



EUROPEAN COMMISSION
DIRECTORATE-GENERAL HOME AFFAIRS

Directorate B : Immigration and Asylum
Unit B1 : Immigration and Integration

MIGRAPOL
European Migration Network
Doc 285

EUROPEAN MIGRATION NETWORK

First Focussed Study 2013

*Attracting Highly Qualified and Qualified Third-
Country Nationals*

Common Template

Final: 7th March 2013

Subject: Common Template for the EMN Focussed Study 2013 on “Attracting Highly Qualified and Qualified Third-Country Nationals” as proposed by the European Commission and AT EMN NCP.

Action: EMN NCPs are invited to submit their completed Common Templates by Friday 10th May 2013. If needed, further clarifications can be provided on the occasion of the 60th EMN NCP meeting or by directly contacting the EMN Service Provider (ICF GHK-COWI) at emn@ghkint.com.

I. Target Audience

- Practitioners, policy officers and decision makers (at EU and national level) concerned with economic migration;
- Other groups (e.g. academic researchers and the general public) interested in the topic.

II. Aim of the study

The aim of this focussed study is to outline policies and concrete practical measures in Member States that aim to attract highly qualified and qualified third-country nationals. It also identifies good practices from the various practical measures to attract labour migrants by drawing on national experiences and lessons learnt.

More specifically, the study aims to achieve the following objectives:

- Provide an overview of national policies aimed at attracting highly qualified and qualified third-country nationals for the purpose of work;
- Outline concrete practical measures which are implemented to achieve the goals of the national policies (e.g. legislative changes, cooperation with institutions/organisations in third countries, information provision etc.)
- Investigate available evaluative evidence and inform practitioners, policy officers, decision makers and others about the effectiveness (or non-effectiveness) of different practical measures for attracting highly qualified and qualified third-country nationals where possible;
- Map labour migration agreements specifically targeting highly qualified and qualified third-country nationals and analysing their effectiveness, also in the framework of Mobility Partnerships, if relevant;
- Identify challenges or barriers that affect the attractiveness of an EU Member State for highly qualified and qualified third-country nationals' immigration;
- Draw conclusions on good practices and lessons learnt with regard to attracting highly qualified and qualified third-country nationals.

III. Content

Many Member States require skills, competences and knowledge that cannot immediately be met by the domestic workforce, nor generated quickly enough by changing the national education and training systems. Recruitment from other Member States may also be difficult, because many are increasingly faced with an ageing and declining workforce. If the EU/EFTA Member States are to remain globally competitive, strategies are needed to address labour market demands and demographic developments, for instance by attracting workers from third countries.

This focussed study will build on the finding of previous EMN Studies, most notably the *Satisfying Labour Demand through Migration (2010)* which showed that existing entry and admission procedures to EU Member States could be further simplified for third-country nationals with relevant skills and competences. It will also complement the results from the following two studies: *The Immigration of International Students to EU (Member) States (2012)* and *Conditions of Entry and Residence of Third Country Highly-Skilled Workers in the EU (2007)*.

The added-value of this focussed study lies in the fact that it will provide an overview of currently existing policies as well as explore and reflect on actual practices implemented by Member States for attracting specific groups of third-country nationals in order to gain an understanding of the effectiveness of these measures (e.g. labour migration campaigns abroad, advertising in newspapers abroad, exemptions from strict language and labour market test for highly qualified etc.) and identify good practices. National policies and practical measures to

attract qualified and highly qualified third-country nationals may not only comprise labour immigration policies but could also extend to other relevant policy areas and incentives which specifically aim at positively influencing the immigration decision of such individuals (e.g. tax incentives, social benefits, anti-discrimination, family reunification rights and the rights of family members to employment etc.). The inclusion of the various policy options and distinct practices beyond mere labour market policies can significantly diversify the outcomes of the study and the good practice portfolio presented to practitioners, policy officers and decision makers.

The study will focus on highly qualified and qualified third-country nationals. However, as the national definition of highly qualified and qualified labour force varies in the Member States, the EMN NCPs will report on the specific groups of third-country nationals (e.g. students, investors, entrepreneurs) that will be covered by the study, depending on the groups that are targeted by national policies in the Member States. Measures to retain third-country nationals who have successfully completed their studies in the respective Member State might be part of the national policies of some Member States and will therefore be included in their national reports. In this case, reference should, whenever possible, be made to existing information provided by the completed study on *The Immigration of International Students to EU (Member) States*. In the light of recent developments in some Member States, where an increase in the number of issued residence permits for persons engaging in an activity in a self-employed capacity at qualified or highly qualified level (investors, entrepreneurs) has been noticed, this group may also be included in the study if specifically targeted by national policies and corresponding practical measures.

If relevant, the study will also include the mapping of labour migration agreements (also in the framework of Mobility Partnerships), as well as more favourable arrangements for specific countries signed by the Member States with non-EU/EEA countries and/or regions and on legislation facilitating labour migration from specific third countries ('country-specific legislation'). The information provided should indicate the third country, the date and purpose of the agreements/arrangement/legislation as well as, to the extent possible, the number of people who have benefited from them (in particular, how many people have migrated to the Member States based on that agreement/arrangement/legislation).

Furthermore the study will investigate, to the extent possible, whether the transposition of relevant EU directives (e.g. EU Blue Card Directive and Researchers Directive) has led to more favourable legislation/measures/conditions for specific groups of highly qualified and qualified third-country nationals and indicate such favourable changes.

IV. Context – EU Acquis

The EU's policy approach in the area of highly qualified and qualified migration, as defined by the Europe 2020 Strategy, underlines the need to make best use of the potential of migrants already legally residing in the EU while, at the same time, paving the way for new economic migration in additional sectors in which labour and skills shortages are emerging. The Strategy further highlights the need for focussed efforts to attract highly skilled third-country nationals in the global competition for talent. The Hague Programme of November 2004 already recognised that '[l]egal migration will play an important role in enhancing the knowledge-based economy in Europe, in advancing economic development, and thus contributing to the implementation of the Lisbon strategy', and asked the Commission to present a policy plan on legal migration 'including admission procedures, capable of responding promptly to fluctuating demands for migrant labour in the labour market'.

László Andor, Commissioner for Employment, Social Affairs and Inclusion, has stated in November 2012 that ‘analysis of economic and demographic trends clearly indicates that there is no contradiction between the goal of mobilising the full EU employment potential and the need for a more targeted economic migration policy that opens pathways for skilled migrants to fill unsatisfied labour needs’. Migrants represent an important share of the EU’s workforce, and thus, the issue of economic migration needs to be adequately integrated in policies on mobilising EU employment potential. He added that ‘Europe remains less attractive than the USA, Canada or Australia when it comes to highly qualified migrants’.

The issue of legal migration, including labour migration, is an integral part of the EU's cooperation and dialogue with third countries in the area of migration and mobility, and a key area of the EU's external migration policy as defined through the Global Approach to Migration and Mobility (GAMM). Its policy priority of ‘better organising legal migration and fostering well-managed mobility’ amongst others focusses on highly qualified and qualified third-country nationals, is one of the four priority areas of the GAMM. According to the Communication from the Commission of 18 November 2011 on the GAMM, European policy on the organisation and facilitation of legal migration and mobility within the GAMM is based on the premise of offering employers wider opportunities to find the best individuals for vacancies on the global labour market. It equally seeks to offer new European employment possibilities for talented people from around the globe, fully respecting Member States’ competence to manage their labour markets.

Mobility Partnerships are the prime framework of bilateral cooperation on migration and mobility between selected third countries (notably in the EU neighbourhood), the EU and Member States. In the framework of both Mobility Partnerships and Common Agendas for Migration and Mobility, dedicated Migration and Mobility Resource Centres could be set up in the partner countries. Building on information available from the EU Immigration Portal, they would facilitate pre-departure measures focusing on skills matching, skills upgrading and proficiency in EU languages in cooperation with Public Employment Services, EU agencies and other stakeholders.

The EU’s legal framework on legal migration provides for harmonisation of admission and migrants’ rights concerning long-term residents, family reunification, students, researchers and highly qualified workers, while Member States retain the right to decide on the numbers of migrants they admit for work.

The EU Blue Card Directive is the first direct EU response to shortages of highly skilled workers. The object of this directive is to improve the EU’s ability to attract highly qualified workers from third countries, but also to limit brain drain. It is designed to facilitate the admission of these persons by harmonising entry and residence conditions throughout the EU and simplify admission procedures.

The Single Permit Directive, which was adopted by the European Parliament and the Council on 13 December 2011, will bring simplification by establishing a single procedure and a single permit, encompassing both residence and work permits within a single administrative act.

Possible revisions of the Directives on researchers and students could further facilitate admission, residence and intra-EU mobility of highly qualified and qualified workers for preserving the EU’s future innovation capacity and competitiveness. The Commission has stated, in its above-mentioned Communication, that greater mobility for students and researchers from third countries could also be a promising path towards catering for labour market needs in Europe if some students were to be able to work after completing their studies.

European policy particularly emphasises the strengthening of the Union's capacity to anticipate labour market and skills needs. In December 2012, the European Vacancy Monitor will be supplemented by the EU Skills Panorama, an online information tool presenting quantitative and qualitative information on short-term and medium-term skills needs, skills supply and skills mismatches collated from both European and national sources. In addition, the EU Immigration Portal has been launched as an online tool for non-EU nationals interested in learning about opportunities and the procedures necessary to move to the EU and for those already in the EU who would like to move from one Member State to another.

