



PRAGUE PROCESS
ПРАЖСКИЙ ПРОЦЕСС

Prague Process Handbook on Managing Labour and Circular Migration

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The Prague Process is a targeted migration dialogue promoting migration partnerships and information exchange among the countries of the European Union, Schengen Area, Eastern Partnership, Western Balkans, Central Asia, Russia and Turkey.

This document was produced in the framework of the Pilot Project on Legal Migration (PP2) and Pilot Project on Migration and Development (PP3) implemented from August 2012 to October 2014 within the Prague Process Targeted Initiative – a project funded by the European Union. Fifteen Prague Process countries participated in the project and contributed to the development of this Handbook. Opinions expressed in this document are those of participants of PP1 and do not necessarily reflect the views of the European Union and its Member States, nor are they bound by its conclusions.

The electronic version of this document is available at www.pragueprocess.eu.

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Foreword

This publication is the result of the fruitful cooperation among the sixteen Prague Process states, which took part in the Pilot Project 2 on Labour Migration (PP2) and Pilot Project 3 on Migration and Development (PP3), implemented from August 2012 until October 2014 within the Prague Process Targeted Initiative.

While implemented under the heading of 'Migration and Development', it was decided through consultations among the leading and participating states that PP3 should exclusively focus on circular migration. In a similar way it was also decided that PP2 would foremost deal with the issues of pre-departure information to potential migrants, as well as labour matching mechanisms between countries.

The two Pilot Projects provided a suitable platform to exchange know-how, discuss the different national approaches and current practices, thus strengthening the common understanding of the main concepts shaping labour and circular migration. The regular exchanges that took place throughout these two years generated rich information, combining international practice with the national experience of the PP2 and PP3 participating states, which have been facing diverse migration challenges. The present Handbook aims to reflect the latter and facilitate the implementation of efficient migration management by the responsible policy-makers. The document does not entail detailed information regarding the national migration management systems of the participating states. Such specific information can be found in the Migration Profiles of the concerned states, which are currently being developed within the Specific Objective 2 (Knowledge Base) of the PP TI.

During the project implementation phase most participating states were either in the process of reviewing their migration policy, had done so recently, or planned to introduce novelties in the near future. In this sense, the migration policy setup seemed to represent a process of ongoing adjustments, in which some countries could benefit from the successful practices experienced by others. This set of non-binding policy guidelines aims at acquainting policy-makers and practitioners dealing with labour and circular migration with basic knowledge on how to best manage these forms of migration.

List of Acronyms

BLA	Bilateral Labour Agreement
BMP	"Building Migration Partnerships" project
CIS	Commonwealth of Independent States
CMS	Circular Migration Schemes
EaP	Eastern Partnership
EEA	European Economic Area
EC	European Commission
EMN	European Migration Network
EU	European Union
EU MS	European Union Member State(s)
FMS	Federal Migration Service of the Russian Federation
GAMM	Global Approach to Migration and Mobility
ICMPD	International Centre for Migration Policy Development
ILO	International Labour Organisation
IOM	International Organisation for Migration
M&D	Migration and Development
MoU	Memorandum of Understanding
NGO	Non-governmental organisation
PP	Prague Process
PP2	Pilot Project on Legal Migration
PP3	Pilot Project on Migration and Development
PP AP	Prague Process Action Plan 2012–2016
PP TI	Prague Process Targeted Initiative
TCN	Third-Country Nationals
UN	United Nations

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1. Introduction

1.1. Project Description

1.1.1. Prague Process

The Prague Process is a political initiative that has emerged out of the “Building Migration Partnerships” (BMP) Ministerial Conference, which took place in Prague on 28 April 2009. At this conference, the participating states¹ adopted the Joint Declaration on principles and initiatives for promoting close migration partnerships. Moreover, the participating states agreed to do so through a comprehensive, balanced and pragmatic approach that respects the human rights of migrants and their family members, as well as of refugees. The text of the BMP Joint Declaration² was prepared by the participating states with the active participation of several EU bodies and international organisations. Specifically, the Joint Declaration established the following five areas as a basis for cooperation and the last, sixth area was added after the endorsement of the Prague Process Action Plan 2012–2016³ in Poznan in November 2011:

- preventing and fighting illegal migration;
- integration of legally residing migrants;
- readmission, voluntary return and sustainable reintegration;
- migration, mobility and development;
- legal migration with a special emphasis on labour migration;
- asylum and international protection.

The main aim of the Prague Process has been to promote migration partnerships between the states of the European Union/Schengen area, Western Balkans, Eastern Partnership, Central Asia, Russia and Turkey. Its methodology is based on three pillars: it combines policy dialogue at ministerial level with policy development at expert level and the implementation of concrete initiatives in the framework of its Declaration and Action Plan. This approach shall ensure that the political dialogue does not decouple from the practical experience gained while “working on the ground”. It shall also guarantee that the findings of concrete projects do not get lost but are translated into general guidelines and concepts that are available for all Prague Process participating states.

The Prague Process is – with the exception of the important role of the European Union – a state-driven initiative. It is steered by ministries responsible for migration and led by Poland, while the Core Group advises the Senior Officials’ Meetings,

1 Participants (50 in total): Albania, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Kazakhstan, Kosovo (UNSCR 1244/1999), Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, the former Yugoslav Republic of Macedonia, Malta, Moldova, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Turkey, Turkmenistan, Ukraine, United Kingdom, Uzbekistan, and the EC. Leading state: Poland; Secretariat: ICMPD.

2 See: http://www.pragueprocess.eu/fileadmin/PPP/BMP_Joint_Declaration_EN.pdf.

3 See: <http://www.pragueprocess.eu/english/prague-process/>.

which constitute the decisive body of the Prague Process. The declared intention of the Prague Process is to keep the dialogue among responsible state agencies open for cooperation on the six above-listed topics. Since the dialogue emphasizes an operational approach, practical know-how and the development of joint standards are of special relevance in this respect. The website www.pragueprocess.eu serves as the main source of information on the Prague Process and its Targeted Initiative.

1.1.2. Prague Process Targeted Initiative

The Prague Process Action Plan 2012–2016 outlines 22 concrete activities in the six above-mentioned thematic areas to be implemented during that period. From August 2012 to October 2014, Poland and six other leading states have been implementing the EU-funded initiative “Support for the Implementation of the Prague Process and its Action Plan”, also known as the Prague Process Targeted Initiative (PP TI). This initiative is led by Poland together with the Czech Republic, Germany, Hungary, Romania, Slovakia and Sweden, which also take the lead in the Pilot Projects of PP TI.

PP TI is focused on three main specific objectives. It was developed to ensure continued expert-level dialogue and targeted information exchange among states participating in the Process (through, among others, organisation of yearly Senior Officials’ and National Contact Points’ meetings). Maintaining, updating and improving of the BMP Knowledge Base through the gathering of information in the form of Migration Profiles for countries in Eastern Europe, Southern Caucasus, Central Asia and Russia constitute the second main objective of PP TI. Additionally, concrete projects have been implemented within the framework of PP TI, including four Pilot Projects: Pilot Project 1 on Illegal Migration, led by Poland with the support of Romania and Slovakia; Pilot Project 2 on Legal Migration, led by Hungary; Pilot Project 3 on Migration and Development, led by the Czech Republic; and Pilot Project 4 on Asylum and International Protection, led by Sweden and Germany.

International cooperation is vital for the development of sustainable and mutually beneficial labour or circular migration policies. The PP TI and its Pilot Projects represent an important forum for dialogue and information exchange among decision makers in the participating states. In spite of its inter-governmental nature, the involvement of other stakeholders such as NGOs, international organisations and academia has been actively encouraged throughout the various activities carried out within the PP TI.

1.1.3. Pilot Project on Legal Migration (PP2)

The purpose of the Pilot Project on ‘Legal Migration’, implemented from August 2012 till October 2014, was to share experiences and good practices in organizing labour migration, looking in particular at improving the information flow towards potential migrants on available legal migration channels with a view to promote labour matching. The Project was led by the Hungarian Ministry of Interior with the support of ICMPD. In total, 15 states⁴ participated in PP2. IOM, various NGO representatives from across the Prague Process region and experts from academia supported their efforts.

⁴ Albania, Armenia, Belarus, Bosnia and Herzegovina, Croatia, Finland, Georgia, Hungary, Kosovo (UNSCR 1244/1999), Kyrgyzstan, Moldova, Russia, Sweden, Tajikistan, Ukraine.

The main intention was to bring closer countries of origin and destination in order to discuss common interests and the practical challenges faced and to possibly identify suitable solutions. The project offered a unique opportunity to the participating countries to exchange experience and information within the framework of several workshops as well as to visit non-EU partner countries and EU countries to that end. Participating countries were also requested to describe certain elements of their migration management systems on the basis of a questionnaire, which was developed during the first project phase together with the concerned states.

Following the Pilot Project’s kick-off meeting, three expert-level workshops, one study visit and two expert missions were organised throughout 2013 and 2014. The main findings of these activities were subsequently used for the present publication. More importantly, participating countries were able to strengthen their cooperation and improve their capacities.

States participating in PP2 were situated in various regions such as Central and Eastern Europe, the Western Balkans or Central Asia. In terms of labour migration management, some states featured advanced, well-elaborated policies, while others had only recently introduced explicit migration policies, aiming to increase their regulatory capacities. In several participating states – both countries of origin and destination – labour migration figured among the top policy priorities.

1.1.4. Pilot Project on Migration and Development (PP3)

Among the actions proposed under the ‘Migration and Development’ section in the Poznan Action Plan, the concept of circular migration was selected by the Prague Process participating states as the topic of priority interest to them. Knowledge of the states’ preferences, generated through a questionnaire, helped to approach the future work of PP3 in a targeted way so that its outputs correspond to the real needs of the participants.

Led by the Ministry of the Interior of the Czech Republic, the Pilot Project on circular migration was eventually joined by 15 participating states.⁵ Implemented between August 2012 and October 2014, the project featured five expert-level workshops, four of which were organised jointly with the ones under PP2.

While the concept of circular migration has not been explicitly introduced into the migration legislation of most of the participating states, a number of states have nonetheless successfully implemented pilot programmes on circular migration with selected partner countries. Several sending countries are heavily dependent on the repeated seasonal migration of their nationals, which in fact comes close to the concept of circular migration. This publication entails references to established good practices as well as a set of recommendations on how to engage into circular migration and successfully manage it.

1.2. Sources, scope, aim and structure of the document

This publication to a great extent builds on the experience of the states which

⁵ Albania, Armenia, Belarus, Bosnia and Herzegovina, Croatia, Finland, former Yugoslav Republic of Macedonia, Georgia, Kosovo (UNSCR 1244/1999), Kyrgyzstan, Moldova, Russia, Slovenia, Tajikistan and Ukraine.

participated in the two pilot projects.⁶ National information and data used in this publication were mostly provided directly by the participating states, in the form of answers to the questionnaires or through their interventions during the various meetings. Interventions by external experts who were invited to the workshops are also reflected here within. Finally, this Handbook is also based on external sources and relevant findings generated through extensive desk research carried out by the Leading States of the two pilots with the assistance of the PP Secretariat within ICMPD.⁷

Aiming at a comprehensive approach to enhance the positive impacts of labour and circular migration, this document foremost aims to assist states in their efforts to develop new policy approaches and practical measures in countries of origin and destination. The publication has been prepared primarily for the use by decision-makers and practitioners across the Prague Process States, as well as the wider public. While directed particularly towards the states participating in PP2 and PP3, we hope that the document will inspire further dialogue and cooperation among all PP participating states and beyond.

Based on the structure of the two Pilot Projects, this Handbook consists of two main sections. The first section is dedicated to the issue of labour migration. After a brief introduction into the topic, the Handbook shortly discusses the national policy approaches of countries of origin and destination and provides for policy guidelines at both ends of the migration process. Readers are then shortly introduced to the significance of Bilateral Labour Agreements and provided with concrete policy guidelines for their conclusion. The following two chapters on the provision of pre-departure information to potential migrants as well as labour matching provide not only for concrete policy recommendations but also practical examples from across the Prague Process states. These two core chapters are then followed by brief insights into the protection of migrant workers as well as the issue of data collection and analyses.

The second section is entirely devoted to the concept of circular migration. The introductory part is followed by policy guidelines on three different aspects: some general considerations linked to the concept; ways to enhance spontaneous circular movements; and concrete recommendations linked to the setting up of limited circular migration schemes. Once again, the policy guidelines are complemented by relevant policy examples, providing an insight into some good practices but also less successful attempts to steer circular migration.

The Handbook is complemented by diverse supplementary information assembled in the 'Background Information' section, providing for more detailed information on some of the issues discussed throughout the Handbook. Amongst others, the Annex includes further policy examples, important links and reference documents and an overview of the activities carried out within the two pilots.

6 Issues related to illegal migration or asylum and international protection are out of the scope of this document as they have been tackled in separate publications developed under two other pilots.

7 A draft version of the Handbook was presented to participating states prior to the Concluding Workshop of the two Pilots, organised in Prague on 25-26 September 2014. Participating states were thus provided with an opportunity to propose changes to the text via online consultations on the draft as well as throughout the Concluding Workshop in order for the Handbook to be officially endorsed at the Senior Officials' Meeting in October 2014.

2. Labour Migration

2.1. Introduction

Labour migration refers to the cross-border movement of people for the main purpose of employment or work in a foreign country.⁸ However, there is no universally accepted definition of labour migration.⁹ For both sending and receiving countries, labour migration forms part of their strategies to address economic, social and demographic concerns. Many countries of origin have an interest in sending people abroad to increase private transfers (remittances), lower unemployment rates or to help development by making use of the new skills and knowledge of returning migrants. Meanwhile, for receiving countries labour migration is one of the possible mechanisms to respond to shortages in their respective labour market and (partially) address challenges linked to demographic decline and the ageing of population.

As employment remains one of the key factors for international migration, due attention should be given to the challenges linked to the migration of workers. Patterns of labour migration have become increasingly complex, with temporary, seasonal or circular migration as well as longer-term labour migration reflecting the variety of modern mobility patterns. The better management of legal migration is the best tool to fight illegal migration. Consequently, more emphasis should be put on enhancing legal migration channels. State authorities should follow a migrant-centred approach, aiming to protect migrant workers from discrimination, abuse and exploitation.

