including, if applicable, low skilled to highly skilled workers, also including self-employed)?
 - ii. Describe, if relevant, how your policy distinguishes between filling long-term skills needs and shortages ("structural" / "demographic", e.g. the reduction in your national workforce owing to demographic changes²⁰) and temporary shortages ("cyclical", e.g. occurring as a result of the recent economic crisis).
 - iii. Indicate whether the policy includes a return dimension and, if so, how is this facilitated (e.g. promotion of assisted return and reintegration).
- c) Outline any recent changes in policy and the reasons for these (e.g. economic downturn, implementation of the EU Blue Card), plus any information on the effects of these changes.

2.2 Legislative and institutional framework

- a) Is there a legislative framework in your Member State to regulate and facilitate economic migration to satisfy labour demands? If so:
 - i. Does it regulate specific admission conditions (entry, work and residence permits, return, etc)?
 - ii. Does it regulate mechanisms for identifying labour demands?
 - iii. Does it regulate other aspects of the migration process, e.g. family reunification?
 - iv. Does it include measures for the return of economic migrants once their employment has terminated?

Please note that details on the practical implementation of the legislative framework are to be provided under section 3.1 below.

- b) If no legislative framework or mechanism is currently in place, are steps being undertaken to develop this (e.g. through stakeholder consultation, exchanges with other Member States, research, others)?

²⁰ See <http://ec.europa.eu/social/main.jsp?catId=502&langId=en>.

2.3 Political debate and involvement of stakeholders

- a) What, if any, are the political and social debates on the issue?
- b) To what extent is there dialogue with all relevant stakeholders, including the private sector, social partners, labour market agencies of Member States, temporary staffing agencies, and with relevant third countries, in order to ensure better policy-making in this field? Is there a local (e.g. at Municipal level²¹), regional (e.g. Länder) and/or EU level approach used?

3. APPROACH TO IMPLEMENTING ECONOMIC MIGRATION POLICY (10 – 15 pages)

This Section shall cover the implementation of policy and legislation and include statistics, trends, practices, activities and experiences with using migrant workers to satisfy labour demand

3.1 Implementation of economic migration policy / legislation

- a) What are the mechanisms in place to identify, map and determine labour shortages (e.g. list of occupations, sectors, etc)? Please describe the stakeholders involved in the mechanism and the process of decision-making (e.g. municipality led, region led, state led, employer led, etc). Please indicate at what ‘geographical’ level such mechanisms are applied (e.g. at municipal, regional, national and/or EU level (e.g. EURES)). Also consider the ‘flexibility’ of this mechanism.
- b) How is ‘Job-matching’ ensured, i.e. making sure that the migrants’ profile fits with the employment offered?
- c) What are the mechanisms in place for skills assessments and recognition of qualifications of migrants?
- d) What kind of integration measures are in place (e.g. integration courses, language and orientation courses, etc)? Are these measures a compulsory part of the admission procedures? Do these vary depending on the skills levels of the migrants?

3.2 Statistics and Trends

3.2.1 *Statistics on the labour market and migration*

Provide any available information and data along with a brief analytical description, if possible for each year starting from 2004 onwards:

- Disaggregated by nationals, other EU nationals (optional and where applicable) plus third country nationals;²²
- Disaggregated by occupation / job type (using where possible the categorisations identified in Section 1.2 above, i.e. highly skilled /skilled/ low skilled / researchers / seasonal workers), by NACE and/or by the specific occupations outlined below;
- Disaggregated by sex.

²¹ The *Economic Migration Working Group of Eurocities* may provide useful input on this aspect. See http://www.eurocities.eu/include/lib/sql_wgroup_card.php?id=58.

²² The category “third-country nationals” also includes persons originating from Switzerland and non-EU EEA countries.

On the current situation:

- a) Employment (employment **rates** / **stock**) – see Tables 1 and 3 in Annex 2;
- b) The flow of migrant workers, taking account of **in-flows** (e.g. The number of work permits granted through the different admission systems) and **out-flows** (e.g. based on specific national data or by using proxy data such as the expiry and non-renewal of work permits for third-country nationals, the interruption of work permits (e.g. because of earlier return), deregistration from (population) registrar, emigration, retirement, death, etc.) – see Tables 2 and 4 in Annex 2;
- c) Labour Market **needs** (vacancies);

and then on:

Future needs, in particular:

- d) Projections / scenarios of future needs (in next 5, 10, 20 years), including, if possible, within the context of the development of the EU's 2020 strategy.