V. Available statistics¹

There are likely to be few comparable statistics on highly qualified and qualified third-country nationals who enter the Member State for the purpose of work which would allow an analysis of the trends. Thus, it is suggested to draw on the Labour Force Survey (LFS) data² and population data (i.e. residence permits) and outline the following:

- The number of third-country nationals employed (and self-employed) in the respective Member State in the relevant ISCO groups (i.e. those related to qualified and highly qualified employment according to national definitions) over the last 5 years aggregated by sex and age group.
- The number of third-country nationals employed (and self-employed) in the respective Member State over the last 5 years aggregated by relevant ISCED level of education (i.e. those associated with qualified and highly qualified employment according to national definitions), sex and age group.
- The number of first residence permits issued for relevant reasons (e.g. highly skilled workers, EU Blue Card³, self-employed third-country nationals (e.g. investors and entrepreneurs)) over the last 5 years aggregated by sex and age group.

Since the Eurostat statistics available through open access is limited, Member States⁴ may request access to micro data⁵ either from Eurostat or through their national statistical providers. It is recognised that LFS statistics are not best suited since they represent a small

¹ For the evaluation section (Section 2), outlining the effectiveness (or non-effectiveness) of the implemented practical measures, it might be necessary to refer to additional sources of national statistical information to encounter constraints of the data made available by Eurostat and to thus reinforce the quality of the information provided, allowing to draw more valid conclusions on good practices and lessons learnt within the national context. If additional national statistics are provided, the utilised classification systems shall be clarified.

² Eurostat provides open access to annual and quarterly data for the years 2011 and before on employment aggregated by either occupation (ISCO 88 until 2010 and ISCO 08 since 2011), highest level of education attained (ISCED 1997) or group of nationality (i.e. EU-27, extra EU-27) and on self-employment aggregated by occupation (ISCO 88 until 2010 and ISCO 08 since 2011) or highest level of education attained (ISCED 1997). It is acknowledged that the sample size of the LFS in Member States with small migrant populations might be small, and the degree of variability correspondingly high. However to frame the debate and provide a common point of reference the LFS shall be used where possible. EMN NCPs are however advised to clearly indicate potential shortcomings of the provided data. For access to the available data see http://epp.eurostat.ec.europa.eu/portal/page/portal/employment_unemployment_lfs/data/database.

³ Eurostat provides open access to annual data on first residence permits issued for remunerated activities by reason and citizenship. Data on highly skilled workers (following the definition in Council Directive 2009/50/EC) is available for the years 2008-2011 for certain Member States. Data on EU Blue Card is available for 2011 only for a few Member States. To access the available data see <http://epp.eurostat.ec.europa.eu/portal/page/portal/population/data/database>.

⁴ To simplify the process, the Commission through ICF-GHK-COWI could request access to microdata for all Member States.

⁵ <http://epp.eurostat.ec.europa.eu/portal/page/portal/microdata/documents/EN-LFS-MICRODATA.pdf>

sample and are subject to high non-response rates. These statistics will, however, assist in framing the study and drawing some very general trends.

In addition, national statistics may be consulted in order to be able to draw conclusions in the national context.

VI. Primary Questions to be addressed

- What are the national policies in your Member State to attract highly qualified and qualified third-country nationals? What is the role of labour market agreements (also Mobility Partnerships) in this regard?
- Which concrete measures are implemented by your Member State in the framework of these policies? Which labour market agreements (also Mobility Partnerships) are in place and of relevance for attracting highly qualified and qualified third-country nationals in your Member State?
- What is the effectiveness of measures implemented by your Member State? What is the effectiveness of labour market agreements (also Mobility Partnerships)? Which national methods are used to evaluate their effectiveness? Is (statistical) evidence available?
- What are the challenges and barriers affecting the attractiveness of your Member State highly to qualified and qualified third-country nationals? Is there evidence regarding their scope and impact?

VII. Definitions and clarifications

The following definitions and information shall guarantee a common understanding of key terms and clarify the scope, purpose and methods of the study:

'National Policies'⁶

A national policy is understood as a definite course of action selected from among alternatives and in light of given conditions to guide and, usually, to determine present and future decisions. Policy is thus a framework that guides a small or even large number of specific actions. A policy mostly consists of two essential elements; the policy objectives (what the policy is intended to achieve) and the policy instruments (methods by which these objectives are achieved).

'Practical Measure (Policy instruments)'

Practical measures are the "means" of a policy, the concrete actions used to carry it out and the methods by which its objectives are to be achieved.

'Effectiveness'

Effectiveness means the production of a decided, decisive or desired effect, which satisfies the policy's objectives. For the purpose of this study, the evaluation of effectiveness relates to the extent to which determined goals are being achieved at national level. Such evaluations can be based on statistics, establishing evidence on the correlation between the implemented measures and the desired effect. Besides statistics, other national methods of evaluation are also covered (e.g. existing employer response surveys, quota exhaustion). If the effectiveness cannot be evaluated based on these methods, EMN NCPs may, also additionally, rely on the policy makers' or other stakeholders' experience.

⁶ Adapted from Webster's dictionary, see also <http://www.merriam-webster.com/dictionary/policy>

Table 1 Examples of methods of evaluation

National Policy Objectives	Practical Measure(s)	Methods of Evaluation (of effectiveness or non-effectiveness)
<ul style="list-style-type: none"> - Increase immigration of highly qualified third-country nationals while limiting immigration of low qualified; - Increase immigration of qualified third-country nationals to meet skilled occupation shortages; - Allow highly qualified third-country nationals to enter while protecting national employees; 	<ul style="list-style-type: none"> - Exemptions from strict language and labour market tests for highly qualified; - Facilitated access to permanent resident status for highly qualified; - Targeted information campaigns in prospective countries of origin; - Points- based system for migration by highly qualified and qualified third-country nationals with quotas; - Strict definitions of highly qualified and qualified positions. 	<ul style="list-style-type: none"> - Increase in the number of residence permits for the purpose of highly qualified employment since implementation of the measure(s); - Faster filling of job vacancies corresponding to the domestic demand according to employer response survey; - quota exhaustion/adaption since introduction of points-based system; - Qualification and occupation match (over/under-qualification).

‘Highly Qualified and Qualified’

There is no commonly applicable definition of the terms “highly qualified” and “qualified”. This is due to the fact that often definitions depend on national labour market demands and other national criteria. The most common denominators consider level of education, occupation or salary level⁷. For education and occupation, there are International Standard Qualifications (see below) to comparatively identify levels of qualification and occupation. Using the salary level as a benchmark for qualification allows for considerable flexibility but is often used in relation to the average gross annual salary in the Member State concerned. It is therefore suggested to apply the national categorisation for “highly qualified” and “qualified” third-country nationals used in relevant national legislation or regulations. However, in order to allow for comparability of national reports, the following international standard classifications shall be used as reference, to frame the various definitions and establish a common minimum denominator:

Education:

Source: UNESCO’s International Standard Classification of Education (ISCED) 1997⁸

The definition for “highly qualified/skilled” from an educational perspective will relate, in most national contexts, to first and secondary stages of tertiary education (ISCED Level 5 and 6). The definition for “qualified” is however less clear since within national contexts this might also concern technical occupations which, next to post-secondary education (ISCED Level 4), can relate to professional qualifications based on shorter vocational or technical education, namely from (vocational) upper secondary education programmes (ISCED Level 3).

⁷ Lowell, L. (2008), *Highly Skilled Migration*, in IOM World Migration Report, available at <http://www.iadb.org/intal/intalcdi/PE/2008/02382a04.pdf> (accessed on 15 January 2013) and Chaloff, J. and Lemaitre, G. (2009), *Managing highly-skilled labour migration: a comparative analysis of migration policies and challenges in OECD countries*, OECD Social, Employment and Migration Working Paper 79, available at <http://www.oecd.org/els/internationalmigrationpoliciesanddata/46656535.pdf> (accessed on 15 January 2013)

⁸ http://www.unesco.org/education/information/nfsunesco/doc/isced_1997.htm

Member States shall describe national definitions, used in relevant national legislation or regulations, and relate them to the corresponding ISCED Level in order to allow for a common understanding and facilitated comparability.

Occupation:

Sources: ILO’s International Standard Classification of Occupations (ISCO), ISCO-08⁹.

For definitions based on the ISCO, “highly qualified/skilled” as well as “qualified” will, in most cases, relate to occupations which include managers, professionals and associate professionals (Major Groups 1-3 within ISCO-88 and ISCO-08¹⁰). However, it might be that certain sub-major groups, minor groups or unit groups in other major groups are considered as qualified within the distinct national context (e.g. some professions according to national shortage occupation lists).

Since some ISCO-88 unit groups or minor groups are seen to be out of date in some areas, especially as a result of developments in technology and its impact on professional and technical work with computers and telecommunications, Member States are asked to relate national definitions of highly qualified and qualified to the ISCO-08, therefore giving more credit to actual labour market needs. The fact that national occupational statistics are potentially only available according to ISCO-88 (COM) is, in this context, of little relevance insofar as the 10 major groups at the top level of the ISCO-08 are the same as those used in ISCO-88. Modifications relate mostly to refinement of minor and unit groups¹¹. Available national occupation statistics (e.g. LFS statistics, population statistics etc.), which might be used for the evaluation of effectiveness (or non-effectiveness) in Section 2, will for most countries and years use ISCO-88(COM).

For the explicit purpose of making the national target groups of the Member States’ policies and corresponding measures visible in a comparable manner, the major groups and sub-major groups of the ISCO-08 shall be used as reference.

Table 2 Examples of Major Groups and Sub-Major Groups of ISCO-88 and ISCO-08, ISCED level

	Highly qualified	Qualified
National definition	<ul style="list-style-type: none"> - Diploma from an institution of higher education with a minimum duration of five years - In the subjects of mathematics, informatics, natural sciences or technology - Minimum five years of working experiences in a senior/management position - Gross salary of previous years between €50,000 and €70,000 	<ul style="list-style-type: none"> - Completion of a programme with a minimum duration of three years at an institution of tertiary education - Completed vocational education/training in a shortage occupation (e.g. mechanical engineering) - elementary use of the local language (A2 level) - intensified independent use of English (B2 level)
ISCED level	- Level 6	- Level 4
ISCO-88 or 08 level	- 21 Science and engineering professionals	- 31 Science and engineering associate professionals
Salary level	- €50,000 and €70,000 (gross salary of	- Not specified

⁹ <http://www.ilo.org/public/english/bureau/stat/isco/docs/resol08.pdf>

¹⁰ ISCO-88 statistics are available until 2010 and ISCO-08 statistics are available from 2011 onwards

¹¹ <http://unstats.un.org/unsd/class/intercop/expertgroup/2007/AC124-11.PDF>

	previous year earned)	
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'Third-country national' refers to any person who is not a citizen of the European Union within the meaning of Article 20(1) of the Treaty on the Functioning of the European Union, and who is not a person enjoying the Union right to freedom of movement as defined in Article 2(5) of the Schengen Borders Code. (Source: EMN Glossary 2.0) This signifies that citizens of EFTA member countries are not included among third country nationals in this context.