2.2. National Policies on Labour Migration

The participating states in the two pilot projects featured countries of origin and countries of destination whose national policies on labour migration differed significantly, even within these two groups. Some source countries characterised by considerable emigration were simultaneously also hosting significant numbers of migrants. Finally, a third group of countries were primarily perceived as transit countries.

During the project implementation phase most countries were either in the process of reviewing their migration policy, had recently done so, or planned to introduce novelties in the near future. In this sense, the migration policy setup seems to represent a process of ongoing adjustments, in which some countries can benefit from the successful practices, experienced by others.

There were also a number of common challenges identified among (most) participating states:

8 The terms 'labour migrant' and 'economic migrant' are often used alternatively but can have different meanings, the first referring to persons engaged in a remunerated activity, the second referring to the motive for migration (the search for economic opportunities) regardless of the activities it is achieved by.

9 Different definitions impact on the categories of migrants involved (covering or not self-employed workers, service providers or remunerated trainees).

- Identifying the work sectors targeted by emigrants/immigrants;
- Filling the gaps in national labour migration policies;
- The need for simplified and less bureaucratic procedures;
- Provision of relevant information to potential migrants;
- Solving the problem of brain drain while also attracting highly-skilled migrants;
- Targeted measures to cope with the challenges resulting from demographic decline;
- Recognition of qualifications before and after migration, especially in relation to informal learning and skills development on the job;
- Tackling the lack of reliable statistics.

2.2.1. Countries of Origin

The approaches to labour emigration by countries of origin can vary substantially. While some countries of origin aim to retain their citizens through targeted initiatives, others are actively promoting their employment abroad. Some countries still have a pure *'laissez faire'* attitude towards emigration, whilst others set up an increasing number of rules and standards and supervise their compliance. Regarding the recruitment and placement of workers abroad, some leave recruitment to private agencies while others assign an active role to national institutions such as the Ministry of Labour or the public employment agencies.

Developed countries' efforts to attract highly skilled migrants may result in a cumulative negative effect on fragile economies, as it can provoke labour shortages in key sectors such as healthcare and education. Such 'brain drain' can be mitigated through a comprehensive response strategy, including innovative circularity schemes and the promotion of ethical recruitment. Moreover, human resource management may play a crucial role to prevent such shortages. Countries of origin should therefore map the needs in their domestic labour markets, taking into consideration the current and projected effects of emigration. Investment in training and education can be combined with incentives to attract workers to return home, and programmes to encourage the return of their highly skilled Diaspora and students.

A major problem for many countries of origin is the skills' mismatch between what is produced by the education system and what is demanded by the labour market, both nationally and internationally. In such a context, it would be essential to encourage stronger synergies between migration policies and education and vocational training reforms.¹⁰

¹⁰ The effort to compare professional profiles in a framework of labour matching at an international level can also produce positive effects on the domestic system of education and vocational training in terms of transparency of qualifications and of reinforcement of the link between training and market needs.

Policy Guidelines to improve the institutional capacity for managing labour migration in countries of origin:

- Various countries still need to make considerable efforts to fill the remaining gaps in their **national migration policies**, especially regarding emigration. Most importantly, the development of a **national (labour) migration strategy**, setting out a clear concept on migration issues, is of crucial importance.
- The **allocation of sufficient financial and human resources** for the management of labour emigration is essential.
- The **effective coordination and cooperation** among the competent authorities responsible for different policy areas at the national level is to be ensured. Moreover, an open dialogue with the **social partners** and **civil society** is strongly recommended.
- In order to ensure the **protection of the nationals** whilst working abroad, cooperation at the regional or wider international level is necessary.
- Source countries are advised to develop **human resources policies** taking into account the current and projected effects of emigration on the domestic labour market.
- Developing knowledge of labour migration trends and **increase the capacity to collect and analyse data** is helpful to ensure that policies are based on empiric evidence.
- Countries characterized by a significant emigration rate should increase their efforts to **better prepare their migrants** for the journey and employment abroad in order to protect them.
- In order to facilitate **efficient labour matching**, potential migrant workers should possibly be provided with up-to-date employment offers from abroad.
- As most migrant workers tend to identify their future jobs through informal networks, including friends and relatives already living in the targeted countries, the importance of maintaining close links and of supporting the national **Diaspora** should be recognized by sending countries.
- Sending countries should enhance the efficient functioning of their national **representations**, consulates and possibly Labour Attachés and Migration Liaison Officers.
- Private voluntary **insurance schemes** such as contributory welfare funds should be set up to meet emergency needs in the country of destination (disability, health insurance, repatriation, etc.), including credit for various purposes, and support for education and training.
- The role of **recruitment agencies** should be acknowledged and good cooperation with them should be established.

Countries of Destination

Destination countries base their admission policies on the needs of their national labour market. While admission procedures vary from one country to the other (even within the EU), most countries base their admission systems on work permits

or similar authorizations (hereinafter together referred to as work permits) delivered on the basis of a job offer. These work permits are usually time-limited and renewable. A permanent residence status can be obtained after a certain number of years, thus securing free access to employment. This right is usually granted earlier to skilled migrants (who often benefit from special immigration programmes) than to low-skilled workers, for whom temporary migration schemes are preferred (notably those in seasonal work) and who are sometimes also excluded from the possibility of gaining a permanent status.

Most countries protect their labour forces by restricting access to their territory for job purposes to those job offers that cannot be filled by national workers. Within these frameworks, work permits are issued only when a labour market test has shown that no suitable national worker could be found within a reasonable period to fill that position. In the EU the principle of Community reference also applies.

Some countries use quota systems which determine the number of entries for labour migration in a determined period of time. Quotas provide a clear reference framework but have been criticised with regard to their lack of flexibility.¹¹ Moreover, some employers have complained about the length and uncertainty of the related bureaucratic procedures.

Policy Guidelines for managing labour migration in countries of destination:

- Analysis of the **national labour market** in order to understand whether labour migration can provide a solution, in part or in full, for adverse **demographic trends** and the subsequent impact on the availability of **social welfare** benefits for future generations. Most (destination) countries still need to elaborate targeted measures to tackle the challenges resulting from demographic decline.
- Detection, assessment and prediction of **labour shortages**, at the national level, for both skilled and less-skilled employment.¹² The identified sectors do not necessarily overlap with the sectors most targeted by incoming labour migrants.
- Simultaneously, there is still a need for the **protection of the national workforce** in case more labour migrants are admitted into the country.
- Measures to prevent the **exploitation** of migrant workers in the workplace and their **discrimination** in the society in general. Such measures include, for example, efforts to convince and educate national populations on the need for foreign labour and to establish normative frameworks for regulating the employment of foreign citizens as well as for establishing effective monitoring mechanisms.

11 For additional information see also EMN Inform on “The application of quotas in EU Member States as a measure for managing labour migration from third countries”: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn-informs/emn_inform_application_of_quotas_en_version_final.pdf

12 Most participating states still need to set up efficient mechanisms to clearly identify existing labour market shortages and keep this overview up to date.

- Measures to prevent or reduce **irregular labour migration** in order to enhance the legitimacy and credibility of a legal admissions policy.
- Mechanisms for the **recognition of qualifications** before and after migration, especially in relation to informal learning and skills development on the job, could be further improved in most participating states. While some countries still lack an explicit policy on this issue, others should mainly focus on simplifying the respective procedures.
- **Simple admission systems** should provide for a rapid and flexible admission of foreign work force needed by the national labour market.
- The **social service offices** in countries of destination should consider the specific interests and concrete needs of incoming migrants and elaborate strategies to tackle them.
- Effective cooperation with source countries regarding **pre-departure orientation and vocational training** of potential labour migrants.
- Setting up adequate instruments for **post-arrival assistance** to newly arrived labour migrants.
- Development of systematic and sustainable **information campaigns** for immigrants.

2.2.2. Bilateral Labour Agreements

“Bilateral labour agreements (BLAs) between source and destination countries allow for greater state involvement and human resource exchange options tailored to the specific supply and demand of the countries involved.”¹³ “They can take the form of ‘legally binding’ treaties or less formal Memoranda of Understanding, or even very informal practical arrangements.”¹⁴ In the absence of a global regime for international labour migration, they remain an important mechanism for inter-state cooperation in the labour migration area.¹⁵¹⁶

BLAs principally follow economic objectives, with a view to filling temporary shortages in the domestic labour market, while at the same time enabling the migrant and the country of origin to benefit from better protection and possibly increased earnings. Beyond these common needs, these agreements often reflect a variety of broader economic, social and political objectives varying from one country to the other.

BLAs regulate and possibly facilitate the recruitment and employment of work-

13 OSCE, IOM and ILO (2006) Handbook on Establishing Effective Labour Migration Policies in Countries of Origin and Destination, Vienna, p. 178

14 Ibid, p.178

15 Politically, BLAs may strengthen the economic relations between the signatory states, facilitate regional integration, or preserve ties between countries sharing historical and cultural links. Destination countries may use them as a negotiation tool to secure the willingness of countries of origin to cooperate in managing irregular migration by readmitting their nationals. Meanwhile, countries of origin are most interested in ensuring that their nationals obtain employment and are adequately protected in the destination country.

16 Ibid, p.183

ers between the parties, formalizing each side's commitment to agreed principles. They can regulate the whole labour migration process from entry to return or only entail provisions on certain issues.¹⁷ As there is no world-wide inventory listing the content of bilateral agreements, nor a rigorous and comprehensive monitoring and evaluation mechanism, there is only limited understanding about the scope and content of these agreements. The further development of a systemized mechanism for the identification of possible partner countries and for the conclusion of bilateral agreements could be further enhanced.

Policy Guidelines on the Conclusion of Bilateral Labour Agreements (BLAs):

- Countries at both ends should actively engage in the negotiation and ratification of BLAs.
- Important issues for consideration include:
- The identification of the **competent authorities** in each country and a description of the respective roles in the recruitment procedure;
- A listing of **migrant workers' rights and obligations**;
- Provisions on the **portability of social security rights**;¹⁸
- Provisions on the **recognition of qualifications**;
- Provisions to prevent indiscriminate international **recruitment in short-age sectors**, which have a direct bearing on the development of the source countries.
- BLAs can thus ensure more transparency, better protection and higher return rate of labour migrants.
- BLAs have proven to be particularly efficient in managing the temporary employment of foreign workers when targeting **specific shortage sectors** and setting a quota or ceiling.
- BLAs should include concrete provisions on how the **recruitment process** will be organised.
- The implementation of such agreements is facilitated through the **active engagement of employers, recruitment agencies, the private sector and labour unions**.
- The mere existence of BLAs should not automatically be considered as a good practice. The signing of an agreement does not guarantee that its **content** is indeed satisfying, therefore continuous monitoring is necessary.
- In-depth studies and the application of a relevant results framework should contribute to the **evaluation of BLAs** and provide useful information to policy makers on them.

17 Ibid, p.177-178

18 Within the EU there is a system of social security coordination that governs the portability of social security benefits.

2.2.3. Pre-departure information

The legal entry and residence for the purpose of work does not only require knowledge of the immigration procedures and respective requirements in the envisaged destination country, but also of the concrete field of work, the employment conditions and various other socio-economic aspects. It is thus crucial to equip potential migrants with the information needed for a safe and lawful migration, as well as for their stay and employment abroad.

From the country of origin's point of view, pre-departure methods can contribute to ensuring the protection and preparedness of future migrants, optimizing the benefits of organized labour migration and enhancing the positive development effect of migration while mitigating the adverse impact of the emigration of high-skilled workers. Meanwhile, from a country of destination perspective, support provided already in the country of origin can serve as a tool to improve labour matching, support legal migration channels and ensure the early socio-economic inclusion of immigrants.¹⁹ The importance of integration support for migrants well before their departure is frequently being highlighted.²⁰ The adequate preparation of migrants thus derives not only from the source country's responsibility for its own nationals but benefits countries of destination as well.

Most migrant workers are unaware of the practical, legal, social and economic conditions and consequences of their migration plans and the process it involves. They thus become more vulnerable to abuse throughout the different phases of recruitment, travel and employment. Problems faced by migrant workers include:

- Excessive intermediation fees;
- Skills gap;
- Lack of appropriate language knowledge;
- Poor knowledge of administrative procedures;
- Poor working conditions;
- A lack of social security coverage and entitlement to benefits;
- The denial of their rights;
- Discrimination and social exclusion.

Such support can contain information sharing on admission regulations or on migrants' rights and responsibilities, as well as providing language tuition or vocational training to help them in finding employment or social contacts upon arrival.²¹ Up-to-date information before departure can also facilitate the understanding of the labour market, host society culture and available support structures in the country of destination, thereby contributing to the successful migration outcomes.²²

19 One interesting project in this respect is the 'Headstart Project'. See: <http://www.headstartproject.eu/index.php/pre-departure-integration-support>

20 See, for example, the European Agenda for the Integration of Third-Country Nationals (2011).

21 See: <http://www.iom.int/cms/en/sites/iom/home/news-and-views/press-briefing-notes/pbn-2014/pbn-listing/iom-partners-improve-pre-departu.html>

22 See: <http://www.iom.int/cms/en/sites/iom/home/news-and-views/press-briefing-notes/pbn-2014/pbn-listing/iom-partners-improve-pre-departu.html>

Policy Guidelines on Pre-Departure and Post-Arrival Assistance to Labour Migrants

1. Pre-departure information to potential migrants

- The **main issues** that potential migrants should be informed about include the following:
- Procedures regarding visa and residence permits, travel and employment;
- Risks of irregular migration, human trafficking and illegal recruitment and existing prevention mechanisms;
- Job opportunities and current vacancies abroad;
- Safe recruitment, the legal aspects of entering into labour contracts and the labour and employment conditions abroad;
- Rights and duties in the destination country (including those laid down in bi – and multilateral agreements, if such are in place);
- Social security rights and the pension schemes used in the host country;
- The mechanisms available to ensure respect of these rights;
- This information should be provided through **adequate and easily accessible channels** such as: Migration Resource Centres, Employment Centres, TV campaigns, radio broadcasts, printed materials (i.e. leaflets/brochures), websites, telephone hotlines, national representations abroad, private and public employment agencies, specific thematic events etc.²³
- While it is challenging to establish and maintain, an **up-to-date database** of vacancies available abroad should nevertheless aim to provide for **concrete vacancies** rather than job-related information of general nature.
- The information, consultation or formation services provided should possibly be **free of charge**.
- The fact that a significant share of the targeted migrants in some countries may be low-skilled and neither have regular internet access nor English proficiency should be considered in the **design** of the respective information tools and channels.
- As many migrant workers come from **rural areas**, it is important to ensure that they are also able to benefit from the provision of pre-departure information and assistance. The latter should therefore not be confined to the capitals and main cities of a given country.
- Pre-departure information services should be carried out within a **broad institutional framework**. Governments, NGOs and other civil society actors²⁴, private recruitment agencies, research bodies²⁵ and international organizations are or should be involved in the process.