Specific occupations:

In order to provide comparability, Member States are requested to also provide, where possible, data on the following ISCO-88 occupational titles (the ISCO-88 number is provided between brackets) – see Table 5 in Annex 2:

Housekeeping and restaurant services workers (512)

- Housekeepers and related workers (5121)
- Cooks (5122)
- Waiters, waitresses and bartenders (5123)

Personal care and related workers (513)

- Child-care workers (5131)
- Institution-based personal care workers (5132)
- Home-based personal care workers (5133)
- Personal care and related workers not elsewhere classified (5139)

Health professionals (except nursing) (222)

- Medical doctors (2221)

Nursing and midwifery professionals (223)

- Nursing and midwifery professionals (2230)

Other

- Skilled Agricultural and Fishery Workers (61)
- Architects, Engineers and related professionals (214)
- Teaching personnel (23)
- Labourers In Mining, Construction, Manufacturing And Transport (93)

Specifications for EMN study on Satisfying Labour Demand through Migration

Where no such data are available, Member States are requested to provide an overview of their national economic sectors / occupations.

Table templates that might be used are given in Annex 2.

3.2.2 Analysis of trends and relevant developments

Your analysis shall be based on the statistics presented in Section 3.2.1 above.

- a) Are there any shortages in particular occupations and/or sectors in the Member State? Is there any information on the 'root' causes of these shortages (e.g. *qualitative shortage*, i.e. not enough workers with the requisite skills and/or qualifications for a particular occupation; *quantitative shortage*, i.e. plenty of skilled or unskilled job seekers matching the profile, but nobody wants to work in that profession because it is badly paid and/or heavy work; and shortage due to *labour conditions*, i.e. there are better opportunities elsewhere)?
- b) Of these, which are aimed to be filled by migrant workers? Where appropriate, please distinguish between the categorisations provided in Section 1.2 above.
- c) To what extent have these been successfully filled by migrant workers over recent years or not (e.g. in regard to their numbers/ occupation category/ job type)? Are some nationalities prominent in certain occupations/job type? Has any positive or negative trend been identified? Again, please distinguish, where appropriate, between the categorisations provided in Section 1.2 of the study specifications.
- d) What (if any) evidence is there that economic migrants are returning to their country of origin when the labour shortages in the particular occupations and/or sectors cease to exist (increasing unemployment and thus an apparent lack of need for migrant workers)?
- e) With reference also to Article 14(2) of Directive 2009/52/EC (Employer Sanctions),²³ is there information on the extent of illegally resident third-country nationals working in specific sectors (e.g. construction, agriculture, domestic, hotels)? If so, can an assessment of their impact on, and the needs of, the labour market in these sectors be made?

Further aspects which are considered to be relevant for your Member State may be addressed, instance:

- a) What has been the impact of intra-EU mobility (Union (Community) preference) on your national labour market? Has this contributed to less or to more demand for third country national migrant workers (in specific occupations)?

²³ Available from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:168:0024:0032:EN:PDF>.

4. CO-OPERATION WITH THIRD COUNTRIES FOR ECONOMIC MIGRATION (4 – 5 pages)

This section should provide information that will complement the other EMN study on circular migration. Thus the description here should focus on the co-operation with third countries in the context of satisfying labour demands only.

- Does your Member State co-operate with a particular third country / group of third countries with regard to economic migration?
- How do you combine, on the one hand, the right of migrant workers to settle in the host country and the interests of employers to keep them and, on the other hand, the need for combating brain drain²⁴? Are there best practice examples? If so, do these occur for specific occupations (e.g. for nurses, construction workers)?
- In the context of the Stockholm Programme's "skills and recognition and labour matching between the EU and third countries", are there any measures to improve co-operation with countries of origin to ensure that the educational and vocational qualifications and skills of third-country nationals are in line with the requirements of EU employers, in particular with a view to avoiding "brain waste" (e.g. cooperation with employment services, authorities responsible for education and training, etc)?

5. ANALYSIS AND CONCLUSIONS (3 – 4 pages)

This Section should present, also in the context of the EU policy framework outlined in Part Ic) of these specifications, an analysis of the following:

- a) Can the extent to which labour shortages are successfully addressed be linked to the specific policy, legislative, institutional and operational framework in place? If so, please identify the main success factors (e.g. the admission procedure, the mechanism for matching migrant worker profiles with the demand for labour, etc).
- b) Where any problems encountered with regard to the filling of shortages in particular occupations and/or sectors? Can the problems and obstacles be attributed to the specific framework in place? If so, please identify the main weaknesses (e.g. the admission procedure, etc).
- c) Is there a need for further consolidating existing (national / EU) policies and legislation, in order to better facilitate economic migration to satisfy labour demand. Please consider labour matching, recognition of skills and qualifications, integration measures, etc.