'Mobility Partnerships' are co-operation arrangements, on the basis of political declarations, that provide the bilateral framework for dialogue and practical co-operation primarily with EU neighbourhood countries, including short and long term mobility, on a voluntary basis. (Source: GAMM CC of 29th May 2012).

'Family member' generally means persons married to a migrant, or having a relationship legally recognised as equivalent to marriage, as well as their dependent children and other dependants who are recognised as members of the family by applicable legislation. (Source: EMN Glossary 2.0).

'EU Blue Card holder' refers to a third-country national who has acquired the authorisation bearing the term 'EU Blue Card' entitling him/her to reside and work in the territory of a Member State. (Source: Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment).

'Student' refers to a third-country national accepted by an establishment of higher education and admitted to the territory of a Member State to pursue as his/her main activity a full-time course of study leading to a higher education qualification recognised by the Member State, including diplomas, certificates or doctoral degrees in an establishment of higher education, which may cover a preparatory course prior to such education according to its national legislation. (Source: EMN Glossary 2.0)

'Researcher' refers to 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. (Source: EMN Glossary 2.0)

VIII. Relevant previous/current work on the study topic

1) On-going relevant projects

Independent Network of Labour Migration and Integration Experts, including recent work on

- *Improving Access to Labour Market Information for Migrants and Employers (2012)*, High Level Conference, available at <http://labourmigration.eu/events/documents/8-Access%20to%20labour%20market%20information> (accessed on 8 January 2012);
- *Labour Shortages and Migration Policy (2012)*, available at <http://www.labourmigration.eu/research/report/22-Labour%20Shortages> (accessed on 11 February 2013);
- *Migration, Employment and Labour Market Integration Policies in the European Union (2000-2009)*, available at <http://www.labourmigration.eu/research/report/15-part-1-migration-and-the-labour-markets-in-the-european-union-2000-2009> (accessed on 8 January 2012).
- *The Labour Market Integration of New Immigrants in Europe*, ILO and MPI

2) Relevant Ad-Hoc Queries and EMN Studies

Ad Hoc Queries

- Actions-policy measures taken in reaction to global crisis *Requested 10 June 2009*;
- Establishment of Commercial Companies by Third Country Nationals *Requested 9th July 2009*;
- Permits for highly skilled workers (to DE, ES, IE, IT, NL, UK only) *Requested 22nd October 2009*;
- Admission to Labour Market *Requested 3rd November 2009*;
- Labour Market Legislation limiting Third-Country Nationals access *Requested 24th November 2009*;
- Seasonal Workers and Intra-Corporate Transferees *Requested 17th March 2010*;
- Skilled Immigration *Requested 20th April 2010*;
- Employment and Work of Aliens *Requested 16th June 2010*;
- Recognition of Professional Qualifications obtained outside the European Union *Requested 3rd November 2010*;
- Management procedures for hiring seasonal workers for consecutive seasons *Requested 7th April 2011*;
- Possibility and conditions for third-country national students to work after the completion of their higher education studies *Requested 3rd October 2012*;
- Wealthy immigrants *Requested 17th July 2012*.

EMN Studies

- The Immigration of International Students to EU Member States (2012);
- Temporary and Circular Migration: empirical evidence, current policy practice and future options in EU Member States (2011)
- Satisfying Labour Demand through Migration (2010);
- Conditions of Entry and Residence of Third Country Highly-Skilled Workers in the EU (2007).

3) Existing Literature

- 2009 Bhagwati, J and Hanson, G. (eds.), *Skilled Immigration Today, Prospects, Problems and Policies*, New York, Oxford University Press
- 2010 Cerna, Lucie, *Policies and practices of highly skilled migration in times of the economic crisis*, ILO 2010; available at <http://www.ilo.org/public/english/protection/migrant/download/imp/imp99.pdf> (accessed on 13 June 2012).
- 2011 *Selecting the best and brightest*, Policy Primer, Migration Observatory University of Oxford, available at http://migrobs.vm.bytemark.co.uk/sites/files/migrobs/Selecting%20the%20Best%20and%20Brightest%20Policy%20Primer_0.pdf (accessed on 19 June 2012).
- 2012 *International Migration Outlook 2012*, OECD
- 2009 Managing Highly-Skilled Labour Migration, A Comparative Analysis of Migration Policies and Challenges in OECD Countries
- 2009 Doomernik, Joeren; Koslowski, Rey and Thränhardt, Dietrich, *The Battle for the Brains, Why Immigrant Policy is not enough to attract the highly skilled*, The German Marshall Fund of the United States, available at <http://dare.uva.nl/document/186515> (accessed on 13 June 2012).
- 2010 Heinrich Böll Stiftung, Conference Proceedings, *Mobility and Inclusion - Highly-skilled Labour Migration in Europe*, International Conference, Berlin, 18 - 19 February, available at http://www.migration-boell.de/web/migration/46_2418.asp (accessed on 13 June 2012).
- 2001 Iredale, R., *The migration of professionals: theories and typologies*, International Migration 39(5):7-24.
- 2006 Lavenex, S., *The competition state*, in Smith, M.P. and Favell, A. (eds), *The Human Face of Global Mobility: International Highly Skilled Migration in Europe, North America and the Asia-Pacific*, New Brunswick, Transaction Publishers.

- 2006 OSCE, IOM and ILO, Handbook on Establishing Effective Labour Migration Policies in Countries of Origin and Destination, available at <http://www.osce.org/eea/19242?download=true> (accessed on 15 January 2013).
- 2005 Liebig, Thomas and Sousa-Poza, Alfonso, *Taxation, Ethnic Ties and the Location choice of Highly Skilled*, OECD Social, Employment and Migration Working Papers No. 24, available at <http://www.oecd.org/dataoecd/5/60/35239536.pdf> (accessed on 13 June 2012).
- 2008 Migration Policy Institute (MPI), The recession proof race for highly skilled migrants, MPI, 4 December.
- 2009 OECD, *Policy Brief, The global Competition for Talent*, available at <http://www.oecd.org/dataoecd/58/50/42259140.pdf> (accessed on 13 June 2012).
- 2010 Papademetriou, D.; Somerville, W. and Tanaka, H., *Hybrid Immigrant-Selection Systems, The next Generation of Economic Migration Schemes*, Migration Policy Institute, Washington
- 2011 Ruhs, M. and Anderson, B., *Responding to Employers. Labour Shortages and Immigration Policy*, Migration Observatory policy primer, University of Oxford
- 2006 Shachar, Ayelet, *The Race for Talent: Highly Skilled Migrants and Competitive Immigration Regimes*, available at <http://www.innovationlaw.org/Assets/CILP%2BDigital%2BAssets/events/conference%2B2008/shachar.pdf> (accessed on 13 June 2012).
- 2011 Papademetriou, D., M. Sumption, *Rethinking Point Systems and employers-Selected Immigration*, European University Institute and Migration Policy Institute
- 2012 De Somer, Marie, *Trends and Gaps in the Academic Literature on EU Labour Migration Policies*, CEPS Paper in Liberty and Security in Europe

EMN NCPs are asked to list any other relevant (national) previous/current work on the study topic in their National Contribution.

IX. Advisory Group

For the purpose of providing support to EMN NCPs while undertaking this focussed study and for developing the Synthesis Report, an “Advisory Group” has been established. The members of the advisory group for this study, in addition to COM and EMN Service Provider (ICF GHK-COWI), are the AT, CZ, DE, LT, LU and UK EMN NCPs. EMN NCPs are thus invited to send any requests for clarification or further information on the study to the following “Advisory Group” members:

- AT EMN NCP: ncpaustria@iom.int
- CZ EMN NCP: emncz@mvcz.cz
- DE EMN NCP: EMN_NCP-DE@bamf.bund.de
- LT EMN NCP: audra@iom.lt and mantas@iom.lt
- LU EMN NCP: Adolfo.sommarribas@uni.lu; christel.baltes-loehr@uni.lu
- UK EMN NCP: Juta.Kawalerowicz@homeoffice.gsi.gov.uk
- COM: Magnus.OVILIUS@ec.europa.eu
- EMN Service Provider (ICF-GHK-COWI): emn@ghkint.com

X. Timetable

Date	Action
10 th December 2012	<u>Workshop</u> to discuss Concept Paper and agree next steps for Common Template (on occasion of 58 th EMN NCP meeting)
Week of 28 th January 2013	Circulation of <u>Version 1</u> of the Common Template to EMN NCPs
Week of 4 th February 2013	Submission of comments from EMN NCPs on Version 1
7 th February 2013	Advisory Group Meeting in Vienna to discuss comments

Date	Action
Week of 18 th February 2013	Circulation of <u>Version 2</u> of the Common Template
25 th February 2013	<u>Final comments / discussion during 59th EMN NCP meeting</u>
Week of 4 th March 2013	<u>Finalisation</u> of the Common Template and <u>launch</u> of the study following EMN NCP meeting
Friday 10 th May 2013	<u>Completion</u> of the (draft) common template by EMN NCPs and <u>development</u> of background and context sections for Synthesis Report by EMN Service Provider (ICF GHK-COWI).
Week of 27 th May 2013	<u>Presentation</u> of draft Synthesis Report
End-June 2013	<u>Finalisation</u> of the Synthesis Report and of National Contributions for publication.