23 The three main forms of pre-departure measures identified in the participating states include operating centres for migrants, maintaining hotlines and websites.

24 Governments should provide opportunities for NGOs to facilitate the preparation process by using their experience, knowledge, contacts and expertise in this field. This can lead to in-country as well as cross-border cooperation among the actors operating the migration field.

25 Research centres can also play a useful role in the process of providing pre-departure information for citizens wishing to emigrate. By exploring social problems and conducting ex-ante and ex-post impact assessments they can contribute to the adequate preparation of potential migrants.

- As pre-departure information is often provided by **different institutions**, the work of these various actors should be **coordinated** and **mutually reinforced**.
- Employment centers can provide services in **various stages**: i.e. general information²⁶, information on employment possibilities in the domestic labour market²⁷ and, finally, on employment abroad.
- **Telephone hotlines** for migrants should be reachable free of charge. Such hotlines could also be installed in the countries of destination to support incoming migrant workers. The hotlines should not only serve the aim of raising public awareness on the various issues linked to the migration process but also provide **individual consultation** to specific requests.
- The development of **separate information packages** on individual countries of destination is strongly recommended. The latter should include links to the relevant government bodies dealing with immigration. Such information should also be made available in the national representations abroad.
- **Exchange of information** between states on legislative and practical changes is crucial for providing up-to-date information to potential migrants.

2. Provision of trainings and courses

- The provision of pre-departure **orientation trainings** is strongly recommended in order to ensure the benefits and reduce the potential dangers of migration. Such trainings may, for example, focus on: basic language skills, financial management, health counselling or human rights awareness, the socio-economic, political and cultural specificities, as well as main rules and practises in the country of destination. The cultural, educational and socio-economic backgrounds of individual migrants are to be considered in the provision of information or formation courses and trainings.
- **Targeted professional formation** for potential labour migrants should be further promoted and also be made available through online training.
- The success of pre-departure vocational training could be further facilitated through its integration into the **national educational training systems**.
- Assistance can be deployed in terms of pre-departure but also **accompanying measures** throughout the whole migration process, including a complaint mechanism in the host country. Information on safe migration and employment should be a **continuous process**, carried out on a wider scale.

26 This general information may refer to the national labour market situation, the availability of additional formation courses, contacts to existing employment agencies etc.

27 This second stage can provide for a number of services aiming at finding job opportunities in the domestic labour market, including training and skills development/improvement through vocational education and a specific training system, or information on labour rights and existing vacancies.

3. Post-arrival assistance

- Besides countries of origin, **countries of destination** should also take active part in providing information to potential migrants, most ideally in the languages of the most typical countries of origin.
- One possibility to increase the effectiveness of information services is to establish **linkages to the relevant public authorities** such as the national immigration services, the register offices or the police. This approach can ensure practical guidance and advice on issues such as residence permits, citizenship, residential registration or the national social security system.
- Host countries may also offer 'welcome courses' to newly arrived immigrants. Such courses may last from several hours to several days and should be offered in the language of the target group.

Policy Example # 1

Hotline 189 (Kyrgyzstan)

One good model from a sending country is the hotline 189, established by the Kyrgyz Republic. This national hotline provides information on the issues of migration and fight against human trafficking. The hotline service, which can be contacted free of charge, is managed by the Overseas Employment Centre. The main aim of the hotline service is raising public awareness on the following issues:

- rules underlying the migration process
- possible consequences of illegal migration and illegal employment
- possibilities for legal employment
- basic principles of the law of foreign countries with regard to illegal immigrants
- possibilities of studying abroad
- marriage/divorce with/from foreign citizens
- issues linked to both tourism and emigration (permanent residence)
- recruitment methods
- risks of trafficking and exit strategies in situations of sexual/labour exploitation

On a monthly basis, the Hot Line 189 receives an average of approximately 150 calls. The total number of calls for 2013 was 1.530.

Policy Example # 2

Virka Info (Helsinki, Finland)

One good example of an operating hotline in a receiving country can be found in Finland. 'Virka Info'²⁸ is the public information service for residents of Helsinki, which offers general information and advice on living and working con-

ditions in the Helsinki area, as well as special advice and guidance on immigration issues. 'Virka Info' serves as a Citizens' advising office of the Finnish Immigration Service, the Helsinki Register Office and the Police. The centre also gives practical guidance and advice for people moving to Helsinki from abroad on issues such as residence permits, citizenship, residential registration and Finnish social security. As part of their work, Virka Info maintains hot-line services offering guidance in 14 languages.²⁹

Policy Example # 3

The EU Immigration Portal

The EU Immigration Portal provides useful information to TCN wishing to migrate to an EU Member State, including information on EU and national immigration issues as well as other complementary information and important links.³⁰ The content is available in English and French. The Portal is operated by the Directorate General Home Affairs of the European Commission.

The website provides a search tool for detailed information on specific immigration situations. Potential migrants can find information adapted to their specific situation and the EU country they are interested in. The country specific information includes links to the relevant government bodies dealing with immigration.

The EU Immigration Portal explains the rights of irregular migrants and the risks related to irregular migration, as well as information on EU policies and law, thus being extremely helpful to those wishing to know more on what to do before coming to the EU, or about their rights once in the EU.³¹

Policy Example # 4

The Belarus NGO 'La Strada'

La Strada can be mentioned as a good example. It operates a hotline providing information on visa issues and labour legislation in the envisaged countries of destination. In addition, it operates its own (closed) database containing such information. The NGO contacts embassies to gather up-to-date information. It has moved away from general information provision to individual counseling, which required the recruiting of additional staff.

One unique practice is the possibility for migrants to turn to 'La Strada' with the request to, for example, check the content and legal terms of the work contract between Belarus citizens and foreign employers in order to secure the rights of the potential migrant.

Another major area of their activity is to provide direct social, legal and psychological support to victims of trafficking. People can come anonymously, if they wish, and also provide feedback to the authorities whether the legislation in place is working in practice or not.

29 Finnish and Swedish, English, Russian, Arabic, Chinese, French, Bulgarian, Berber, Somali, Kurdish, Turkish, Dari and Persian (Farsi)

30 See: <http://ec.europa.eu/immigration>

31 Several participating non-EU states confirmed using the EU Immigration Portal to provide citizens with information on migration possibilities to the EU. Albania has used its content for establishing "information packages for migration" to its nationals.

28 See: <http://www.virka.fi/en/info/english> See: <http://www.virka.fi/en/info/english>

Policy Example # 5

Guidebook for Migrants

In order to better inform potential emigrants as well as immigrants, the relevant Georgian authorities have developed a special guidebook, which contains comprehensive information relevant for both target groups. The guidebook has been developed by the secretariat of the State Commission on Migration Issues of Georgia with close cooperation of ICMPD and has been supported in the framework of the EU-funded program “More for More”.

2.3. Labour Matching

Matching jobs has become a high-priority policy concern, especially in view of the fact that mismatches may not only result in so-called ‘brain waste’, but also fail tackling the employment needs and shortages of the host countries in the long run. Throughout the ongoing global economic crisis, avoiding skills and jobs mismatch has been given increasing importance.

The most basic problem faced by an employer seeking foreign labour is how to identify potential candidates for employment outside the country. There are two formal ways in which labour matching can be done when the employer is in one country and the potential employee in another. The first is for the employer to recruit abroad, the second is to allow the prospective migrant worker to enter the country to look for work. Both are de facto ‘minority’ recruitment channels that, if not properly supported and promoted, can hardly compete with the faster and cheaper recruitment through informal/irregular networks. “Job search” visas have been traditionally introduced for recruiting highly skilled workers by several settlement countries and have been much more rarely used for lesser skilled workers. Direct recruitment abroad can represent a valid alternative but needs some kind of institutional arrangement between the two countries and cannot be used for each type of labour need.

Policy Guidelines for Labour Matching

1. Bilateral Cooperation

- **Bilateral cooperation** is a key factor in the functioning of the recruitment mechanism, and transparency in selection and costs.³²
- **Important elements** to be included in Bilateral agreements or Memoranda of Understanding concerning labour matching feature the following:
- A detailed description of the **required admission procedures** for foreign nationals;

- Provisions regarding **mechanisms for identifying and selecting candidates** (i.e. through joint selection committees or procedures);
- Reference to the **intermediation** by employment agencies or other actors of both countries (either public or private).
- The methods applied for enhancing labour matching should be in line with the need for **different types of assistance** depending on the legal context of the relationship between the country of origin and the country of destination.
- **Pre-departure vocational training** and **language courses** are useful to bridge gaps in the profiles of selected workers and allow them to make full use of their skills in the country of destination. In the framework of bilateral agreements, the costs of training can be borne by public authorities or by the employers. Moreover, the various formation measures should not only be provided prior to departure, but also upon arrival, possibly through scholarships and temporary work programmes.
- Countries of origin may consider carrying out **media and PR campaigns** promoting the employment of certain migrant workers in the targeted countries of destination.
- Lists with vacancies in destination countries should not only be accessible at the Migrant Resource Centers and Employment Centers but also **online**.
- When **direct agreements** are concluded with employers abroad, it is advisable to ensure that experts from the source countries visit the respective work places beforehand in order to ensure that the conditions for employment are appropriate.
- The **work conditions** at the new workplace abroad could be monitored by the responsible authorities of the sending country for a certain period (i.e. until receipt of the first salary).
- **Ethical recruitment** is highly recommended in order to avoid a lack of qualified workforce in certain labour market sectors in the source country (i.e. health care sector), especially in rural areas.
- Effective labour matching can be facilitated through credible **information exchange** between the key actors in the labour markets at both ends. Countries of origin should also seek good relations to relevant **civil society** organisations in the hosting countries.
- Mutual confidence can be further raised through the creation of a comprehensive **electronic interface** to subscribers at both ends, enabling quick and consistent communication of job-seekers’ profiles between the actors. The interface should also provide instruments to ensure the protection of the personal data of job-seekers as well as commercial information of companies during the exchange.
- **Online platforms** for labour matching can either target job seekers directly or intermediary institutions such as public and private employment agencies. The latter approach could facilitate the reliability of the

³² Apart from BLAs, partner countries may also conclude MoU or privileged-entry quota agreements at a bilateral level to match the labour needs in specific sectors of the labour market.

published information as well as overall interaction. The platforms may nonetheless allow for the upload of job-seekers' profiles, including their personal data and contacts, qualification and professional experiences.

- Another useful tool is an **online instrument** to assess language and other relevant skills.
- Specific measures could be undertaken to enhance labour matching in **cross-border regions**.

2. Recruitment of Foreign Workers

- The organization of **interviews** with potential candidates on behalf of foreign employers is deemed an effective labour matching practice. Alternatively, interviews of potential candidates by foreign employers could also be carried out **online**.
- **Databases** of would-be migrant workers, set up by the relevant authorities of the country of origin, are of great use during the selection procedure. However, personal and professional data contained in these databases, sometimes just the outcome of a worker's self-assessment, need to be carefully verified and regularly updated.
- In some countries available migrant workers are only listed in the database for recruitment after having successfully passed the language test and medical examination. The duration of their **listing in the database** should not be overly short.
- The **databases should be accessible** for countries at both ends of the migration process in order to ensure transparency and effective coordination.
- Recruitment programs may set an **age limit** for potential candidates although such limitation may not always be of added value.
- It is important to set up **monitoring mechanisms for recruitment agencies** in order to avoid malpractice and abuse. Possible measures in this context include codes of conduct, registration and licensing, inspections, reporting etc.
- The establishing of a comprehensive mechanism regarding the **cooperation with private employment agencies** is advisable.
- Migrant workers should be provided by their employers with a **health insurance**. The provision of **free accommodation** by the latter is also to be considered or if the workers are required to pay a rent it shall not be excessive compared with their remuneration.
- Some NGOs provide potential migrants with the possibility of **checking their specific work contract** with a foreign employer in order to secure the rights. Such practices could be further supported and broadened.

3. Recognition of Qualifications and Skills

- States should undertake efforts to improve the **transparency of qualifications** that are relevant for migrant workers and also acknowledge skills acquired by migrants abroad.
- The rules relating to **recognition of diplomas and qualifications** can greatly affect the skill level of employment that migrant workers are permitted to access. As the fragmentation of the system discourages migrants to seek recognition of qualifications and competences, the harmonisation of differing recognition procedures should be promoted to enhance transparency and simplify the access to the recognition system. Moreover, a system of recognition of diplomas and qualifications between major countries of origin and destination would mitigate the 'brain waste' phenomenon.
- Another important challenge relates to the **need for early and timely recognition**: foreign credentials are to be assessed as early as possible in order to reduce relative disadvantages. This could be enhanced through pre-migration screening and the setting of time limits for the recognition procedure.

4. Social Portability

- When it comes to the issue of **social portability**, in the foreseeable future the priority lies in ensuring fairness between countries. While this is easier to achieve regarding pension rights, it is less so for health coverage.
- A first meaningful step could be taken at the national level by **granting exportability of accumulated rights** to all citizens. Moreover, source countries should first think of how to ameliorate their own national benefit systems.
- On the transnational level, it is crucial to ensure efficiency whereby the decision on where to move should not at all be impacted by portability issues. No country should lose out or win from **portability agreements**.
- In the case of widely differing or even inexistent social or pension systems, which do not allow for portability agreements, migrants could be offered the **value of their contributions** and an interest rate when leaving the host country.

5. Further Important Considerations

- Offshore recruitment is a time-consuming process and therefore **most suitable for sectors whose shortages are recurrent and predictable** well in advance, such as for seasonal work.