ANNEX(ES)

1. Bibliography of sources used to produce your National Report.
2. Statistics

²⁴ See also Directive 2009/50/EC (highly qualified employment), Recitals 22 and 24, available from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:155:0017:0029:EN:PDF>.

Annex 1: Available Compilations of previous related EMN Ad-Hoc queries (pdf files)

- *Policy on Labour Migration* (February 2008)
- *Legal framework on employment of third country nationals* (March 2008)
- *Entry and residence of third country nationals for business purposes* (February 2009)
- *Policy in respect of migrant workers who are made redundant* (June 2009)
- *Policy measures taken in migration management as the reaction to global crisis* (June 2009)
- *Establishment of commercial companies by Third Country Nationals* (July 2009)
- *Permits to attract highly skilled workers* (October 2009)
- *Admission system for labour migration purposes* (November 2009).

Annex 2: Example Table templates for presentation of data (please use the Tables in Excel to insert data)

1) Stock of Workers by main category of Employment, in 2004 to 2009 inclusive¹

YEAR: 2004 (Etc.)

Main categorisation	Total employment			1. No. EU-15 Nationals in Group ⁴				2. No. EU-10 Nationals in Group ⁴				3. No. EU-2 Nationals in Group ⁴				4. No. Third-Country Nationals in Group				5. Number of unfilled vacancies ⁵
	Male	Female	Total	Male	Female	Total	% of total	Male	Female	Total	% of total	Male	Female	Total	% of total	Male	Female	Total	% of total	
A. Highly skilled																				
B. Skilled																				
C. Low skilled																				
D. Researchers ²																				
E. Seasonal workers ³																				
TOTAL																				0

¹ Use the total on 31st December of Reference Year (or indicate when a different time of recording has been used). With regard to the gender breakdown, only provide these when possible.

² Indicate whether these are 'double-counted' as part of A. Highly skilled above. **If so, please do not add them to the total (and correct the formulae accordingly).**

³ Indicate whether these are 'double-counted' as part of A-D above. **If so, please do not add them to the total (and correct the formulae accordingly).**

⁴ Where relevant, adapt columns 1-3 according to your national situation with regard to the Union (Community) preference principle, e.g. Use EU-25 vs EU-2 if only RO and BG nationals required a work or residence permit.

⁵ If such are available according to the categorisations - **if not, please provide relevant data on vacancies in a separate table according to national categorisations used.**

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2) (In-/Out-Flow) of Workers by main category of Employment in 2004 to 2009 inclusive¹

YEAR: 2004 (Etc.)

Main categorisation	Total employment			1. No. EU-15 Nationals in Group ⁴				2. No. EU-10 Nationals in Group ⁴				3. No. EU-2 Nationals in Group ⁴				4. No. Third-Country Nationals in Group				5. Number of unfilled vacancies ⁵
	Male	Female	Total	Male	Female	Total	% of total	Male	Female	Total	% of total	Male	Female	Total	% of total	Male	Female	Total	% of total	
A. Highly skilled																				
B. Skilled																				
C. Low skilled																				
D. Researchers ²																				
E. Seasonal workers ³																				
TOTAL																				0

¹ Use a separate Table for Inflows and for outflows giving the total per reference year. With regard to the gender breakdown, only provide these when possible.

² Indicate whether these are 'double-counted' as part of A. Highly skilled above. **If so, please do not add them to the total (and correct the formulae accordingly).**

³ Indicate whether these are 'double-counted' as part of A-D above. **If so, please do not add them to the total (and correct the formulae accordingly).**

⁴ Where relevant, adapt columns 1-3 according to your national situation with regard to the Union (Community) preference principle, e.g. Use EU-25 vs EU-2 if only RO and BG nationals required a work or residence permit.