XI. Template for National Contributions

The template outlines the information that should be included in the National Contributions to this focussed study. The indicative number of pages to be covered by each section is provided in the guidance note. For national contributions, the total number of pages should **not exceed 18 pages**, excluding the statistics. A limit of 25 pages will apply to the Synthesis Report, in order to ensure that it remains concise and accessible.

The focussed study shall outline the national policies and discuss the practical measures implemented to satisfy the policy goals. EMN NCPs are requested to include policies and measures that directly target the attraction of (or satisfy demand for) highly qualified and qualified third-country nationals. Thus, although various policies, measures, or other conditions in Member States may have an effect on the decision of third-country nationals to immigrate to the respective Member State, these are not covered by this study if (1) the policy aim of attracting (2) direct relevance for the target groups cannot be identified. Thirdly, the effectiveness (or non-effectiveness) of the implemented measures shall be discussed by using statistics or other national methods of evaluation (surveys of enterprises, quota performance, etc.), as well as, if necessary, policy makers' or other stakeholders' experience. This evaluation shall contribute to identifying good (or bad) practice."

EMN FOCUSED STUDY 2013
Attracting Highly Qualified and Qualified Third-Country Nationals

Top-line “Factsheet”
(National Contribution)
Executive Summary
(Synthesis Report)

National contribution (one page only)

Overview of the National Contribution – introducing the study and drawing out key facts and figures from across all sections of the Focussed Study, with a particular emphasis on elements that will be of relevance to (national) policymakers.

Support of immigration of highly qualified workers and workers with university education is one of the priorities of the European Union (EU) in the area of legal migration. The Czech Republic (CR) has a long-term interest in facilitating immigration of a qualified labour force from third countries to the CR.

The purpose of the study is to map the EU Member States’ policies and specific measures aimed at obtaining highly qualified and qualified foreign nationals from third countries. The study will also focus on evaluation of the effectiveness of individual national measures, treaties with third countries regarding employment and the barriers influencing the attractiveness of the Member States in the eyes of highly qualified and qualified foreign nationals.

As far as the Czech labour market is concerned, the major aim is to make sure that the labour force supply meets the demand. If this goal cannot be achieved using domestic resources, vacancies must be filled by foreign nationals. Thus, obtaining qualified labour forces from third countries is related to lack of domestic qualified workers in those professions in demand in the Czech Republic.

The shortfall on the Czech labour market prompted the launch of the project entitled **Selection of Qualified Foreign Workers** to the creation of **Green Cards** (hereinafter also referred to as “GC”) and **Blue Cards** (hereinafter also referred to as “BC”). All these programmes are based on the assumption of a long-term stay of the foreign national in the territory of the CR. Conversely, the programme entitled **Accelerated Procedure for Intra-corporate Transfers of Foreign Investors’ Employees**, which has been launched only recently (2012), is targeted at temporary migration.

The project **Selection of Qualified Foreign Workers** started up in the CR as early as in 2003¹². Its objective was to attract qualified foreign nationals from third countries into the Czech Republic and, at the same time, to help employers find the experts that the Czech labour market lacks. The **Blue Card** and the **Green Card** are both documents comprising a long-term residence permit and a work permit. A Blue Card allows its holders and their families to live, work and travel in the territory of the EU. Unlike Blue Card, Green Card does not have the European benefits. It facilitates access to the Czech labour market for foreign nationals who have the skills in demand in the Czech Republic. The project entitled **Accelerated Procedure for Intra-corporate Transfers of Foreign Investors’ Employees** improves the efficiency of the procedure for entry and employment of qualified foreign nationals at international

¹² This pilot phase of the project was called **Active Selection of Qualified Foreign Workers**.

companies operating in the territory of the CR (by addressing the current needs of employers from among international companies in the CR).

Synthesis Report (up three pages)

Executive Summary of Synthesis Report: this will form the basis of an EMN Inform, which will have EU and National policymakers as its main target audience.

Section 1
National Policies and Measures
(Maximum 8 pages)

This section reviews the national policies and measures that Member States employ in order to attract highly qualified and qualified third-country nationals. Reference is made to the International Standard Qualifications as regards education (ISCED) and occupation (ISCO-08) and/or the respective salary threshold when outlining the target group of these policies and measures (see examples above).

1.1 Policies

Q.1. Are there national policies in place for the attraction of highly qualified and qualified third-country nationals?

[Yes]

Q1.a. If Yes, please indicate the following:

- ***National definition of highly qualified third-country nationals, including references to relevant international standards such as ISCED/ISCO and/or salary thresholds;***

Insert Response here and please consider whether the following is included:

- Education level;
- Salary;
- Experience;
- Other

[At present, to work as a highly qualified worker in the Czech Republic, you must obtain a Green Card type A/key personnel or a Blue Card or you must participate in the project Intra-corporate Employees of Foreigner Investors. Another possibility is to gain valid work permit in the Czech Republic.

More about above mentioned programmes/policies in the following paragraphs:

Green Card

GC - type A

- Education level: This is intended for qualified workers with university education. According to ISCED 97, this level includes the following categories: 5B, A; 5A, 6. According to CZ-ISCO, this level includes the main classes 1-5.

GC - type A/key personnel

- Education level: At the request of an employer, the Ministry of

Industry and Trade can label a vacant job position as a position suitable for key personnel. The employer must choose the corresponding category of the key personnel from the following: 1. higher management; 2. workers with high expert skills for certain jobs and tasks, and workers with knowledge essential for smooth running of the company; 3. professions, the lack of which endangers the smooth running of the company or may cause economic losses. For the key personnel category, the education level achieved is not decisive; the explanation from the employer that it is a key position is decisive.

- Salary: For both categories of type A GC, the guaranteed minimum wage as defined in Government Regulation No. 243 of 13 June 2012, which amends Government Regulation No. 567/2006 Coll. on the minimum wage, on the lowest levels of guaranteed wage, on the definition of a working environment with adverse conditions and on the extra pay in addition to the wage for work in a working environment with adverse conditions, as amended, must be respected.
- Other: Other prerequisites and requirements defined for holding the job position: basic information on the working and salary terms and conditions vary according to the characteristics of the job position and the employer's requirements.

Blue Card

- Education level: A high level of qualification is deemed to be duly completed university studies or professional tertiary education, the completion of which took at least 3 years.¹³ According to the International Standard Classification of Education (ISCED 97), this level corresponds to categories: 5B, A; 5A, 6. According to the National Job Classification (CZ-ISCO), this level corresponds to the main classes 1-5.
- Salary: The condition is an agreement on a gross monthly or annual salary equal to at least 1.5 times the average gross annual salary announced in a statement of the Ministry of Labour and Social Affairs.

¹³ The document confirming the high level of skills (the document on the achieved education level) must be nostrified, presented as the original or as an officially authenticated copy, in the Czech language or in an official translation into the Czech language. Foreign public documents must be provided with higher-level authentication in the form of apostille or super-legalisation, unless the international treaties binding on the CR provide otherwise. For a regulated profession, it is also necessary to present a document on compliance with the requirements for practicing such a profession, which is issued by the relevant recognition authority. More information at www.msmt.cz, www.mzv.cz.

- Other: Other prerequisites and requirements defined for holding the job position: basic information on the working and salary terms and conditions vary according to the characteristics of the job position and the employer's requirements.

Accelerated Procedure for Intra-corporate Transfers of Foreign Investors' Employees

- Education level: The target group of the project comprises managers and specialists; that is, not necessarily solely employees who are highly qualified in the sense of achieved formal education. However, in practice, these are usually highly qualified people and therefore for the purposes of the EMN study, it is admissible simplification. The definitions (according to the translation by the Ministry of Industry and Trade) are as follows:

“Manager” – a person working in a senior position, who principally directs the management of the company, department, section or other unit of that company, supervises other employees who carry out supervision, professional checks or management checks, including the powers to recruit or dismiss employees or to recommend their recruitment, dismissal or other personnel measures.

“Specialist” – a person possessing uncommon knowledge and skills essential to the activities, technologies or management of the undertaking, taking account not only of the knowledge specific to this company but also of the high level of achieved qualifications of that person referring to a type of work or trade requiring specific technical knowledge.

- Other: Within this procedure, when applying for a work permit, foreign nationals are not required to submit nostrified document confirming the high level of skills. They are required to submit *Declaration of Employer on Transfer of Foreigner to the Czech Republic*.

➤ ***National definition of qualified third-country nationals, including references to relevant international standards such as ISCED/ISCO and/or salary thresholds.***

Insert Response here and please consider whether the following is included:

- Education level;
- Salary:

- Experience;
- Other

[Green Card

GC – type B

- Education level: It is intended for workers in job positions which require vocational school education as the minimum. According to ISCED 97, this level corresponds to the categories 3C + 3A as the minimum. According to CZ-ISCO, this level corresponds to the main classes 1-8.
- Salary: For a type B GC, the guaranteed minimum wage as defined in Government Regulation No. 243 of 13 June 2012, which amends Government Regulation No. 567/2006 Coll. on the minimum wage, on the lowest levels of guaranteed wage, on the definition of a working environment with adverse conditions and on the extra pay in addition to the wage for work in a working environment with adverse conditions, as amended, must be respected.]

Project entitled Selection of Qualified Foreign Workers

- Education level: Subject to meeting the relevant conditions, citizens of 51 selected countries and, regardless of their country of origin, graduates of a Czech university (except for those studying under a development assistance programme) who completed studies in 1995 or later, and graduates of a Czech secondary school who completed their studies with an A-level/baccalaureate-equivalent examination, a school-leaving examination or with a vocational certificate in 2000 or later, were able to enter project. University graduates employed in the Czech Republic in a position for which university education is required and which corresponds to their qualifications or work experience, could be included in the category of highly qualified workers (this new category was created in July 2007).]