- The creation or reinforcement of **agencies in charge of assessing labour needs** is strongly recommended, both at domestic level and abroad. Important tasks include the collecting of data on prospective labour migrants, providing information on labour migration rules and opportunities, cooperating with the relevant authorities of destination countries on pre-selection and recruitment, accompanying and counselling migrants, supporting returnees etc.
- Due to the costs involved and the length of the whole process, recruitment abroad is not particularly suitable for small firms or for individual employers, while, for example, employers' associations can pool a certain number of requests and recruit on behalf of their members. Moreover, public programs should be designed in a way to also help **small companies** to solve their labour shortages.
- Countries should possibly establish an **estimation of the work force required** for each industry and develop a concrete policy for hiring foreign workers.
- The **involvement of employers** or their representatives in the selection process is crucial. Moreover, an active dialogue with the **social partners** should be developed and maintained.
- Specific provisions in the legislative framework of the country of destination can provide for **incentives for employers** opting to directly recruit abroad (i.e. administrative simplification or partial coverage of the costs associated with pre-departure training).

Policy Example # 6

The Overseas Employment Centre in Bishkek, Kyrgyzstan³³

This Centre is one model for a centralized system. It provides services to the citizens in three stages: general information, information on employment possibilities in the domestic labour market and, finally, employment abroad. Applicants can pass to the section on employment abroad only after having learnt about the existing opportunities within the country.³⁴ This section provides for professional and legal preparations and pre-departure orientation entailing detailed information on the socio-economic, political and cultural specificities of the destination country.³⁵

33 IOM played an important role in the set up of the Overseas Employment Centre in Kyrgyzstan. In 2014 there were plans to expand this experience in another region of the country.

34 In a first stage, citizens are informed about employment opportunities, the situation in the labour market and existing employment agencies. The second stage provides a number of services aiming at finding job opportunities in the domestic labour market, including training and skills development/improvement through vocational education and a specific training system, and information provision on labour rights and existing vacancies. Citizens who are not satisfied with the provided job offers are referred to the third stage, aiming at employment abroad.

35 Source: <http://iom.kg/en/?p=642>

The rules and address for submitting applications are equally explained (government agencies, embassies, NGOs) as the working and payment conditions abroad, the social and cultural specificities and legal aspects of entering into labour contracts with employers and other relevant actors. Depending on the destination country, potential labour migrants are provided with a wide range of relevant information from passport and border crossing regulations, conditions for staying and abiding by foreign legislation to possibilities of pension contributions. Information is also provided on rights and duties laid down in bi- and multilateral agreements between Kyrgyzstan and the hosting states.

The potential migrants are informed on educational and qualification requirements and provided with more detailed information on specific vacancies in Russia, the Republic of Korea, and Kazakhstan. The Centre receives information on vacancies from a range of Russian employers. For those willing to work in the Republic of Korea, complete information about the Work Permit Granting System is provided.³⁶ Information will soon also be provided on legal employment opportunities in the United Arab Emirates.

The methods used for enhancing labour matching with different countries of destination show different characteristics and create the need for different types of assistance depending on the legal context of the relationship between the Kyrgyz Republic and the specific target countries.

Comparative analyses of the labour migration procedures towards the three main destination countries

	Korean Republic	Russian Federation	Kazakhstan
Existence of bilateral cooperation for labour matching	yes	no	no
Service provided by the OEC	providing pre-departure information organizing pre-departure training handling database	establishing direct contact with Russian employers checking working conditions providing a list of vacancies	providing general pre-departure information
Kyrgyz migrants' level of education	low	low, middle, high	n.a.
Length of stay	1 year	visa free: 90 days within a 180-day period longer: with work permit or patent	60 days visa free, but return is possible

36 According to the Memorandum between the Ministry of Labour, Migration, and Youth of Kyrgyz Republic and the Minister of Labour of the Republic of Korea.

Challenges	need for public campaigning on the availability of Kyrgyz workers	visa free regime encourages people to leave without proper preparation	no specific inter-state cooperation
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Policy Example # 7

The ULISSES Platform in Armenia – The use of databases for the purpose of labour matching

The fact that approximately one third of Armenian citizens is currently living abroad underlines the crucial significance of labour migration for the economic stability at both ends of the migration process. Present priorities for the national migration policy include the legislative harmonization with the policies of EU countries, improved data collection on migration flows, diaspora engagement, the creation of a migrant database, the implementation of anti-trafficking measures, and the establishing of migrant resource centres across the country in order to provide potential migrants with the necessary information, orientation (including vacancies abroad) and preparation. So far, more than 1.100 migrants have benefitted from these initiatives.

The ‘Strengthening Evidence-Based Management of Labour Migration in Armenia’ project is implemented by the International Centre for Human Development (ICHD) in partnership with the International Organization for Migration (IOM) and with the financial support of the EU. The Umbrella Information Support System for Employment Services, better known as the ULISSES Platform³⁷ was officially presented at the Steering Committee Meeting on the 13th of September, 2013.

The Platform³⁸ enables the effective matching of labour demand in EU member-states and labour supply in Armenia via facilitating credible information exchange between key actors in labour markets and substantially reducing transaction costs and ensuring confidence towards the circular labour migration process among private businesses, public institutions and societies at large.

The ULISSES Platform offers a professional, universal and comprehensive interface to subscribers at both ends enabling quick and consistent communication of job-seekers’ profiles between the actors. The Platform also provides instruments to ensure the protection of the personal data of job-seekers and commercial information of companies during the exchange.

The Armenian Private Employment Agencies (PEAs) subscribed to the Platform create and develop their segments (databases of job-seekers’ profiles) based on the EU best practices. These segments are subsequently exposed to EU based employers and recruitment agencies upon approving the request of an interested employer and disclosing additional information commissioned by PEAs. The Platform also provides PEAs with proper cloud-based business instruments based on quality service management operational procedures.

37 See: <https://www.platform.ulisses.am/eng/> See: <https://www.platform.ulisses.am/eng/>

38 For further information see ULISSES Handbook: https://www.platform.ulisses.am/static/ULISSES_System_User_Handbook_ENG.pdf

The services of the Platform are offered to job-seekers and companies free of charge (no additional service fees are charged for using the platform).

Only intermediary institutions can subscribe and thus, explicitly use the services offered by the Platform, while the job-seekers interested in placing their profiles and exposing themselves to employers in the EU should approach an intermediary private or public company. Such an approach should particularly ensure that the information available on the Platform is reliable and the overall interaction is facilitated consistently. The ULISSES Platform enables to create profiles of job-seekers including their personal data and contacts, qualification, professional experiences, and provides with online tools to assess their language and general skills and competences.

The ULISSES targets both job-seekers interested in becoming circular labour migrants and employers wishing to recruit from abroad. The vacancies available in the ULISSES Platform cover a wide range of occupations, mainly of temporary or seasonal nature. ULISSES is a free service both for private employment agencies and employers, subject to the conditions set out by individual ULISSES members. As there is no limitation concerning the citizenship of the job seekers, agencies and employers, these can register from any country. Hence, this Armenian initiative could actually have an effect on a wider scope of people seeking a job or a work force.

Policy Example # 8

The EURES Portal

The purpose of EURES is to provide information, advice and recruitment/ placement (job-matching) services for the benefit of workers and employers as well as any citizen wishing to benefit from the principle of the free movement of persons. Set up in 1993, EURES is a cooperation network between the European Commission and the Public Employment Services of the EEA Member States (the EU countries plus Norway, Iceland and Liechtenstein) and other partner organisations. Switzerland also takes part in EURES cooperation. The joint resources of the EURES member and partner organisations provide a solid basis for the EURES network to offer high quality services for both workers and employers.³⁹

In European cross-border regions, EURES has an important role to play in providing information about and helping to solve all sorts of problems related to cross-border commuting that workers and employers may experience. Through the EURES portal you have access to relevant workers mobility information, a job search facility and a network of more than 800 EURES advisers. Although the EURES advisers are providing their services for EEA citizens, the online database of job seekers and employers can be accessed by anyone registering. By selecting “Search for a job” one can access job vacancies in 31 European countries updated in real time. By registering for free with “My EURES” for job-seekers one can create his CV and make it available to both registered employers and to EURES Advisers helping employers to find suitable candi-

39 See: <https://ec.europa.eu/eures/main.jsp?catId=27&acro=eures&lang=en>

dates. By accessing the section on “Living and Working”, the labour migrant can ensure that he is both prepared and well-informed about the employment situation and living and working conditions in the targeted EEA country.

The use of the EURES database by potential migrants has been suggested as a possible way of multilateral labour matching for third-country national workers. In fact, according to a Finnish EURES Adviser, many CVs are already uploaded by third-country nationals. The EURES database thus has farther reaching effects than it was originally constructed for, namely the increase of mobility of EEA citizens within the European Economic Area.

2.4. Protection of Migrant Workers

International and regional human rights instruments, developed under the auspices of the UN system or the ILO, protect the fundamental rights of all human beings, regardless of their nationality and legal status. One governing element recognised by these instruments is the principle of non-discrimination, which implies that all foreign nationals should be treated on equal terms with citizens.

Due to their potential vulnerability to discrimination, exploitation and abuse, the protection of migrant workers is a crucial aspect of labour migration policies. Migrants often suffer from a lack of rights when it comes to health, safety, salary levels, working conditions and other work related standards. This is especially the case for migrants working in low status sectors of employment, which are not sufficiently regulated or where regulations are not respected or enforced. The possibility of work in the informal sector is a strong pull factor for illegal migration and exposes migrants to potential exploitative practices. In order to reap the potential benefits of labour migration, it is decisive to ensure minimum standards of protection, including basic human rights, for all migrant workers.

Policy Guidelines on the Protection of Migrant Workers

- The elaboration and implementation of **national policies** supporting the protection of migrant workers is strongly advisable.
- **Possible measures** by state authorities include the following:
 - monitoring of the recruitment and working conditions;
 - licensing of private recruitment agencies;
 - negotiation of bi – or multilateral agreements with the targeted destination countries, including on the provision and portability of social protection;
 - provision of pre-departure information, on-site services and other support measures;
 - reduction of intermediary fees and of overall migration costs
- The protection of migrants’ rights requires dialogue and cooperation among states, either on a bilateral or multilateral level. **Inter-state cooperation** among partner countries should be enhanced.

- Enforcement of clear **minimum labour and human rights standards**⁴⁰ for the protection of workers is necessary to prevent the exploitation of migrants.
- It is recommended to improve **enforcement measures against illegal employment** and send a clear message to employers, setting out their concrete obligations as well as administrative and penal sanctions in case of infringements.
- **Monitoring and inspection** are necessary to prevent exploitation, detect forced labour and ensure minimal decent working conditions, in particular in areas such as agriculture, construction, domestic work and other sectors where irregular employment prevails.
- When it comes to the question whether migrants should have full access to the host country’s **social system**, it has to be considered that many migrants often have no interest in enjoying all available benefits but solely aim for the accumulation of savings.
- In order to avoid the **double taxation** of migrant workers, states can establish explicit policies in this direction, either through the conclusion of bilateral agreements⁴¹ or being signatory to international conventions covering taxation across borders.⁴² In addition, some countries have also introduced specific provisions on the taxation of migrants in their national policies.⁴³ Income earned as a result of activity performed in another country shall be subject to taxation in the country where it was earned or in the country of residence. In case of taxation of income in the source country, this should be agreed with the resident country for the purpose of avoiding double taxation.⁴⁴

40 Various international standards are of relevance in this respect, including on forced labour, child labour, freedom of association and non-discrimination, protection of wages, emergency health care for all etc.

41 So-called “Agreements on Avoidance of Double Taxation and Prevention of Tax Evasion” basically aim to enhance the economic cooperation among countries and to attract foreign investment. The model of bilateral agreements developed by the Organization for Economic Cooperation and Development (OECD) may serve as the basis for the *respective texts which define the principles of taxation between countries. Albania, Armenia, Belarus, Bosnia and Herzegovina, Finland and Georgia are among the participating states having signed bilateral agreements with numerous partner countries.*

42 For example, the Convention on the Legal Status of Migrant Workers and Members of their Families of the CIS includes provisions on the prevention of double taxation.

43 For example, the Albanian Law on Foreigners provides for the equal treatment of foreigners and nationals regarding their taxation.

44 Another main objective is the prevention of tax evasion through the introduction of international standards of information exchange for tax purposes.

Common challenges faced by immigrants in the country of destination

In order to complement the picture, participants of the Pilot were also introduced to an example of **post-arrival assistance** granted to incoming migrants in a destination country (Czech Republic).⁴⁵ Providing assistance to immigrants in need is neither easy nor effective in its present form. Among the problems faced by immigrants are the following:

- Migrants often remain outside the public insurance system and thus depend on incomplete private **health coverage**. Moreover, the social services provided to migrants often ignore the specific interests and concrete needs of their target group.
- Companies often commit irregularities when **hiring** TCN.⁴⁶ Furthermore, employers remain hesitant about hiring immigrants and the increasing number of administrative requirements makes it even harder for them.
- Most informal jobs that migrants are forced to accept are not recognised as relevant **professional experience** thereafter. The soft skills and other qualifications (i.e. IT courses) acquired by migrants should be better considered.
- Immigrants generally tend to accept the disadvantages in terms of **employment conditions**. Hence, they do not 'steal' the jobs of unemployed nationals.
- Migrants can only apply for a permanent residence permit after several years of stay (normally, five to seven years). In the meantime, they frequently suffer from a very **insecure residence status**. As most immigrants envisage a long-term stay, including family reunification, their residence status could be enhanced at an earlier stage.
- While not all immigrants have the possibility or will to integrate fully, the prolongation of their residence status is often linked to the acquiring of language skills and ongoing **integration efforts**.
- Many **funding sources** (such as the European Social Fund) are only targeting EU citizens who would end up in unemployment. Immigrants require a long-term residence permit to become beneficiaries.
- Several countries featured an overall incoherence between the various ministry departments, responsible for incoming migrants. As the changing requirements and conditions pose a great challenge to both immigrants and the labour market, the exact **policy objectives** and strategies should be set out clearly.

2.5. Data Collection and Analyses

Public policies should be developed, implemented and evaluated with the support of reliable and impartial statistical information. Migration, in particular, is a topic that attracts a high level of public interest and is politically very sensitive. Statistical information is often unavailable, unreliable or biased on the basis of political aims. Public debate and policy making would therefore gain from credible and comprehensive data and figures.