⁵ If such are available according to the categorisations - **if not, please provide relevant data on vacancies in a separate table according to national categorisations used.**

Specifications for EMN study on Satisfying Labour Demand through Migration

3) Stock of Workers by country of nationality and by Main Categorisation in 2004 to 2009 inclusive. List the main 10 countries with the largest number of nationals and group the rest under 'Others'¹

Year: 2004 Etc.	Total			Main Categorisations															Comments (if possible, add proportion who came with spouses, family)
				A. Highly skilled			B. Skilled			C. Low skilled			D. Researchers ²			E. Seasonal workers ³			
Country of Nationality	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	
EU-15																			
EU-10																			
EU-2																			
Third countries <LIST> ⁴																			
Others																			
TOTAL																			

¹ Use the total on 31st December of Reference Year (or indicate when a different time of recording has been used). With regard to the gender breakdown, only provide these when possible.

² Please indicate whether these are 'double-counted' as part of A. Highly skilled above. **If so, please do not add them to the total (and correct the formulae accordingly).**

³ Please indicate whether these are 'double-counted' as part of A-D above. **If so, please do not add them to the total (and correct the formulae accordingly).**

⁴ These correspond to the countries of origin of third-country nationals

NOTE: If your data permits it, please exclude those with a double (EU / third country) nationality, as they do not fall within the scope of this study

Specifications for EMN study on Satisfying Labour Demand through Migration

4) The (In-/Out-)Flow of Workers by Country of Nationality and by Main Categorisation in 2004 to 2009 inclusive. List the main 10 countries with the largest number of nationals and group the rest under 'Others'¹

Year: 2004 Etc.	Total			Main Categorisations															Comments (if possible, add proportion who came with spouses, family)
				A. Highly skilled			B. Skilled			C. Low skilled			D. Researchers ²			E. Seasonal workers ³			
Country of Nationality	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	
EU-15																			
EU-10																			
EU-2																			
Third countries <LIST> ⁴																			
Others																			
TOTAL																			

¹ Use a separate Table for Inflows and for outflows giving the total per reference year. With regard to the gender breakdown, only provide these when possible.

² Please indicate whether these are 'double-counted' as part of A. Highly skilled above. **If so, please do not add them to the total (and correct the formulae accordingly).**

³ Please indicate whether these are 'double-counted' as part of A-D above. **If so, please do not add them to the total (and correct the formulae accordingly).**

⁴ These correspond to the countries of origin of third-country nationals

NOTE: If your data permits it, please exclude those with a double (EU / third country) nationality, as they do not fall within the scope of this study

5) The Stock of Workers employed by specific occupations, in 2004 to 2009 inclusive¹

YEAR: 2004 (Etc.)

Specific occupations	Total employment			1. No. EU-15 Nationals in Group ²				2. No. EU-10 Nationals in Group ²				3. No. EU-2 Nationals in Group ²				4. No. Third Country Nationals in Group				5. Number of unfilled vacancies
	Male	Female	Total	Male	Female	Total	% of total	Male	Female	Total	% of total	Male	Female	Total	% of total	Male	Female	Total	% of total	
Housekeeping and restaurant services workers (512)																				
Housekeepers and related workers (5121)																				
Cooks (5122)																				
Waiters, waitresses and bartenders (5123)																				
Personal care and related workers (513)																				
Child-care workers (5131)																				
Institution-based personal care workers (5132)																				
Home-based personal care workers (5133)																				
Personal care and related workers not elsewhere classified (5139)																				
Health professionals (except nursing) (222)																				
Medical doctors (2221)																				
Nursing and midwifery professionals (223)																				
Nursing and midwifery professionals (2230)																				

Specifications for EMN study on Satisfying Labour Demand through Migration

Specific occupations	Total employment			1. No. EU-15 Nationals in Group ²				2. No. EU-10 Nationals in Group ²				3. No. EU-2 Nationals in Group ²				4. No. Third Country Nationals in Group				5. Number of unfilled vacancies
	Male	Female	Total	Male	Female	Total	% of total	Male	Female	Total	% of total	Male	Female	Total	% of total	Male	Female	Total	% of total	
Other																				
Skilled Agricultural and Fishery Workers (61)																				
Architects, Engineers and related professionals (214)																				
Teaching personnel (23)																				
Labourers In Mining, Construction, Manufacturing And Transport (93)																				
TOTAL																				

¹ Use the total on 31st December of Reference Year (or indicate when a different time of recording has been used). With regard to the **gender breakdown**, only provide these where possible.

² Where relevant, please adapt columns 1-3 according to your national situation with regard to the Union (Community) preference principle, e.g. Use EU 25 vs EU2 if only RO and BG nationals required a work or residence permit