Q1.b. If Yes, do the policies distinguish between highly qualified and qualified third-country nationals?

[Yes]

Q1.c. If Yes, please indicate the rationale for their distinction.

[The reason is to take into account the needs of the labour market and to set more advantageous conditions for highly qualified foreign workers.]

Q1.d. If Yes, what is the main rationale for these policies? What is the objective? Please consider whether this rationale is linked to circular, temporary or

permanent migration.

[Green Card

The project is primarily based on the needs of business entities.

This model is supposed to allow employers to obtain labour force from third countries more quickly and to reduce the administrative burden for the employer and the foreign national. Thus, the goal of the project is to facilitate access to the labour market for foreign nationals who have the qualifications that are in demand in the Czech Republic.

Green Cards are focused on **long-term** migration because they are a special type of a long-term residence permit; their validity can be repeatedly renewed and, as a result, they offer a prospect of permanent settlement without providing their holders with any preferential treatment with respect to access to permanent residence.

Blue Card

Highly qualified workers from third countries prefer other destinations than Europe (USA, Australia or Canada). The Blue Card project intends to change this current practice.

The goal of the project is to attract highly qualified foreign workers to European labour markets and, as a result, to support the economic sectors in the EU, which currently faces lack of qualified labour force.

From the beginning, this project has been focused on **long-term** migration.

Selection of Qualified Foreign Workers

The goal of the project was to obtain qualified and educated foreign experts capable of permanently integrating with their families into the Czech society as well as to help employers to find the experts who were still missing on the Czech labour market in spite of the impact of the economic crisis. The secondary goal was to identify the shortcomings and obstacles in the legal system, which, when applied hindered the entry of a sufficient number of qualified foreign workers in the event of need for them on the labour market.

From the beginning, this project has been focused on **long-term** migration.

Accelerated Procedure for Intra-corporate Transfers of Foreign Investors' Employees

The aim of the project, "Accelerated Procedure for Intra-corporate Transfers of Foreign Investors' Employees", was to address the changing needs of employers – international firms and Czech businesses in the Czech Republic. The project lays down rules and deadlines for accelerated transfers of intra-corporate employees of foreign investors (major companies operating internationally, innovative businesses, production undertakings, major companies operating in services) for the employees to work in the Czech Republic.

If the foreign nationals meet the prescribed conditions, they will obtain a work

permit and a long-term visa for 6 months within 30 calendar days. Thus, under this project, highly qualified and senior employees from a foreign company (specialists and managers) may be sent **temporarily** to a unit located in the Czech Republic.]

Q1.e. If Yes, briefly outline the main features of the policies. Please consider whether the following exists:

- *Points-based system (i.e. a system that admits third-country nationals who have a sufficient number of qualifications and experiences from a list that typically includes language skills, work experience, education and age¹⁴);*

[Yes. This system was used for the project Selection of Qualified Foreign Workers where a sufficient score rating achieved in the selection procedure was a condition for entering the project. Here are more details about this project:

Selection of Qualified Foreign Workers

The project ran in the CR from 2003 when its pilot stage was commenced¹⁵ (planned for 5 years). From the beginning, the goal was to attract qualified foreign nationals from third countries into the Czech Republic and, at the same time, to help employers find experts who were missing on the Czech labour market. The fact that foreign nationals and their families from 13 selected countries and graduates of Czech secondary schools and universities from all over the world were able to apply for permanent residence after **two and half** years instead of the currently required period of five years was an indisputable advantage offered by the project. For university graduates working in their field of study, this time limit was reduced to as little as **one and half** years.

The participants of the project also received the advantage that if they lost their jobs (not through their own fault), their residence permit was not terminated during their first year in the Czech Republic but it remained valid for another 60 days so that they could find a new job. One of the conditions for entering the project was that the interested party had to secure legal employment in the Czech Republic, including a work permit, on their own. He or she also had to score **a minimum of 25 points** (out of the possible maximum of 66 points) in a selection procedure based on rating individual criteria and carried out automatically by a computer programme connected to on-line reception of applications for entering the project.

In late October 2008, the Czech government approved continuation of this project in spite of the frequently voiced objections that this project was not very successful in practice due to low level of interest on the part of foreign nationals (one of the main things for which the project was

¹⁴ Definition from: <http://www.migrationpolicy.org/pubs/rethinkingpointssystem.pdf>

¹⁵ The Department of Migration and Integration of Foreign Nationals at the Ministry of Labour and Social Affairs of the CR was tasked with coordinating the project.

criticised was its failure to fill the annual quota). The project became a permanent tool of the active migration policy of the Czech Republic in the area of labour migration.

Termination of the project Selection of Qualified Foreign Workers was approved by a resolution of the government of the Czech Republic of 7 December 2010.¹⁶ Reception of new applications for inclusion in the project was terminated as of 31 December 2010. This change did not affect on those foreign nationals who had filed an application for inclusion in the project before the said date or who had already become its participants. Thus, the last selection procedure under this project was carried out on 1 January 2011.

The last participants (approximately 100 active participants) of this project and their family members should obtain recommendation to be granted permanent residence by 1 July 2013. In 2012, approximately 400 participants of the project (including their family members) had the opportunity to apply for a permit for permanent residence in the CR with a reduced time limit. In total, more than 1,800 participants participated in the project.]

- *Employer-led system (i.e. a system that allows employers to select the workers they need, subject to, government regulations¹⁷);*

[Yes. Within the project “Accelerated Procedure for Intra-corporate Transfers of Foreign Investors’ Employees” the employers select specific employees – the workers they need.

Accelerated Procedure for Intra-corporate Transfers of Foreign Investors’ Employees

A project which serves to accelerate the transfer of highly qualified and senior employees from third countries who are temporarily placed to the CR within their company.

The project was launched on 1 February 2012 as the joint tool of four ministries (the Ministry of Industry and Trade in cooperation with the Ministry of the Interior, the Ministry of Labour and Social Affairs and the Ministry of Foreign Affairs). The same authorities agreed that, starting from October 2012, the entry criteria would be changed in such way so that a higher number of applicants could participate in the project. These changes concern in particular the required number of employees at the company carrying out the transfer, the level of the company’s turnover and the amount of the company’s investment in the CR. Thus, the project should allow a wider spectrum of companies to utilise the potential of their best qualified employees in the event of the need to transfer them to the CR.]

¹⁶ Number 880.

¹⁷ Ibid

- *Hybrid system (i.e. combination of points-based and employer-driven model¹⁸);*

[When obtaining workers from third countries using Blue Cards or Green Cards, the Ministry of Labour and Social Affairs uses a system based on selection of workers made by employers (however, the employer does not select specific employees but only determines the job vacancies).¹⁹ If a sufficient number of registered job seekers with corresponding qualifications is not available on the Czech labour market, the employer can fill these job vacancies with foreign nationals from third countries.

More about above mentioned programmes/policies in the following paragraphs:

Green Card

The Green Card is the national residence permit. It is a dual document comprising a long-term residence permit and a work permit.

A Green Card facilitates access to the labour market for foreign nationals who have qualifications in demand in the Czech Republic. The Ministry of Labour and Social Affairs operates a central register of job vacancies that can be filled with Green Card holders.²⁰ The registered job positions are the job positions reported by employers as vacant, which were not filled with a citizen of the Czech Republic or the European Union within 30 days from when the job vacancy was announced to the relevant Governmental Employment Agency and which the employer approved as job vacancies that can be filled with foreign nationals. A job vacancy which the Ministry of Industry and Trade labels as a position suitable for key personnel in the central register of job vacancies at the request of the business person also become a job vacancy that can be filled with a Green Card holder. Foreign nationals who are interested in Green Card file applications at the embassies of the CR abroad for specific jobs stated in the database.

There are three types of Green Cards:

- Type A: For qualified workers with university education and key personnel
- Type B: For workers in jobs for which vocational education is required as the minimum
- Type C: For other workers (this type of GC is not the subject matter of the present study)

The period of validity of a GC is 2-3 years.

¹⁸ Ibid

¹⁹ Thus, it is a hybrid system in a certain sense but it is not based on the combination of a “*points-based system*” and an “*employer-driven system*”.

²⁰ The database is freely available on the website of the Ministry of Labour and Social Affairs (http://portal.mpsv.cz/sz/zahr_zam/zelka/vm).

Blue Card

Blue Card is a unified permit for long-term residence with the purpose of working in a job requiring high qualifications.²¹ In the Czech Republic, it has been on issue since 1 January 2011. Citizens of all third countries who want to be employed in the Czech Republic in a job position requiring high qualifications²² and who have the corresponding professional competency can apply for a Blue Card. Issue of a Blue Card is always subject to a prior labour market test. Issuing Blue Cards is within the terms of reference of the Department of Asylum and Migration Policy of the Ministry of the Interior. Blue Card makes it easier to obtain a long-term residence permit anywhere in the whole Union.]

Q.2. Are other groups of third-country nationals included in the national policies on attracting (highly) qualified third-country nationals?

[No]

Q2.a. If Yes, please indicate what other groups are included (i.e. investors, entrepreneurs, international graduates, transferred workers etc.)?

Refer whenever possible to existing EMN studies covering relevant information on these groups.

Q.3. Do the policies in your Member State focus on specific areas of occupations?

[No. Within the migration policy of the CR, there are no programmes for attracting a labour force that focus only on a certain specific lacking profession. Job vacancies are always filled with migrants in the context of a specific job – there is no list of professions or sectors suffering a shortage in the CR because these can be substantially different across the territory of the CR. The reason is also the rapidly changing situation on the labour market. However, this configuration of the system allows for responding to both structural and cyclic shortages on the labour market through migration.]

If Yes, please briefly indicate the specific areas of occupations and their link with the policies.

[Insert response here]

Q.4. Has the transposition of EU Directives²³ led to more favourable legislation/measures/conditions for specific groups of (highly) qualified third-country nationals?

²¹ It has been introduced according to the Union's Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment.