As they are responsible for regulating entry into their territories, state authorities are in a key position to gather migration data. Even though most states collect a certain amount of basic entry data, many countries do neither collect, publish, nor standardise migration data, in particular when of sensitive nature. Finally, the resulting data sources are frequently typified by problems of under-reporting and poor reliability, mostly due to unreported emigration.

Compared to other demographic components (i.e. on birth or mortality), data on migration lacks quality. This is especially the case when it comes to assessing ongoing trends on migration flows, such as the impact of the ongoing economic crises, for which there is a lack of timely and reliable data. While migration is more responsive to short-term economic factors than other demographic events, rapid information on changes in migration flows does not exist. If data collection on migration in general tends to be problematic, the problem aggravates even further in case of sudden crises situations and their migratory impact.

There is no internationally accepted legal definition of what constitutes an international migrant.⁴⁷ Divergences also occur in defining and examining issues such as 'migration background', 'second generation' or 'ethnicity'. In the EU, significant progress has been achieved with the entering into force of the EC Regulation on migration statistics.⁴⁸

Policy Guidelines on Data Collection and Analyses

- Many countries still need to significantly improve their data collection systems. In their endeavour to do so, they can certainly **learn from the more advanced systems** and good practices of other countries.
- **Problems of compatibility** of data arise when countries produce national statistics by applying different methods to enter data in their population registers or by using diverging definitions. Consequently, a harmonised approach would enhance the comparability and analyses of the collected data.
- Any investigation of international migration data and trends must inevitably begin with an assessment of the **reliability and comparability** of each

⁴⁷ Some countries such as Australia, Canada and the USA traditionally focus on collecting data of foreign-born individuals while others, such as most EU countries, still largely focus on citizenship. Furthermore, in the EU, another distinction is made between EU citizens using their right to free movement within the EU and "third country nationals" in the EU.

⁴⁸ Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers

⁴⁵ Presentation by Barbora Machova on "Information provision and assistance to incoming migrants" during the 2nd Joint PP2 and PP3 Workshop in February 2013.

⁴⁶ However, in the case of numerous countries, there is no state control on these issues.

country's data. Data on migration stocks and flows must always be analysed in their legal, geographic, social and historic context.⁴⁹

- **Adequate cooperation and information sharing** must be guaranteed between ministries/agencies in charge of migration, the various other authorities in charge of areas related to migration and the statistical services.⁵⁰
- Coordination and information sharing at the **international level** is also to be enhanced whenever possible. Data exchange between countries of origin and destination can offer useful additional information on migration. However, if the country of destination is more developed, data is usually more meticulously recorded than in the (developing) country of origin. Institutional capacity in source countries to collect and disseminate migration data should therefore be reinforced.⁵¹
- As the **numbers of irregular and short-term migrants** are very difficult to estimate and results should be interpreted with caution.
- At the international level, the **UN 1998 Recommendations on Statistics of International Migration** provide a detailed framework for the compilation of statistics on migration flows including suggestions for standardized definitions and guidelines for collection and tabulation of data. The **UN 2007 Principles and Recommendations for Population and Housing Censuses** give further standards and guidelines relevant to international migration.
- **Population censuses** should preferably include questions on the country of citizenship, country of birth and place of residence in the past year and the past five years.⁵² The answers to those questions should be processed, tabulated (by sex, age and level of education) and disseminated.⁵³
- Beyond generic information on migrants' stocks and flows, more information is needed to answer **additional questions** relating to the causes and consequences, duration or other characteristics of migration (e.g. remittance flows). These should equip policy makers with the tools necessary to formulate evidence-based policies.
- If policies are based on data that is **acknowledged by different stakeholders**, policies tend to be more readily accepted.
- **Adapting existing survey data sources** often proves to be cheaper and quicker than creating separate 'migration' surveys. Standardized modules of migration-related variables could therefore be systematically used in on-

going national and international survey programmes (e.g. income and living conditions surveys, demographic and health surveys).

- The limited availability of statistical information on the outcomes related to the **recognition of skills** needs to be tackled. This is even more important in view of the shrinking workforce across many countries of destination, which increasingly recognise the need to tap the potential of immigrant skills. Unfortunately, over-qualification remains a common feature among migrant workers in most host countries.
- Establishing relationships between migration movements and **development outcomes** requires substantial tabulations of data and often anonymous data on individual migrants, which should be rendered accessible to academic research.
- More accurate ways to collect **socio-economic statistics** and identify migrants include the identification of the country of birth or the parents' country of birth in the case of second generation migrants.
- Estimates on **return and circular migratory flows** can only be established through various case studies.
- It should be considered that sudden or gradual **changes in the national data collection methodology** can result in breaks in time series or the non-comparability of successive years. Finally, the figures in some countries' international and national databases may not always correspond to each other.
- The establishing of **country reports** analysing national data collection systems and exploring the possibility to conduct comparative research in a number of thematic areas should be considered.
- Whenever national statistics are scarce, feature many gaps or are potentially biased, it is vital to **consult more than one source** of data and information on migration in the respective country or region. Not only government resources but also civil society organisations should be sought out for advice.

49 Migration flows may, for example, be conditioned by the redefinition of borders, naturalisation rules or the administrative capacities and data collection systems (population registers etc.). In countries with less developed systems the migrant population tends to be underrepresented in official statistics.

50 This cooperation can be supported through EU external cooperation projects.

51 This support should be extended to developing countries, irrespective of whether they are countries of origin, transit or destination.

52 See also the questions recommended by the 2006 Conference of European Statisticians. UNECE 2006: Conference of European Statisticians, Recommendations for the 2010 censuses of population and housing, pp. 83-93.

53 Researchers believe that additional information on lengths of residence, previous country of residence, purpose of migration, legal status and naturalisation should be included into datasets whenever possible.

Reliability of data sources

Three types of sources are commonly used for measuring migration stocks and flows: registers, censuses and sample surveys. They all tend to under – or overestimate the number of migrants, in particular irregular migrants.

Registers: are continuously updated data systems containing information about a person's current status. **Population registers** (usually based on registration of place of birth and residence) are widely used but registration criteria vary considerably across countries. Some countries register temporary migrants, international students and asylum seekers, while others do not. Departures tend to be less recorded, thus leading to underestimation of emigration and hence overestimation of stocks. Certain countries have 'Aliens

registers' containing information on the legal status of non-nationals based on **residence and work permits**. Residence and work permits represent a good source of information, though limited to those required to have a permit – which is not always the case for intra-regional mobility in regional cooperation with advanced levels of integration (i.e. EU). Other types of registers containing migration-related information include those dealing with employment, income-related issues and education. These are often underdeveloped in developing countries.

Population censuses: are entire enumerations of the population. They provide comprehensive data on the legally residing immigrant stocks in a given country. While the census is praised as a rich and useful data source, it has to be considered how difficult and expensive its realisation is and that it therefore only takes place every ten years. The UN driven 2010 census round was the most recent of its kind.

Surveys: provide a large amount of information, but can be biased due to the sampling procedures and the underrepresentation of migrants (for several reasons, migrants tend to participate less in surveys and censuses). Adapting existing survey data sources often proves to be cheaper and quicker than creating separate 'migration' surveys. Standardized modules of migration-related variables could therefore be systematically used in ongoing national and international survey programmes (e.g. income and living conditions surveys, demographic and health surveys). Labour force surveys carried out in most major receiving countries already include questions about nationality and place of birth, thus providing a source of annual stock data.⁵⁴

Other administrative data sources (visas, entry refusals, border crossings, expulsions, consular registers, sources on asylum seekers and apprehended irregular migrants) help produce more adequate and detailed statistics on movement (even if difficulties might be faced in extracting statistical data).

Policy Example # 9

The Unified Migration Analytical System of Georgia

In the framework of the EU-funded program 'More for More', in close cooperation with ICMPD and IOM, the relevant Georgian authorities are currently working on creating a Unified Migration Analytical System. Gathering relevant data from different registers, the system should significantly improve the migration-related statistics in the country. The launching of the test module of the system is planned for 2016. A specialized inter-agency working group under the State Commission on Migration Issues is coordinating the work on the system.

⁵⁴ The 2008 European Labour Force Survey included a special module on the labour market situation of migrants and their immediate descendants. Other EU/international surveys relevant for migration include the Programme for International Student Assessment the International Social Survey Programme (conducted in over 40-50 countries respectively), the Eurobarometer, the EU Statistics on Income and Living Conditions and the European Social Survey.

3. Circular Migration

3.1. Introduction

Spontaneous and unregulated circular migration patterns have always existed and circular migration as such does not represent a new phenomenon. On the contrary, there are many historic examples – such as the Nordic countries⁵⁵ or the USA – where migrants have returned, bringing new knowledge and thereby contributing to development. Cross-border circularity has indeed also been a reality across the various regions of the Prague Process for a long time, albeit not being named 'circular migration'. Repeated temporary labour migration nowadays represents a common feature among the Member States of the Commonwealth of Independent States (CIS), the Eastern Partnership countries (EaP), the Western Balkan states and EU Member States.

In recent years, however, the concept of circular migration has gained prominent importance in the political agenda, increasingly featuring in the international debate on the Migration and Development (M&D) nexus. Recent discussions on circular migration and repeated cross-border mobility have derived from a growing understanding that the traditional perception of migration as being permanent has proven to be increasingly inadequate to describe current migration patterns. In the process of globalization, reduced travel and communication costs have made migrant "transnationalism" an increasingly attractive and common option.

At a policy level, policy makers aim to find better ways to manage circularity within a legal framework in order to benefit all stakeholders, resulting in a so-called **„triple win situation“**:

- Destination countries may respond to specific labour market needs;
- Countries of origin may reduce, to a certain extent, labour market pressure and benefit from transfers of skills and capital;
- Individual migrants and their families may improve their conditions and prospects, acquire new skills and resources, while maintaining their transnational links.

Circular migration does not refer to any specific category of migrants but includes many different migration patterns. It may involve diverse typologies of migrants, ranging from low-skilled seasonal workers to medium and high-skilled professionals and from students or researchers to various entrepreneurs.

Some circular migration cycles are of short duration, while others may involve life-long, recurrent movements, such as for instance when migrants depart with a set objective (such as a certain amount of savings), which may take them several migration cycles to achieve, and only return permanently thereafter. Short-term mobility may turn into longer-term or permanent migration, mostly due to per-

⁵⁵ Various forms of circularity were introduced among the Scandinavian countries already in the 1950's, when the established free movement was accompanied by various agreements on the portability of social benefits or the avoidance of double taxation. The resulting circularity has long been recognized as a good practice in terms of circular migration.

sonal, labour market or political reasons. Then again, due to the increasingly close ties that migrants keep with their origin countries, circularity may become the rule, not the exception. Hence, migrants considered as 'permanent' may in fact move temporarily. Overall, the majority of migrants – both low and highly skilled – tend to return eventually, especially if the home country provides for incentives.⁵⁶ But circular migration is less about the migrants' return than about repetitive outward and return mobility. It can thus be considered an integral part of human mobility that cannot and probably should not be fully managed. Instead, governments could try to enhance mobility, which has already proven to be a successful policy in countries such as Sweden (see below).

3.2. Defining Circular Migration

There are several existing definitions of circular migration and none of them is universally accepted. The term itself can have different meanings in different contexts. While for some countries of destination, circular migration is seen as a way to meet short term labour needs without having to deal with long term integration challenges and social burdens, most countries of origin view it as a tool to avoid brain drain and increase the volume of remittances received while also maintaining solid ties with their diaspora. The controversy linked to the concept can also be summarized in two extreme perceptions, according to which it is either perceived as a failed approach or as a solution to every migration situation.

In view of the difficulty to clearly define circular migration, it should be considered that short-term (circular) movements in general occur more frequently than longer-term or permanent migration, especially within areas of free movement.⁵⁷ The latter fact has also been recognized by the EU's renewed Global Approach to Migration and Mobility (GAMM).

The EU defines circular migration as *"a form of migration that is managed in a way allowing some degree of legal mobility back and forth between two countries"*.⁵⁸ Meanwhile, IOM provided for the following definition of circular migration: *"The fluid movement of people between countries, including temporary or long-term movement which may be beneficial to all involved, if occurring voluntarily and linked to the labour needs of countries of origin and destination"*.⁵⁹ Meanwhile, the Dutch government in an open manner defines circular migration as *"migration in which the migrant successively spends a relatively long time in various countries, including his or her country of origin"*.⁶⁰ One contested issue in the political debate related to the fact that 'circular' has often become synonymous with 'return'.

56 Intervention by Prof. Ronald Skeldon, Joint PP2 and PP3 Kick-off Workshop, 25-26 September 2012, Budapest

57 Ibid.

58 COM (2007) 248 final, Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on Circular Migration and mobility partnerships between the European Union and third countries.

59 IOM, Glossary on Migration, International Migration Law Series No. 25, 2011 See: <http://www.iom.int/cms/en/sites/iom/home/about-migration/key-migration-terms-1.html#Circular-migration>

60 Ministerie van Buitenlandse Zaken (2008) Beleidsnotitie Internationale Migratie en Ontwikkeling 2008, Den Haag: Ministerie van Buitenlandse Zaken, p.9.

In the absence of a clear and concrete notion of circular migration, it may be better not to strive for an explicit definition at all, rather than formulating a contested one. Several complementary aspects should be considered when speaking of circular migration: Going beyond the concept of temporary or seasonal migration, circular migration should be temporary, renewable, legal, respectful of migrant's rights and managed in a way to optimize labour markets at both ends. Most migratory flows fulfill the first two criteria but lack to ensure legality, respect for the migrants' rights and efficient labour matching. Unfortunately, circular migrants therefore remain exposed to various risks, de-protection and the denial of rights.⁶¹

The development impact on countries of origin is of defining importance for the concept. Circular migration should, whenever possible, endow migrants with new skills and provide for skills transfer towards their source countries, while also supporting an investment-oriented use of their remittances and savings back home. The established transnational networks should be mobilized for the benefit of their origin country. Finally, addressing brain drain and reintegration are other important components.