²² Completed university education or tertiary professional education, if the studies took at least 3 years, is the minimum.

²³ E.g. EU Blue Card Directive and Researchers Directive

[Yes]

Q4.a. If Yes, please indicate the relevant Directives and the more favourable legislation/measures/conditions which were created for these specific groups (i.e. EU Blue Card Directive and Researchers Directive).

Blue Card

Introduction of Blue Cards improved the conditions for labour migration of highly qualified workers in several fields. Blue Card mainly offers its holder the **following advantages** which cannot be enjoyed by holders of other types of permits for long-term residence with the purpose of employment, i.e. holders of Green Cards or long-term residence permits based on valid work permits²⁴:

- **it facilitates labour migration within the entire European Union;**
- **after expiration of two years, it makes a changing jobs easier;**
- **it makes family reunification easier (which is not dependent on a certain duration of prior stay);**
- **it allows a foreign national to be temporarily unemployed;**
- **it facilitates access to the status of a long-term resident staying in the European Union.**

Permit for Scientific Workers

The applicable Directive²⁵ was transposed into national law by Act No. 379/2007 Coll. Specifically, the relevant change in the Act on the Residence of Foreign Nationals, the Act on Public Research Institutions and the Employment Act²⁶ was made.

A special residence permit, specifically a permit for a long-term stay with the purpose of scientific research, has been incorporated into the Act on the Residence of Foreign Nationals – see **Section 42f**.

The Act on Public Research Institutions addresses particularly issues relating to approval of those research organisations that are authorised to receive researchers from third countries, and the terms of an agreement between the public research organisation and the foreign national concerned (referred to as a “hosting agreement”) – see **Sections 30a through 30g**.

The Employment Act explicitly provides that work permit, Green Card or Blue Card is not required of a scientific worker, a researcher or a development worker

²⁴ A long-term residence permit for the purpose of employment in the territory of the Czech Republic in special cases, in other words, Green Card is issued, same as Blue Card, in the form of a single permit (within the meaning of the Union Directive 2011/98/EU), that is, as a dual document authorising its holder to stay and to perform work. It is issued in 3 types (A, B, C) depending on the required degree of qualifications. A *long-term residence permit for the purpose of employment* is issued as a non-dual document authorising the foreign national, to whom performance of work in the Czech Republic was permitted under a *work permit*, to stay in the country.

²⁵ One of the main goals of the Directive concerned is to create a European research area so that the European Union becomes the most competitive and dynamic knowledge-based economy in the world. Therefore, the Directive concentrates on increasing attractiveness of the European Union for researchers from all over the world and on enhancing its position as an international centre of research.

²⁶ Act No. 435/2004 Sb.

in a public research organisation – see **Section 98(n)**.

Thus, some more favourable immigration conditions ensue from the above mentioned for this group of foreign nationals (as compared to the standard treatment), which are as follows:

- **the opportunity to apply for a long-term residence permit while staying abroad without having to apply for a long-term visa for their initial stay in the CR; the foreign national can apply for this permit even while staying in the CR regardless of the purpose of their current stay in the CR;**
- **an application for long-term residence permit should be processed within 60 days from the date on which the application is filed;**
- **for carrying out research work, the foreign national does not need a work permit or Green Card or Blue Card (only the aforementioned hosting agreement is to be presented);**
- **the long-term residence permit is issued for a validity period of up to two years;**
- **throughout the validity period of the hosting agreement, the foreign national has a monthly income, the size of which is sufficient to at least cover the reasonable costs associated with their stay in the CR (including the costs associated with return to the country of origin after the agreement expires) – without having to rely on the welfare assistance system of the Czech Republic;**
- **the holder of a long-term residence permit is considered to be a foreign national with permitted permanent residence (i.e. the public medical insurance applies to them);**
- **the possibility for a family member to apply for a long-term residence permit without having to apply for a long-term visa for their initial stay in the CR with an application (the validity period of the issued permit is the same as the validity period of the long-term residence permit issued for the researcher).]**

Q.5. Are the national policies addressing the aspect of brain drain in the countries of origin?

[The Czech Republic, as a member of the EU, is bound by the agreement between the group of the states of Africa, Caribbean and Pacific region as one party and the member states of the European Community as the other party.

As concerns the project Selection of Qualified Workers, due to international treaties some countries were excluded or, if applicable, quotas were established for certain states with the aim of preventing a large-scale brain drain. Also, students who graduated from a Czech secondary school or university under a foreign development assistance programme were not able to enter the project.^{27]}

²⁷ Source: Nekorjak, M.; Hofírek, O. *Program výběru kvalifikovaných zahraničních pracovníků – stále ještě nevyužitá šance? (Programme for Selection of Qualified Foreign Workers – Still a Chance Not Taken Advantage of?)* In Trbola, R. Rákoczyová, M. *Institucionální podmínky sociální integrace cizinců v ČR. (Institutional Conditions for Social Integration of Foreign Nationals in the CR)*

Q.6. Are the national policies addressing the aspect of brain circulation with the countries of origin?

[Yes.]

Q6.a. If Yes (to either of these questions), please briefly indicate how the national policies address these aspects, supporting your answers with reference to research or any other sources of information.

[In the project “Accelerated Procedure for Intra-corporate Transfers of Foreign Investors’ Employees, it applies that **after the transfer ends, the workers return to their countries of origin**, to the organisation that sent them.]

Q.7. Have your national policies been the subject of public debate?

[Yes]

Q7.a. If Yes, please briefly indicate the main features of the policies which were debated as well as the reasons for such debate and the level at which these occurred (e.g. Parliament, society, media). Please support your answer with reference to research or any other sources of information.

[In March 2013, there was a **conference** of the European Migration Network on the topic of “*Attracting Qualified Labour Forces from Third Countries*”. The purpose of the conference was to evaluate the experience gained so far by the CR in this area and to present measures aimed at facilitating entry and residence of highly qualified workers, contained in legislation white paper governing entry and residence of foreign nationals.

According to **analysis of the websites of non-profit organisations and press monitoring**, it has been established that the criticism of the of the Green Cards project was related to shortcomings lying mainly with the time-consuming and administratively onerous requirements of the process preceding the actual commencement of employment of the worker. For employers and some categories of workers, this stage was not sufficiently flexible to be able to meet the immediate needs of employers. In connection with Green Cards, the issue of the list of selected countries was also raised (the issue regarding the criteria for selection of these migrants). Also, the topic of Green Cards became a matter for discussion due to the small extent to which they are used by the eligible foreign nationals as well as in connection with the limitations linked with this card (the card is bound only to a single employer whom the foreign national must find still before arriving to the CR – the criticism says that the foreign national is even more dependent on the employer than he or she would be as a holder of a work visa).]

Q7.b. If Yes, please briefly indicate possible impacts of the debate on the national policies.

[The available information does not allow to evaluate the impact of these debates on the national policies (they do not have any measurable impact).]

1.2 Measures

Refer to the legal framework in case relevant changes to labour migration legislation have occurred as compared to the information contained in the EMN Study on Satisfying Labour Demand through Migration.

Q.8. Does your Member State employ concrete measures in order to satisfy the policy goals?

[Yes]

Q8.a. If Yes, please indicate the measures that contribute to the implementation of the national policies and indicate their specific goals.

[Insert Response]

The listings below can be used as examples. Please support your answers with reference to research or any other sources of information.

- *Employer sponsorship and/or involvement in migration process;*
- *Free access to the labour market;*
- *Fast-tracking of procedures;*
- *Provision of information including information campaigns;*
- *Attendance of recruitment fairs abroad;*
- *Cooperation with institutions/organisations in third countries;*

Green Card

Due to the fact that a Green Card is issued to a specific person for a specific position, it is not possible to change employer with a Green Card. During their first stay in the territory of the CR, a foreign national must apply for a new Green Card at an embassy abroad if they wish to change their employer.

After the period of stay of the foreign national who was issued a Green Card reaches one year, the foreign national becomes entitled to apply within, for a long-term residence permit for some other purpose in the territory of the CR.

Blue Card

A change of employer or job of a Blue Card holder is subject to prior consent from the Ministry of the Interior during the first two years of the holder's stay in the territory of the CR. The Ministry will give its consent to such changes at the request of a Blue Card holder if the holder continues to meet the conditions for issue of this card.

Having stayed in the territory of the CR for two years, a Blue Card holder is obliged to notify the Ministry of these changes within three business days by filling in a notification form, which the holder files with the office of the Department of Asylum and Migration Policy of the Ministry of the Interior.

If a Blue Card holder loses his or her job, he/she is entitled to register as a job seeker and to look for a new job in the Czech Republic, provided that the period of

their unemployment does not exceed three consecutive months or that their unemployment does not occur repeatedly. However, this does not apply in special cases where the foreign national's employment ends for reasons specified by law, which includes situations in which a foreign national loses a job through no fault of their own (for example, they are dismissed due to reorganisation or they cease to be fit to perform the job for health reasons) or in which the foreign national himself or herself terminates the employment because the employer is not paying him or her any salary. In these cases, a Blue Card holder is allowed to become unemployed even repeatedly for short periods of time.

Accelerated Procedure

Since 1 February 2012, the Ministry of Labour and Social Affairs has been taking part in implementation of the project "Accelerated Procedure for Intra-corporate Transfers of Foreign Investors' Employees" managed by the Ministry of Industry and Trade. The project serves to speed up the transfer of highly qualified and senior workers from third countries who are temporarily placed to the Czech Republic within their company (firm).

Selection of Qualified Foreign Workers

In connection with promotion of the project titled Selection of Qualified Foreign Workers, a total of CZK 25,571,299 was spent in the years 2003-2007, of which CZK 16,008,020 was spent on the campaign abroad and the rest was spent on the national level.²⁸ The campaign was carried out by the Prague mission of the International Organisation for Migration (IOM). As part of the campaign, a website on the project was created in the languages of all target states; spots were broadcast in television; advertisements were published in the press; press conferences were organised; presentations on international forums and abroad were carried out; foreign nationals also received leaflets at embassies of the Czech Republic or in branch offices of the IOM.²⁹]

Q8.b. If Yes, are there any measures aimed at facilitating the integration of (highly) qualified third-country nationals?

The listings below can be used as examples. Please support your answers with reference to research or any other sources of information.

- *Improvement of language proficiency;*
- *Provision of information and civic orientation;*

²⁸ Source: *Zpráva o realizaci pilotního projektu v letech 2003–2008. (Report on Implementation of the Pilot Project in the Years 2003-2008)*

²⁹ Sources: <http://www.migraceonline.cz/cz/e-knihovna/podstata-projektu-se-nijak-menit-nebude-zasadni-zmeny-neplanujeme-rozhovor-s-andreou-veselou-vedouci-projektu-vyber>
+ Nekorjak, M.; Hofírek, O. *Program výběru kvalifikovaných zahraničních pracovníků – stále ještě nevyužitá šance? (Programme for Selection of Qualified Foreign Workers – Still a Chance Not Taken Advantage of?)* In Trbola, R. Rákoczyová, M. *Institucionální podmínky sociální integrace cizinců v ČR. (Institutional Conditions for Social Integration of Foreign Nationals in the CR)*

➤ *Social and legal guidance.*

[Yes.

Blue Card

After five years of continuous stay in the territory of the European Union, the Ministry of the Interior grants **the legal status of a long-term resident staying in the European Union in the territory of the Czech Republic** to a Blue Card holder. Only those periods, during which the foreign national stayed as a Blue Card holder in the territory of a certain Member State for at least 18 months are counted towards the period of five years. The Czech Republic also allows a Blue Card holder who meets the aforementioned condition of a five-year stay (accumulated even by staying in the territories of other states) to apply for a **permit for permanent residence** in the Czech Republic, if the holder stayed continuously in the territory of our country at least two years before filing the application. The applicable statutory provisions on granting resident status and granting permanent residence in the Czech Republic will be applied, *mutatis mutandis*, to the family members of a Blue Card holder.

Selection of Qualified Foreign Workers

The advantage of participation in the project was that foreign nationals and their families from thirteen selected countries and graduates of Czech secondary schools and universities from all over the world were able to apply for permanent residence after **two and half** years after its end instead of the currently required five years. For university graduates working in their field, it was possible to apply for permanent residence after **one and half** years.

The fact that this rule also applied to family members of the migrants was also a great advantage of the project.

Another asset of the project was that if the foreign nationals lost their job during their first year in the Czech Republic,³⁰ their residence permit was not terminated but was valid for another 60 days to allow them to find a new job.

Accelerated Procedure for Intra-corporate Transfers of Foreign Investors' Employees

Due to the fact that this procedure is based on a temporary transfer of an employee, no attention is paid to integration measures in connection with this project.]

Q.9. Do public policies exist in your Member State that specifically aim at positively

³⁰ Not through any fault of their own.

influencing the immigration decision of (highly) qualified third-country nationals?

[Yes]

Q9.a. If Yes, please also indicate such incentives.

[Insert Response]

The listings below can be used as example. Please support your answers with reference to research or any sources of information

- *Family reunification rights*
- *Tax incentives*
- *Social security / other welfare benefits*
- *Equal treatment / anti-discrimination measures*

Blue Card

A Blue Card holder becomes **entitled to family reunification immediately** after acquiring the Blue Card; in other cases, this right is dependent on a certain period of prior residence.

Green Card

Green Card (type A) holders in the qualified workers with university education or key personnel category have to stay in the Czech territory for at least **six months** in order for their family members to be able to apply for a permit. Green Card holders (type B) in the category in which the minimum required education is vocational education must stay in the CR for at least **one year** in order for their relatives to be able to apply for a permit.

Selection of Qualified Foreign Workers

In this project, the participants and their family members (spouse/child) were able to apply for a permanent residence permit as early as after **one and half years** or **two and half years** (according to the current legislation, it is otherwise possibly to apply for permanent residence after five years).]

1.3 Relations with third countries and labour migration agreements

Q.10. Do the policies in your Member State focus on specific third countries?

[Yes]

Q10.a. If Yes, please list these third countries, providing a brief indication of the

reasons for focusing on specific third countries?

[Citizens of **64 selected countries**, important with respect to international economic ties of the CR, can apply for a Green Card of type A or B. The selection of the countries is also based on what is referred to as the EU “white list”³¹.]

Q.11. Has your Member State entered into labour migration agreements relating to attracting qualified and/or highly qualified third-country nationals to the national territory?

[No]

Q11.a. If Yes, what role do these labour migration agreements play in executing your Member State’s policies?

[Insert response here]

Q11.b. If Yes, please fill out the following:

- *Agreement No.1*

Third country:

Date of agreement:

Purpose of agreement:

Number of third-country nationals who have benefited from this measure:

Was the agreement adopted in the framework of Mobility Partnerships?

[Yes/No]

- *Agreement No.2:*

Third country:

Date of agreement:

Purpose of agreement:

Number of third-country nationals who have benefited from this measure:

Was the agreement adopted in the framework of Mobility Partnerships?

[Yes/No]

- *Agreement No.3:*

[...]

Q.12. Has your Member State adopted legislations facilitating labour migration from specific third countries ('country-specific legislation')?

[Yes]

Q12.a. If yes, please elaborate concisely.

[Ministry of the Interior Ordinance No. 29/2013 Coll. allows citizens from **64 selected countries**, based on Council Regulation (EC) No 539/2001, apply for a

³¹ Based on Council Regulation (EC) No 539/2001.

Green Card of type A or B. From the total list of 64 countries, **citizens from 21 additional countries with a visa obligation** have been able to apply for a Green Card of type A for highly qualified employees since 1 February 2013³².]

Q.13. Has your Member State entered into other more favourable arrangements with non-EU/EEA countries and/or regions relating to attracting qualified and/or highly qualified third-country nationals to the national territory?

[No]

Q13.a. If yes, please elaborate concisely.

[Insert response here]

Section 2
Evaluation and Effectiveness of Measures
(Maximum 4 pages)

This section reflects on the effectiveness of national measures as described in Section 1 and the methods used for evaluation. This analysis shall help to identify good practices and lessons learnt in Section 4.

³² Republic of Armenia, Republic of Azerbaijan, Republic of Byelorussia, People's Republic of China, Republic of Ecuador, Republic of Philippines, Georgia, Republic of India, Republic of Indonesia, Republic of South Africa, Republic of Columbia, Kingdom of Morocco, Republic of Moldova, Mongolia, Republic of Peru, Republic of Kazakhstan, Russian Federation, Republic of Senegal, United Arab Emirates, Kingdom of Thailand, Republic of Turkey.

2.1 Evidence of effectiveness based on statistics

A template table for statistics will be provided.

Please provide statistics that reflect the scale and scope of highly qualified and qualified labour immigration of third-country nationals using statistics provided by Eurostat and other relevant national statistics that are available³³. Please present the following:

- The number of third-country nationals employed and self-employed in the respective Member State in the relevant ISCO groups (i.e. those related to qualified and highly qualified employment according to national definitions) over the last 5 years aggregated by sex and age group.
- The number of third-country nationals employed and self-employed in the respective Member State over the last 5 years aggregated by relevant ISCED level of education (i.e. those associated with qualified and highly qualified employment according to national definitions), sex and age group.
- The number of first residence permits issued for relevant reasons (e.g. highly skilled workers, EU Blue Card) over the past 5 years aggregated by sex and age group.

[The requested statistics obtained at the national level are contained in [Annex 1](#).

The data obtained from the **Labour Force Survey** are contained in [Annexes 2-4](#). It should be borne in mind that these data may contain a greater statistical discrepancy due to the low number of respondents.]

Q.14. Is there any evidence (quantitative and/or qualitative) of a link existing between the measures outlined in Section 1 and the immigration of highly qualified and qualified third-country nationals?

[No]

Q14.a. If yes, please elaborate concisely.

[Insert response here]

The listings below can be used as examples. Please support your answers with reference to statistics or any other sources of information.

- *Increase in the number of residence permits for the purpose of highly qualified employment since implementation of the measure(s);*
- *Faster filling of job vacancies corresponding to the domestic demand according to employer response survey;*
- *Qualification and occupation match (over/under-qualification).*

Q.15. Is there a quota for highly qualified and qualified third-country nationals?

[No. The Czech Republic does not apply any quotas to the admission of third country

³³ Please take into account the comments made under section V. Available Statistics.

highly qualified employees.]

Q15.a. If Yes, is the quota exhausted?

[Insert response here]

Q.16. Is there any evidence (quantitative and/or qualitative) of a link existing between the labour migration agreements (also in the framework of Mobility Partnerships) outlined in Section 1 and the immigration of highly qualified and qualified third-country nationals?

[No]

Q16.a. If yes, please elaborate concisely.

[Insert response here]

If (statistical) evidence as requested above regarding concrete measures and labour migration agreements is not available, please outline and analyse any other statistics which may provide indications of the effectiveness of the national policies and measures.

[Insert response here]

2.2 National methods of evaluation

Q.17. Does primary research (using any methods) exist in your Member State evaluating the national policies, related practical measures and labour migration agreements (also in the framework of Mobility Partnerships) implemented to attract highly qualified and qualified third-country nationals?

[No]

Q17.a. If Yes, which methods have been used?

[Insert response here]

Q17.b. If Yes, what is the outcome regarding the effectiveness of these measures and labour migration agreements?

2.3 Policy makers' or other stakeholders' (i.e. academics, non-governmental or private sector representatives) experience

[Green Card]

This project was generally evaluated as not very successful. The stakeholders from the public sector see the main reasons of its failure in the economic crisis and the absence of a pilot stage of the project.

Experts from the non-public sector attribute the failure of the cards to the burdensome time-consuming and administratively onerous requirements of the process; insufficient flexibility; limitations attached to this card or the selective list of chosen countries, from which foreign nationals are allowed to come to the CR on the strength

of a Green Card.