Considering these various descriptions, the overall understanding among the majority of the PP3 participating states is that the proper definition of circular migration should combine the ones established by the EU and IOM in the following way: *"Circular migration represents a form of migration that is managed in a way allowing some degree of legal back and forth mobility which may be beneficial to both the countries and migrants involved"*.

3.3. Organising Circular Migration⁶²

Circular migration can either take place within concrete programmes or schemes regulated by the states involved, or through enhanced mobility and the facilitation of spontaneous migration (e.g. Sweden). *"It denotes a migrant's continuous engagement in both home and adopted countries; it usually involves both return and repetition."*⁶³ However, some current approaches still feature some discriminatory rules of past guest-worker programs that deny rights to migrant workers and may lead to negative social outcomes in both receiving and sending countries.

Circular migration schemes (CMS) are foremost aimed at reacting flexibly to the need for foreign manpower in destination countries. MoU, exchanges of letters, and privileged-entry quota agreements may be concluded at a bilateral level to match the labour needs in specific sectors of the labour market. CMS are most often part of broader patterns of bilateral cooperation, not necessarily linked to migration management issues alone. Preferential entry quotas may, for example, follow the signing of bilateral readmission agreements. The parties involved may limit the target group according to nationality, occupation sectors, seasons, the allowed length of stay, the requested periodicity of returns etc.

61 Philippe Fargues (2008) Circular Migration: Is it relevant for the South and East of the Mediterranean, CARIM Analytic and Synthetic Notes 2008/40, CARIM, Florence

62 A summary of the current state of affairs across the PP3 participating states, including good practices identified, can be found in the 'Background Information' section.

63 Kathleen Newland, Dovelyn Agunias, and Aaron Terrazas (2008) Learning by Doing: Experiences of Circular Migration, DC, Migration Policy Institute, p.2.

CMS often involve countries that are characterized by great differences in terms of living conditions, wages, economic development, education etc. These differing realities turn the enforcement of the limited periods of stay foreseen into a significant challenge, also because countries of origin and destination may not share the same vision and interests in managing temporary migration. The temporariness of employment may also represent a major disincentive for employers to invest in the training and skill development of the hired migrant workers. The professional performance of the latter and their propensity to integration in the host country is also shaped by the limited period of stay due to which the concerned migrants are trying to earn the most possible while limiting their expenses in order to accumulate maximum savings. This endeavor leads them to work overtime, accept more difficult working conditions, live in inappropriate accommodation etc. The consequences of this strategy may include health risks, exhaustion, social segregation and isolation.

Otherwise, the legislation regulating circular migration is rarely linked to the concept itself but rather consists of provisions on visa, residence and work permits or the national labour market policies. The necessary procedures may reach from the source to the destination country, involving various actors such as the Immigration Service, the Ministries of Foreign Affairs, Internal Affairs or Labour, public or private employment services, the private sector, trade unions, diaspora organisations etc.

Various measures may be taken to facilitate circular migration and enhance its positive effects. In countries of origin, information channels on the jobs available, the procedures, conditions and inherent risks should be accompanied by complementary pre-departure assistance. Similarly, countries of destination could provide for post-arrival assistance, including basic orientation, language courses, legal consultation etc. in order to support newcomers and enhance social cohesion. Important challenges to setting up such assistance programmes relate to questions regarding the scope, responsibility over and sponsoring of such initiatives. Should the migrants, their home countries, the targeted countries of destination or the future employers be held responsible? Further important considerations relate to the potential negative effects of circular migration, including brain drain and brain waste, and possible ways to prevent them.

It could be said that circular migration is simply what policy makers decide to make of it. A successful implementation would first require specific objectives that are clear to all stakeholders involved. In a next step, the feasibility of these objectives would have to be estimated, as well as the effectiveness of the possible interventions at hand. Unfortunately, most source and destination countries are rarely engaged in a dialogue or agree together on concrete measures. Moreover, there is an overall lack of monitoring and evaluation. Whilst some countries prefer a point-based system, others rely on a demand driven system, but the two approaches currently seem to come closer to each other.⁶⁴

Common challenges pointed out by participating states include the quest for ways to enhance migrants' return and reintegration, the regulation of recruitment

procedures, improved labour matching, the stronger involvement of civil society and the private sector, and enhancing student mobility. Whereas hosting countries focus on ensuring the return of low-skilled migrants, origin countries aim to attract highly-skilled nationals (including students) back home. A possible first step could consist in establishing small-scale pilot projects on circular migration. Different regions may, however, require different policy responses.

Policy challenges inherent to the concept of circular migration:

- lack of sound statistical data
- perpetuation of stay
- lack of explicit policy on circular migration
- non-integration of migrants in the hosting countries etc.
- various hurdles to achieving the famous 'triple-win situation'

Other important challenges raised by participants relate to the question how human development is to be addressed in a migration context; what role family reunification should play in relation to circular migration; whether integration issues⁶⁵ should be ignored in the context of circular migration; and what other barriers – ranging from portability issues to obligatory military service – have to be overcome to enhance circular migration.

Limited schemes require important financial and logistic resources in order to provide for fair wages, insurance coverage, housing, the itinerary or formation costs of the migrant workers and, if possible, a re-entry premium. These costs need to be divided accurately between the source and host countries and the private and public sector. In view of these costs, the facilitation of spontaneous and wider cross-border mobility may in fact represent a more efficient, cheap, sincere and constructive approach to live up to the above mentioned ambitions.

Opinions also differ on whether circular migration should be targeted at highly or low-skilled migrants, employees of shortage sectors (i.e. nurses and doctors) or rather students, researchers and professors. Should the concept serve the supply of cheap labour force, tackle brain drain or transform labour migrants into genuine development actors? A neutral, demand driven approach could put stronger focus on the national labour market needs and private sector interests at both ends, thereby successfully reconciling the security concerns of host countries with the development hopes of origin countries. More attention should be drawn to the question how the overall objectives of source and destination countries could be best reconciled with the personal interests of the individual migrants.

In view of the manifold expectations put on circular migrants, measures aimed at rewarding their contribution to the development of their origin countries should be considered much stronger. Unfortunately, these expectations are neither re-

64 Intervention by Prof. Holzmann, 2nd Joint PP2 and PP3 Expert-Level Workshop, 7-8 February 2013, Prague

65 Basically, the better migrants are integrated, the more probable they are to stay in the host country. Meanwhile, re-integration has to be tailor-made for each country and person, rather than envisaging general schemes.

flected in the limited number of migrants involved in pilot schemes, nor in the scarcity of such pilot schemes. Nonetheless, the experiences gained and lessons learnt through the implementation of limited schemes could hopefully be used to widen the quantitative dimension of similar programmes in the future.

A migrant-centered approach also relates to the most suitable duration of circular migration cycles. A sufficient adaptation and apprehension period abroad should be foreseen in view of the employers' interest and investment and the desired human capital development. Temporary work contracts should not only enable migrants to recover the financial costs of migration but also accumulate the human and financial capital to be mobilized upon their return. The development impact of circular migrants will also depend on the size of the returning population, their social pertinence, whether they migrate and return to rural or urban areas, the quality, quantity and specificity of the skills acquired, and the existence of policies enhancing investment opportunities and start-ups.

Unfortunately, circular migration schemes tend to be overly inflexible when it comes to the selection and recruitment procedure, contract duration, recognition of qualifications etc. Differing interpretations of the concrete skills needed for a job and the lack of up-to-date databases of the candidates and jobs available represent a major challenge. Structured access to job offers remains the exception. The limited consultation of the private sector by the national authorities further decreases the motivation of employers to get involved.

Contrary to temporary migration, CMS feature repetition as a distinguishing characteristic. Their implementation also requires a more elaborated framework, including significant financial and logistic resources, whether public or private, on both sides of the process. This is also valid for small-scale pilot schemes. Based on sophisticated mechanisms aimed at regulating the mobility of selected migrant workers whilst also securing their return, CMS may offer some kind of re-entry premium (i.e. from the destination country upon return to the country of origin). Moreover, circular migrants should be allowed to re-enter the destination country, to apply for renewable stays and to change their employers.

The reintegration process may be shaped by the concrete place of reintegration and the duration of the migration experience. The factors which motivated return may play a decisive role regarding the eventual development impact of the individual returnees. A return-friendly institutional environment, including measures aimed at rewarding the contribution of circular migrants to development, is important. Instead of approaching return solely from a security angle, it should rather be placed in a development-oriented perspective. The need for establishing new structural and legal institutional mechanisms may consequently arise on both sides of the process.

Finally, developmental impacts are very difficult to assess and in fact relate to two distinct impacts – while circular migrants are abroad and upon their return. While abroad, the impacts (i.e. in terms of financial, human and social capital) should not differ significantly from those of other migration forms. On the other hand, circular migrants are seemingly expected to send home higher amounts of remittances, which are then used in a more investment-oriented way. Theoretically, they should also mobilize the networks established in their destination countries more efficiently for the benefit of their origin country. As circular migrants

tend to be selected on the basis of their education and skills, their departure may create greater loss of human capital (albeit of shorter duration) unless policies are designed to offset brain drain. On the other hand, any skills acquired abroad may benefit their home country upon return.

There is a significant lack of data and evidence regarding the actual development impact of circular migrants and whether the alleged 'triple-win' scenario can indeed be achieved. In terms of development impacts, the focus is mostly put on remittances and their productive use. Little is known on the human capital accumulated, the savings generated or the investments effectuated by return migrants. Consequently, it is very hard to establish lessons learnt or good practices from past experiences. In order to ensure a successful implementation of circular migration schemes and certain sustainability over time, constant follow-up and evaluation is needed. Such evidence would require longitudinal studies (over time) rather than mere statistical data. Circular migration can only be measured after the return has taken place. This may involve the usage of data on visas (permanent/temporary; renewable/non-renewable etc) or the dissemination of questionnaires on migrants' intentions.

3.4. National policy approaches to Circular Migration

Most PP3 participating states have explicitly integrated the M&D approach in their national migration strategies and development plans. In several source countries, circular migration actually figures among the explicit policy priorities in terms of migration management. While most participating states do not have an explicit policy on circular migration or a legal definition thereof, several pilot programmes and schemes have been initiated through bilateral agreements between various source and destination countries. Moreover, some destination countries promote different forms of repeated labour migration and the temporary employment of foreign labour force. The latter practices come close to the concept of circular migration as described above. Overall, the migration policy frameworks across the PP3 participating states entail numerous provisions on seasonal, short-term or temporary migration, cross-border mobility and return migration, all of which are closely related to circular migration.

Asked about their views on what constitutes circular migration and how exactly it should be set up, PP3 participating states differed in their answers regarding the necessity to impose limitations in terms of nationality, duration and labour market sectors. While some countries welcome migrants of all nationalities, others would rather opt for nationals of countries with which intergovernmental agreements have been concluded. Finally, some countries aim to attract migrants from culturally and linguistically related states in order to facilitate their integration process.

Several countries consider circular migration as an advanced form of seasonal migration, therefore proposing the respective duration to range from three to six months. Upon completion of their tasks, migrant workers would have to immediately return home. Meanwhile, other states pledge for longer migration cycles, ranging from nine months to one – and-a-half years in order to allow to successfully reap the benefits expected from circular migration. Finally, some countries consider that any stay beyond one year does no longer represent temporary mi-

gration and should thus be avoided as it would equip migrants with rights linked to a more permanent residence. The timeframe of a circular migration cycle thus depends on the migration policies of the involved states, but also the distance between them.

Key findings on circular migration in the PP3 participating states:

- Most countries have **no definition of circular migration** and no mentioning thereof in their respective legislation.
- Many countries are currently adapting their national legislation on migration to the respective **EU acquis** or have already done so.
- Some participating states have recently initiated **first pilot projects on circular migration**. Where applicable, Mobility Partnerships could provide a suitable framework for setting up similar initiatives. However, due to the persisting economic downturn and its political impact, the majority of host countries is not willing to introduce new schemes or enhance the inflow of temporary labour migrants.
- **Russia** remains the key destination country for most CIS states. Whilst it has no definition or legal provisions on circular migration, the targeted recruitment of temporary labour migrants has been ongoing.
- The need to improve the **quality of data** is to be underlined. Due to the free movement within the EU and the CIS region, little adequate data can be found on circular migration flows.⁶⁶
- While circular migration is mostly linked to employment, the concept should also be considered **for study purposes**. Most source countries aim for a return of their students upon completion of their studies;
- Several source countries are suffering from increased **brain drain** and are in need of **highly-qualified workers**. Considerable efforts are being undertaken to attract foreign investors as well as wealthy or highly-skilled returnees.

Most countries agree that circular migration should first and foremost target the needs of employers and be linked to existing shortage sectors. This view is also linked to the fact that their national legislation establishes annual quotas for incoming migrant workers that should neither be ignored nor abolished. Especially among destination countries, there is a view that circular migration should only target low-skilled sectors linked to seasonal work but not professions requiring substantial investment in human resources or a longer-term presence of the employed staff. High-skilled professions such as those of professors or medical experts constitute an exception. When it comes to the health sector where needs for labour force are constant, circular migration could be seen as a kick-start in terms of getting political support. Meanwhile, mobile cosmopolitans may in fact not be

66 Russia is presently establishing a new data base, including information on working permits granted, origin countries etc.

considered as circular migrants, provided that circular migration should entail a significant development potential and the preservation of strong ties to the home community.

In order to enhance the potential development impact of their emigrants, the primary aim of source countries is to ensure the better protection of their citizens abroad while also preventing brain drain and brain waste. Skilled migration or “brain drain”, in particular, can have a considerably negative impact on the economies of migrant sending countries, especially smaller ones. Whereas the latter have made significant investments into educating their students, countries of destination tend to reap the benefits from these investments, once the former students decide to move and work abroad. Of course, emigration does represent an efficient way to reduce the gap between the supply and actual demand for skilled workers in developing countries and thus helps ensuring optimal allocation of unused human resources. However, it becomes problematic in sectors where there is a skill shortage. While migrants should not be prevented from exercising their right to freedom of movement, states should make efforts to help protect fragile economies from the loss of their human resources.