In February 2013, a new Ordinance of the Ministry of the Interior came into force, which modifies the list of countries whose citizens are entitled to apply for a Green Card. The CR expects that extending this list of countries (by adding, for example, China, Russia and Turkey) will lead to greater use of this instrument.

Blue Card

As in the case of the Green Card, the Blue Cards is not considered to be a very successful instrument. The Ministry of the Interior sees the reason of the failure in the actual foundations of the project (a compromise among 27 EU states).

Selection of Qualified Foreign Workers

The frequently mentioned weakness of this project was the failure to fill the set quota (low number of applications from foreign nationals³⁴) during the project. The Ministry of the Interior considers the motivational mechanism which was supposed to attract qualified foreign nationals to the CR to be insufficient and, therefore, the main reason of the unimpressive performance of this project (accelerated granting of permanent residence was not sufficient).

Experts from academic circles mention the following problematic aspects of the programme³⁵ in particular: a) the project did not take into account the period of prior stay in the CR; b) the programme was focused on foreign nationals in full-time employment (legal full-time job with a contract for an indefinite period of time); c) insufficient support of and assistance to foreign nationals in their dealings with public authorities – the project increases the administrative burden for foreign nationals.

Accelerated Procedure for Intra-corporate Transferees

Due to the fact that this project has only been launched recently, in 2012, it is too soon to evaluate it. However, criticism has already been voiced that the programme is not enjoying prolific use (during 2012, there were 37 applications included in the project; during the first quarter of the year 2013, it was 17 applications³⁶.)

Q.18. If evidence (see 2.1 and 2.2) is not available, what is then the national policies makers' or other stakeholders' experience and assessment regarding the (perceived) effectiveness of measures (see also questions under 2.2)?

[Green Card

³⁴ The total number of participants of the project for the years 2003-2010 reached more than 1,800 foreign nationals (<http://www.mpsv.cz/files/clanky/9997/13122010.pdf>).

³⁵ Source: Nekorjak, M.; Hofírek, O. *Program výběru kvalifikovaných zahraničních pracovníků – stále ještě nevyužitá šance? (Programme for Selection of Qualified Foreign Workers – Still a Chance Not Taken Advantage of?)* In Trbola, R. Rákoczyová, M. *Institucionální podmínky sociální integrace cizinců v ČR. (Institutional Conditions for Social Integration of Foreign Nationals in the CR)*

³⁶ Information presented at the EMN conference in March 2013 with the topic of “*Attracting Qualified Labour Force from Third Countries*” (the presentation given by the Ministry of Industry and Trade of the CR).

Due to the low number of Green Cards issued, a survey was carried out in 2010, in which the Ministry of Labour and Social Affairs requested the Governmental Employment Agencies to give their opinions on the significance and benefits of Green Cards for the Czech labour market. One year after implementation of the Green Card instrument, evaluation of the Green Card instrument by 77 branches of the Governmental Employment Agency showed that employers used this instrument at 37 Governmental Employment Agency branches and agreed to the job vacancy offered by them being displayed in the central register of job vacancies available under the Green Card programme. In contrast, the remaining 40 Governmental Employment Agencies did not have any practical experience with this instrument. Interest in taking advantage of the opportunity to employ foreign nationals under the Green Card programme depends on the number and structure of employers doing business in the district in a certain industry where there is an increased demand particularly for both a qualified and unskilled labour force (industry, agriculture, building industry) but also on the number and professional structure of the eligible interested persons or job seekers. Moreover, the economic recession, which resulted in an overall decrease of jobs offered by employers, set in late in 2008 and was in full swing by 2009, when Green Cards were introduced. As for evaluation of the Green Card as a new type of permit, 46 Governmental Employment Agencies gave a neutral opinion on this instrument one year after its launch, 28 Governmental Employment Agencies stated a neutral opinion and three Governmental Employment Agencies evaluated the Green Card instrument as positive. **However, the Governmental Employment Agencies concurred in the opinion that, due to the changed economic situation in the CR and the related decrease of the number of job vacancies, and due to the higher rate of unemployment and the short time for which Green Card was being applied in practice, it was not possible to make a qualified evaluation of the Green Card instrument with all its positive and negative aspects.**

Selection of Qualified Foreign Workers

There is a final *Report on Implementation of the Pilot Project in the Years 2003-2008*. This report was authored by the Ministry of Labour and Social Affairs and by the International Organisation for Migration. The report was made available to the government and it is publicly available³⁷. There also exists a financial audit of the project but this audit is not available to the public.

Besides that, in 2007, the Sociological Institute prepared a final report titled “*Survey into the Intentions of Foreign Nationals from Third Countries Arriving to the CR to Work on a Work Permit, to Settle in the CR for a Long Period or Permanently*”, based on the Institute’s survey. However, this report is not available to the public.

Another evaluation of the project is contained in the *Report on Implementation of the Project in 2010 and Proposal for Its Termination* (also authored by the Ministry of Labour and Social Affairs).]

Section 3

³⁷ http://aa.ecn.cz/img_upload/224c0704b7b7746e8a07df9a8b20c098/Souhrnn__zpr_va_2003_2008.doc.

Challenges and Barriers

(Maximum 4 pages)

This section reflects on possible challenges and barriers that may affect the attractiveness of a Member State for highly qualified and qualified third-country nationals' immigration.

3.1 Possible challenges and barriers

Q.19. Have challenges and barriers in your country been identified based on previous research which affect the attractiveness of your Member State for (highly) qualified third-country nationals?

[Yes]

Q19.a. If Yes, please indicate these factors.

[Insert response here]

The listing below can be used as an example. Please support your answers with reference to statistics, research or any other sources of information (e.g. media debates, case-law, policy documents, practitioners' views, private sector and other stakeholders):

- *Salaries/Wages;*
- *Economic crisis;*
- *Language;*
- *Formal/Informal discrimination;*
- *Public discourse / debate;*
- *Bureaucracy;*
- *Monetary and non-monetary (time) costs;*
- *Lack of information;*
- *Working conditions;*
- *Small/weak academic/scientific community;*
- *Waiting time to process visa applications in the Member State*

[According to the Ministry of Labour and Social Affairs, the condition requiring that an annual salary must be equal at least to 1 and a half times the average gross annual salary appears to be a possible barrier, resulting in the low number of applicants for a Blue Card.

The stated reasons for lack of interest on the part of foreign nationals include difficulties with finding a suitable job in the Czech Republic and the administrative obstacles connected, for example, with verification of documents and issue of work permits.

On the other hand, the language barrier and insufficient information known by foreign nationals is generally regarded as the basic barrier on the part of the

foreign nationals.

From the point of view of employers, the process of obtaining qualified labour force from abroad is administratively and financially demanding³⁸.

From among members of **the non-profit sector and academic circles**, criticism concerning the selection of countries whose citizens can participate in the selected projects was voiced, among other criticisms.]

Q.20. If such evidence is not available, what is then the national policies makers' or other stakeholders' experience and assessment regarding the challenges and barriers which affect the attractiveness of your Member State for (highly) qualified third-country nationals?

[Insert response here]

Section 4 Conclusions (Maximum 2 pages)

The Synthesis Report will outline the main findings of the Study and present conclusions relevant for policymakers at national and EU level.

Q.21. What conclusions would you draw from your findings that are relevant to the aims of this Focussed Study? Can you identify good practices and lessons learnt with regard to attracting highly qualified and qualified third-country nationals? What is the relevance of your findings to (national and/or EU level) policymakers?

[This study has described and evaluated the programmes and projects focusing on the issue of attracting a (highly) qualified labour force from third countries to the Czech Republic.

The first project at a national level, launched in 2003, was the programme titled **Selection of Qualified Foreign Workers**. The purpose of the project was to obtain qualified and educational foreign experts capable of permanently integrating into the Czech society together with their families, and to help employers find experts who were still lacking on the Czech labour market in spite of the impact of the economic crisis.

Another programme is the **Green Card** project, which was launched in 2009. This programme aims to allow employers to obtain labour force from third countries more quickly and to reduce the administrative burden on both the employer and the foreign national.

The examined area was also influenced by the transposition of the **Blue Card Directive** and **Researchers Directive** (the Blue Card instrument and permits for scientific workers).

The Green Card and Blue Card programmes and the Selection of Qualified Foreign

³⁸ Source: Conference of the EMN in March 2013 on the topic of “*Attracting Qualified Labour Force from Third Countries*”.

Workers project also include integration measures (unlike the Accelerated Procedure, which is oriented on temporary migration).

With all these projects, it was expected and assumed that foreign nationals would take advantage of it to a greater extent than in reality. It is necessary to bear in mind that the said programmes were started at the time of the economic crisis, which had a negative impact on their success.

At the beginning of the year 2012, the project entitled “**Accelerated Procedure for Intra-corporate Transfers of Foreign Investors’ Employees**” was launched. Under this project, highly qualified and senior workers from a foreign company (specialists and managers) may be placed temporarily to a unit of the company located in the Czech Republic.

In connection with the proposal of new legislation governing entry and residence of foreign nationals from third countries, this draft does not envision the use of the Green Card instrument in the future. It is envisioned that, in the future, there will be clearly differentiated permits for highly qualified and qualified foreign nationals on one side and for other workers on the other.]

Sources:

Nekorjak, M.; Hofírek, O. *Programme for Selection of Qualified Foreign Workers – Still a Chance Not Taken Advantage of?* In Trbola, R. Rákoczyová, M. Institutional Conditions for Social Integration of Foreign Nationals in the CR.

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Sociological Institute, *Survey into the Intentions of Foreign Nationals from Third Countries Arriving to the CR to Work on a Work Permit, to Settle in the CR for a Long Period or Permanently*

Contributions and discussion at the conference of the EMN in March 2013 on the topic of “*Attracting Qualified Labour Force from Third Countries*”.

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