Possible measures to prevent brain drain⁶⁷:

- ethical recruitment in sensitive sectors such as health, particularly in small and fragile labour markets. This can be achieved through recruitment under bilateral labour agreements;
- investment by destination countries in training and education in countries of origin. These investments should be proportional to the losses suffered by the latter;
- retention of skilled workers through voluntary means;
- better targeting of subsidies in higher education

With these objectives in mind, the concept of circular migration is naturally considered of potential added value. However, many countries expressed their concerns about the blurredness of the concept and the concrete ways of putting it into practice. The latter concern is further increased by the fact that source countries of course remain greatly dependent on the willingness of the targeted destination countries to cooperate in establishing circular migration mechanisms.⁶⁸ Hosting countries aim to tackle existing labour shortages and the socio-economic challenges linked to ageing through more structured and regulated employment. In their view, circular migration represents an instrument to prevent irregular entries, limit the informal economy whilst avoiding long-term or permanent immigration.

67 OSCE, IOM, ILO, p.83

68 The current political environment, which saw electoral successes of anti-immigration parties across the EU in the European Parliament elections in May 2014, as well as the continuous struggle of most countries in the region to recover from the economic crises while also suffering from increased unemployment rates, may limit the political will on both ends of the process.

Policy Guidelines on Enhancing Circular Migration

1. General Considerations

- The concept of circular migration does not solely refer to the setting up of **restricted schemes**, but also **spontaneous temporary and circulatory flows** across borders which have always existed in some form. Governments should therefore only attempt to steer and control natural spontaneous temporary and circulatory flows when this is deemed **useful**.
- **Various actors** can be involved in the setting up of the relevant policy: Immigration Service, Ministries of Foreign Affairs, Internal Affairs or Labour, public and/or private employment services, the private sector, trade unions, diaspora organisations etc.
- The importance of **differentiating between highly and low skilled migrants** is to be underlined: Whilst the former generally tend to be welcomed by destination countries, the arrival of the latter is mostly being perceived as a problem or risk. The role of skilled migrants as development actors can be significant in terms of remittances, return migration and skills transfer. Meanwhile, the non-integration of low-skilled migrants may create a group of people without rights, a scenario that is harmful for the migrants themselves, the host society and the country of origin.
- In view of the difficulty to clearly define circular migration, it should be considered that **short-term (circular) movements** in general occur more frequently than longer-term or permanent migration, especially within areas of free movement.⁶⁹ Different regions may require different policy responses.
- Circular migration should endow migrants with **new skills** and provide for **skills transfer** towards their source countries, while also supporting an investment-oriented use of their remittances and savings back home.
- The established **transnational networks** should be mobilized for the benefit of countries of origin and destination.
- Addressing **brain drain and reintegration** are important components of circular migration.
- Circular migration, as well as return migration and reintegration should figure in the **national development strategies** of the concerned countries of origin.
- It could be said that circular migration is simply what policy makers decide to make of it. A successful implementation would first require **specific objectives** that are clear to all stakeholders involved. In a next step, the **feasibility** of these objectives would have to be estimated, as well as the **effectiveness** of the possible interventions at hand. Finally, there still is an overall lack of **monitoring and evaluation** that needs further policy responses.

69 The latter fact has also been recognized by the EU's renewed Global Approach to Migration and Mobility (2011).

2. Facilitating the forth and back mobility of migrant workers

- Most participating states agreed that circular migration should first and foremost target the needs of employers and existing shortage sectors. This view is also linked to the fact that most national legislations establish **annual quotas** for incoming migrant workers that should neither be ignored nor abolished.
- There is a common view that circular migration should only target **low-skilled sectors** (linked to seasonal work) and not professions requiring substantial investment in human resources or a longer-term presence of the employed staff.
- The **return and reintegration** counseling of circular migrants should already take place several months prior to their return. Consultations with potential employers in the country of origin should be carried out at an early stage. The CVs of the (future) returnees should be actively promoted. The demands of potential employers and issues such as the recognition and certification of skills acquired abroad should be considered adequately in order to enhance the employability of the returnees. In order to reach a multiplication effect, returnees should also be supported in sharing their experiences and newly acquired skills.
- Migrants can play an important role in facilitating **trade** between countries. Entrepreneurs born abroad possess good knowledge of the business policies, language and religion in their countries of origin. They have an advantage in cross border trade and their knowledge can also benefit other entrepreneurs that are engaged in export and import. This potential should be further enhanced and tapped by governments.
- In order to **improve transparency and increase competition** in the money transfer market, states should establish platforms for the comparison of existing channels for the transfer of remittances.
- Possibilities for **international students to stay** in the country of destination for a few months upon graduation in order to look for a job should be assessed.
- When aiming at enhancing overall forth and back mobility and spontaneous migration (see example of Sweden), migrants should be allowed to leave for their country of origin, while still having the **possibility to move back** to the country of destination without too many obstacles.
- Back and forth mobility should be accompanied by measures to promote the awareness of **investment opportunities** back home.
- Circular migration can be further enhanced through **joint institutional programmes** between schools, hospitals, companies etc.
- Migrants should be provided with all necessary rights regarding the **portability** of their accumulated social security rights and allowances.
- With regard to the **Blue Card Directive**, measures to enhance circularity could be focused on further facilitating admission procedures for persons having previously resided legally in the EU for a certain length of time (not

only through highly skilled employment, but also for studies or other types of training activities).

- The **legislation** regulating circular migration in fact consists of provisions on visa, residence and work permits or the national labour market policies. The necessary procedures may reach from the source to the destination country.
- Countries of destination could provide for **post-arrival assistance**, including basic orientation, language courses, legal consultation etc. in order to support newcomers and enhance social cohesion. Important challenges to setting up such assistance programmes relate to questions regarding the scope, responsibility over and sponsoring of such initiatives.
- Repeated cross-border mobility of migrant workers should be facilitated by the **legal frameworks** in countries of origin and destination. They could try to engage the diaspora and make return more attractive by promoting their awareness of investment opportunities back home. Parties at both ends could furthermore promote institutional joint programmes between schools, hospitals, companies etc.
- If the circular migrant is hired to perform the same occupation as local employees, he/she should be entitled to a **similar wage as local workers**. Such fair treatment will boost the development effect and undermine exploitative practices.
- In view of the significant costs for the setting up of CMS, the facilitation of spontaneous and wider cross-border mobility may in fact represent a **more efficient, cheap, sincere and constructive approach** to live up to the above mentioned ambitions.
- A neutral, **demand driven approach** could put stronger focus on the national labour market needs and private sector interests at both ends and possibly reconcile the security concerns of host countries with the development hopes of origin countries. The establishing of a demand-driven system whereby employers can recruit circular migrants under certain conditions is strongly recommended.
- More attention should be drawn to the question how the overall objectives of source and destination countries could be best reconciled with the **personal interests of the individual migrants**.
- In view of the manifold expectations put on circular migrants, measures aimed at **rewarding** their contribution to the development of their origin countries should be considered much stronger.
- A migrant-centered approach also relates to the most suitable **duration of circular migration cycles**. A sufficient adaptation and apprehension period abroad should be foreseen in view of the employers' interest and investment and the desired human capital development. Temporary work contracts should not only enable migrants to recover the financial costs of migration but also accumulate the human and financial capital to be mobilized upon their return.

3. Enhancing the Development Impact of Circular Migration

- A labour migration strategy including circular migration should be aligned with **national development strategies and objectives**.
- The **development impact** of circular migrants will, amongst other things, depend on the size of the population, their socio-economic status, whether they migrate and return from/to rural or urban areas, the degree of integration and inclusion in the destination country and the labour market in particular, the quality, quantity and specificity of the skills acquired, and the existence of policies enhancing reintegration, investment opportunities and business start-ups.
- Development impacts are very difficult to assess but certainly also feature considerable **effects on the host country**.
- As circular migrants may have skills and qualifications needed in their origin countries/communities, their departure may create a loss of human capital (albeit of shorter duration) unless policies are designed to offset **brain drain**. While migrants should not be prevented from exercising their right to freedom of movement, fragile economies should be prevented from the loss of their human resources. Possible state measures include the following:
 - establishing incentives for the **return of human capital** (not necessarily physical return, but also virtual and temporary return);
 - adapting the **educational system** accordingly by educating more people in fields affected by emigration;
 - adjusting their **labour market** by ensuring that the trained personnel can work according to their qualification.
- **Return and Reintegration** measures have been shown to be most successful when placed in a development-oriented perspective. Such an approach may require new structural and legal institutional mechanisms at both ends of the migration process.
- The **human development impact** upon return depends on the successful reintegration into the labour market and society, the quality of skills 'brought back' by migrants and the national and local capacities to ensure that such skills can be used on the labour market.

4. Setting up Circular Migration Schemes (CMS)

- CMS are most often part of **broader patterns of bilateral cooperation**, not necessarily linked to migration management issues alone. Preferential entry quotas may, for example, follow the signing of bilateral readmission agreements. The parties involved may limit the target group according to nationality, occupation sectors, seasons, the allowed length of stay, the requested periodicity of returns etc.
- CMS often involve countries that are characterized by great differences in terms of living conditions, wages, economic development, education etc.

These **differing realities** turn the enforcement of the limited periods of stay foreseen into a significant challenge, also because countries of origin and destination may not share the same vision and interests in managing temporary migration.

- Circular migration schemes (CMS) are foremost aimed at reacting flexibly to the **need for foreign manpower** in destination countries.
- Pilot schemes on circular migration can provide useful lessons and outline possible actions for the future. The experiences gained and **lessons learnt** through the implementation of limited schemes could hopefully be used to widen the quantitative dimension of similar programmes in the future. Depending on the results and success of such projects, future amendments to the national legislation, entailing more explicit reference and a systematized policy approach to circular migration, could be envisaged.
- Limited schemes require **important financial and logistic resources** in order to provide for fair wages, insurance coverage, housing, the itinerary or formation costs of the migrant workers and, if possible, a re-entry premium. These costs need to be divided accurately between the source and host countries and the private and public sector. The provision of free housing could also be considered.
- A **general contract** on the concrete rights and obligations of both parties is to be signed by employers and migrant workers alike.
- In addition, they should also sign an **explicit employment contract**, defining the wages, duties and other relevant aspects of employment, including issues such as transport, accommodation or health.
- In order to be beneficial to both the recruited migrants and their employers, the workers' performance should be evaluated by the employer and, in case of approval, serve to **facilitate a renewed return** under the same scheme. This measure can lead to significant savings in terms of time and money regarding the recruitment and training of new workers. Moreover, it represents a significant disincentive for the concerned migrant worker to remain in the country illegally. After several years of successful circularity, migrants should be granted **easier access to a permanent work and residence permit**.
- In order to prevent the danger of abuse and exploitative practices, circular migrants should be granted the **possibility to change their employers**.
- In order to enhance the development impact of circular migration schemes, the latter should be preferably carried out at the **local or provincial level**.
- **Coordination and cooperation** between the sending and receiving organisations and communities is highly recommendable to sustain the positive impacts such as knowledge transfer, the productive use of remittances or constant training of the recruited workers.
- Moreover, circular migration schemes could also actively engage in the **development of the home communities** by providing training or helping to improve the general living conditions. Finally, migrants could be supported in setting up small business or civil society organizations upon their return.

- Models for the recruitment of (highly) skilled migrant workers should be designed in a way to avoid **brain drain**. The concerned migrants should be recruited in sectors that could effectively benefit from the knowledge and work experience gained abroad. Consequently, the returned migrant workers should be provided with a job opportunity that allows them to mobilise their newly acquired skills.
- All stakeholders involved in the setting up of circular migration schemes should be trustful of each other and share a **clear common objective**. Identical interpretations of central elements of the programmes ('shortage sectors' etc.) should be introduced from the very beginning. There is need for an exact definition of the skills required and the mechanisms available for their recognition.
- Meanwhile, the **project framework** should be kept as flexible as possible in order to be able to adjust to unexpected developments. CMS should, for example, be set up in a way that is not influenced by sudden shifts in the political system.
- The targeted **countries of origin** should be actively engaged in the project setup and implementation from the very beginning. The benefits of contracting of private and public recruitment agencies should be considered on a case-by-case basis.
- CMS should be followed up by a comprehensive **evaluation mechanism** in order to learn from the experiences made, both in terms of good practices and failures.
- CMS should be supported by **legal frameworks** at both ends.
- While the expectations of the involved partner countries are of utmost importance in the setting up of CMS, the latter should nonetheless be primarily based on the perspectives of the individual migrant workers. Such a **migrant-centred approach** is far more promising in terms of a successful realisation of the project and its sustainability.
- As employers may try to retain experienced circular migrants (especially those having undergone specific training etc.), the **rotation of workers** may eventually become less attractive. Suitable policy options for such a scenario should thus be foreseen.
- In order to ensure a successful implementation of circular migration schemes and certain sustainability over time, constant **follow-up and evaluation** is needed. Such evidence would require longitudinal studies (over time) rather than mere statistical data. Circular migration can only be measured after the return has taken place. This may involve the usage of data on visas (permanent/temporary; renewable/non-renewable etc) or the dissemination of questionnaires on migrants' intentions.

Policy Example # 10

The German 'guest worker' programme of the 1960's and 1970's⁷⁰

Having seen the experiences of other recruiting countries, Germany's 'guest worker' programme was of rather sophisticated nature, involving a high degree of state involvement, as well as bilateral agreements with countries of origin. Workers were recruited for a limited period of time and restricted in their labour market and residence rights (i.e. regarding family reunion). The idea was for them to 'rotate' without settling in Germany permanently in order to avoid any significant social or cultural consequences. Moreover, the guest workers were expected to accept relatively low wages and working conditions, make few demands on social infrastructure and not get involved in labour struggles.

However, by 1969 less than half of the guest workers were officially recruited, while the majority had arrived by applying at German consulates on the basis of individual job offers. This was often a form of family reunion, since workers already in Germany could get their employers to request their husband or wife by name. Children were often brought in as 'visitors', while others were born in Germany. Undocumented entry was also increasing, with authorities sometimes turning a blind eye and tacitly regularizing migrants once they had jobs.

The eventual perpetuation of stay of the guest workers can be explained by various reasons and was accompanied by different consequences:

- Having become dependent on migrant labour supply, many industries and occupations recruited guest workers to fill permanent labour gaps.
- Employers tried to retain workers with training and experience, and rotation began to break down.
- Migrants' objectives were linked to the life cycle. Having moved to Germany as young single men who initially intended to stay for a few years only, the guest workers over time grew older, got used to working in Germany and changed their objectives. They found ways of reuniting their families or forming new ones. Hence, they began requiring proper housing, as well as schools, hospitals and other social facilities.
- Migrant workers did join trade unions, gradually refusing to accept poor wages and discriminatory employment conditions. Over time, guest workers ceased representing a low-cost alternative to employers.
- The reasoning that by stopping recruitment and terminating employment contracts, most migrants would leave, proved only partially valid: while many migrants did leave Germany, others stayed for good.
- The recession arising from the Oil Crises hit source countries worse than Germany, providing little incentive to return.
- Partially integrated into the welfare systems, guest workers were entitled to unemployment benefit, education and social services, which facilitated staying in Germany despite worsening employment prospects.

- Governments could not simply expel legally resident foreigners. Programmes introduced to make migrants leave, were partially rejected by the courts which protected guest workers' rights, securing them residence status and equal treatment before the law – even against the will of the government.
- Finally, the development of a coalition of pro-migration forces, embracing trade unions, churches and civil rights organizations, had significant influence on the related policies.
- As a result of settling guest workers in specific neighborhoods, characterised by inferior housing and infrastructure, these areas developed into ethnic neighborhoods that to a great extent remained separate from the host society, worsening the prospects of integration.

Policy Example # 11

Setting up a pilot project on circular migration: Experiences made by the Dutch 'Blue Bird Initiative'⁷¹

This initiative represents a concrete example of a circular migration scheme set up in the Netherlands which failed to achieve its objectives for the following reasons:

- The lack of a clear common objective shared by all stakeholders
- The lack of an exact definition of the skills required and recognition thereof
- Differing interpretations of so-called 'shortage sectors'
- The inflexibility of the project framework
- A loss of confidence that the implementing party would deliver leading to a lack of trust.
- The shift in the political context (i.e. electoral gains of anti-immigration parties)

The targeted countries of origin were not involved in the project setup and implementation. Instead, recruitment agencies in these countries were contacted directly. The small number of middle-skilled workers eventually recruited prevented fears of brain drain effects. A proper evaluation of the achieved development impacts had been envisaged by the World Bank but was cancelled as the project failed. While all stakeholders were blaming each other, the inflexibility of the project framework can be pointed out as the main reason for the failure of the project.

The number of similar pilot projects and of the implicated migrants was drastically reduced due to the economic crises. As the crises had different impacts on different kinds of migrants, some have nevertheless continued to migrate.

70 Stephen Castles (2006) Back to the Future? Can Europe meet its Labour Needs through Temporary Migration?, Working Paper Nr. 1, International Migration Institute, Oxford

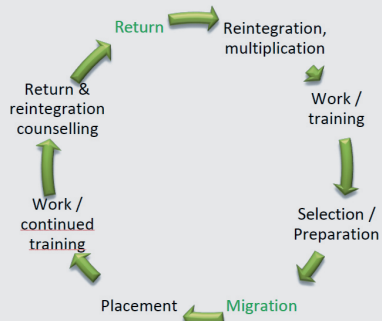
71 Presentation by Ms. Melissa Siegel, 2nd Joint PP2 and PP3 Workshop, 7-8 February 2013, Pragu^e

Policy Example # 12

„Strengthening the Development Potential of the EU Mobility Partnership in Georgia through Targeted Circular Migration and Diaspora Mobilization“⁷²

This 3-year project, which is funded by the EU and implemented by the German Society for International Cooperation (GIZ) features four main components: migration policy advice; a pilot circular migration scheme; the returning of experts and entrepreneurs; and the monitoring and evaluation of the achieved results.

Its implementation foresees the following cycle of activities:



The project initiation phase involves extensive research and context analyses to ensure a well-informed conceptual design and implementation strategy. Establishing the relevant networks and a cooperation structure to leverage synergies is crucial.

In a first step, the selection/preparation of migrants involves the matching of their qualifications with the demands of the German employers. The needs for further training are then being assessed and accorded with employers in both Germany and Georgia.

The placement in Germany entails the final confirmation of the specifications requested by the concrete employer and the processing of the residence and work permit. Throughout their employment in Germany, the selected migrant workers are provided with orientation, networking and integration support. The compliance with the agreed training curricula by German employers is being monitored.

The return and reintegration counseling takes place three to six months prior to return. It entails information provision on working and start-up opportunities in Georgia, as well as on existing return and reintegration programmes.

Consultations with potential employers in Georgia are carried out from the very start of the project. The CVs of the (future) returnees are actively being promoted.

Finally, the reintegration phase entails further research on the demands of the implicated Georgian employers, the recognition and certification of the skills and qualifications acquired in Germany in order to enhance the employability of the returnees. The latter are also supported in sharing their newly acquired skills (multiplication).

Policy Example # 13

Circular Migration Policy in Sweden⁷³

In Sweden the term ‘circular migration’ is used to describe how migrants, who have a permanent residence permit in Sweden, can return and contribute to development in their country of origin. Circular migration in the Swedish context is not a guest worker program. On the contrary, it is something that can include all migrants, regardless of their reasons for applying for residence permit in the first place. The Swedish government is of the opinion that it should be possible for migrants to leave Sweden for their country of origin, while still having the possibility to move back to Sweden, without too many obstacles. In that sense it is about making back and forth mobility possible.

As opposed to many other European countries, Sweden emphasizes spontaneous circular migration – in contrast to the managed circular migration that takes place within specific programmes and projects – meaning that migrants themselves can choose return, on a temporary or permanent basis, while still having the possibility to move back to Sweden. This kind of spontaneous movement can only take place within an enabling legislative framework.

In order to improve possibilities of circular migration to Sweden, the Government, in 2009, appointed an independent Parliamentary Committee, including representatives of all parties, to examine the link between circular migration and development. The Committee’s task was to map circular migration to and from Sweden (including a statistical survey), identify factors influencing it and propose legislative changes and other measures to facilitate back-and-forth mobility. The reports of the committee, an interim report presented 2010 and a final report presented in 2011, contained both an analysis of circular migration and the development effects and a number of recommendations and proposals.

Among other things, the committee highlighted the following policy areas as particularly important with regards to circular migration and development:

- 1. Integration:** In order to contribute to development in home countries, the competence that circular migrants bring to Sweden should be maintained and continuously developed.
- 2. Paradox of permanency:** those migrants who are best integrated are most likely to circulate because they have a secure residence status.
- 3. Portability of social benefits:** has proven to be an important challenge for many migrants.

72 Presentation by Ms. Anna Goos, 3rd PP3 Expert-Level Workshop, 9 October 2013, Tbilisi.

73 Presentation by Mr. Erik Reho, representative of the Swedish Migration Board, during the 3rd PP3 Workshop, 9th October 2013, Tbilisi.

- 4. Absence without loss of residency status:** The Committee suggested changing the Alien's Act so that residence permits would only be withdrawn after a longer period of time.⁷⁴
- 5. Migration plays an important role in facilitating trade between countries:** Entrepreneurs born abroad possess good knowledge of the business policies, language and religion in their countries of origin. They have an advantage in cross border trade and their knowledge can also benefit other entrepreneurs that are engaged in export and import.⁷⁵

According to the **statistical definition** that the committee used, circular migration is defined by moving across the national border at least two times. The statistical definition used by the committee included persons registered in Sweden. Most of them have moved two or three times, but a small group has moved across the border with greater frequency. As many more are moving between countries without registering (because of shorter stays), it can be assumed that the number of circular migrants is much higher than estimated.

The proposals of the committee have resulted in both legislative changes and other measures to facilitate circular migration.⁷⁶ The government also assigned Statistics Sweden and the Swedish Migration Board to review the migration statistics and improve them, for example in regards to circular migration and remittances. With regards to the changes of legislation, an exception to the general rule that a permanent residence permit is to be revoked when residence in Sweden has ceased was introduced. Provided that certain conditions are adhered to, the permanent residence permit is now to be withdrawn only after two years of absence.

Furthermore, new rules for student and doctoral students were introduced. The new regulation permits a permanent residence permit to be granted to a foreigner that has been living in Sweden in order to study at doctoral level for at least four years. A possibility for international students to stay in Sweden for six months after finishing their studies to look for a job was also introduced, and possibilities for students to bring their family to Sweden were strengthened. Finally, the new legislation makes it easier to regain a Swedish citizenship. The legislative changes came into force in July 2014.

Background Information

1. Legal Background

1.1. International Legal Framework

If international labour migration is to benefit all the stakeholders involved, dialogue and cooperation among states is essential. The latter can be of formal or informal nature and apply to the bilateral, regional or global level. Formal mechanisms include various forms of legally binding agreements between states, such as treaties targeting labour migration issues alone, or broader agreements, often set at the regional or international level, including provisions on labour mobility. This section aims to give a brief (non-exhaustive) overview of the most important legislation at hand.

As the admission of labour migrants is principally regulated at the national level, there currently is no comprehensive international labour migration regime, apart from limited negotiations on the liberalisation of trade in services within the framework of the WTO (on cross-border service provision under the GATS).⁷⁷

International and regional human rights instruments, developed under the auspices of the UN system or the ILO, protect the fundamental rights of all human beings, regardless of their nationality and legal status. One governing element recognised by these instruments is the principle of non-discrimination, which implies that all foreign nationals should be treated on equal terms with citizens. Widely ratified ILO conventions aim at promoting equality of opportunity and treatment in respect of access to employment, terms and conditions of employment⁷⁸ and equal remuneration.⁷⁹

Few international instruments provide more specific standards protecting the right of migrant workers. Two ILO conventions of 1949 (ILO C-97) and 1975 (ILO C-143)⁸⁰, followed by the *UN 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*, set standards for the recruitment of migrant workers and their conditions of work, and emphasize the need to respect human rights and ensure equal treatment of *all* migrant workers. The latter UN Convention includes most of the provisions of the ILO instruments and partially goes beyond them. It may therefore be considered as complementary.

However, the ratification rate of these conventions has been very low. Non-

⁷⁷ Mode IV of the WTO's General Agreement on Trade in Services (GATS) enables "natural persons" to cross international borders for the purpose of providing a service. However, it applies only to a narrow category of migrants (executives, intra-corporate transferees, etc.), on a temporary basis (up to 90 days). To date, these commitments reflect merely what is already permitted under existing national policy settings.

⁷⁸ ILO Discrimination Convention – C 111

⁷⁹ ILO Equal Remuneration Convention – C 100

⁸⁰ In fact, there are eight core ILO Conventions.

⁷⁴ For comparison, according to the Finnish Aliens Act (301/2004), a fixed-term or permanent residence permit is cancelled if the person has moved out of the country permanently or has continuously resided outside Finland for two years. Meanwhile, a long-term resident's EU residence permit is cancelled if the alien has resided outside the EU territory for two consecutive years or outside Finland for six consecutive years. However, before the expiry of the mentioned periods an alien may file an application to prevent the cancellation of his or her residence permit. If the application is granted, the decision must state the period during which the residence permit is not cancelled.

⁷⁵ A Swedish study shows, for example, that an increase in the number of foreign-born by about 12 000 people, leads to an increase in the value of exports by as much as seven billion crowns (or about 1 billion USD).

⁷⁶ For example, the Swedish Consumer Agency was assigned to construct a price comparison site for remittances, which should improve transparency and increase competition in the money transfer market.

ratification by receiving countries is regularly criticised by countries of origin. Developed destination countries, including all EU MS, have not ratified this UN Convention owing to concerns over the insufficient distinction it makes between the rights of regular and irregular migrant workers. Problematic provisions relate in particular to certain social and economic rights. In the EU, however, existing national and international protection instruments, as well as secondary EU legislation, cover most provisions of the Convention. The EU Charter of Fundamental Rights of 2000, gaining a binding character with the Lisbon Treaty, is a major point of reference in this context. Most of its provisions are applicable to all persons irrespective of their nationality.

The rights of migrant workers have also been considered in Declarations and Plan of Actions of UN World Conferences held over the past decade. The appointment of a UN Special Rapporteur on the human rights of migrants in 1997 is another important step taken in this direction. Meanwhile, there is also a number of Council of Europe legal instruments covering general human rights as well as specific provisions on migrant workers.⁸¹

1.2. Regional Cooperation

Regional cooperation mechanisms can be divided into formal mechanisms of regional integration and less formal ones (such as migration dialogues, joint commissions or working groups relating to labour migration). While the latter mostly result in non-binding declarations, formal regional integration is usually driven by economic factors, such as the establishment of a free trade area, and may include provisions on the free movement of nationals from Member States, thus facilitating labour migration. They may range from free movement regimes applicable to every national, as in the EU, to more limited provisions focusing on specific target groups such as business persons or highly-skilled persons. Regional integration in the CIS has also been pursued at various levels, although the results have been mixed.⁸²

1.2.1. EU Legal Framework

1.2.1.1. Legal Migration

According to Jean-Claude Juncker, incumbent President of the European Commission, *“Europe needs more political determination when it comes to legal migration. I know well that this is not popular and often controversial. But we will only be able to cope with im-*

81 The Handbook on European law relating to asylum, borders and immigration was jointly produced by the European Court of Human Rights and the EU's Fundamental Rights Agency (FRA) in June 2014. It examines the relevant law in the field of asylum, borders and immigration stemming from both European systems: the European Union and the Council of Europe. It provides an accessible guide to the various European standards relevant to asylum, borders and immigration. For additional information, see: <http://fra.europa.eu/en/publication/2013/handbook-european-law-relating-asylum-borders-and-immigration> For additional information, see: <http://fra.europa.eu/en/publication/2013/handbook-european-law-relating-asylum-borders-and-immigration>.

82 OSCE, IOM, ILO (2006), p.8

*migration if Europe adopts a sound policy that allows migrants to come to Europe legally and in a controlled manner (...). Organising legal migration is also in Europe's own long-term interest.”*⁸³ According to the Commissioner-designate for Migration and Home Affairs Dimitri Avramopoulos, *“Legal migration is the best way to fight illegal migration”*. Expressing his support of opening up channels for legal migration, Avramopoulos stated that European embassies in third states could deal with the claims of people seeking a legal migration status.⁸⁴

A short overview of the historic development of the EU's legal migration policy shall help us understand the current challenges faced.

In 1999, the European Council acknowledged the need for approximation of national legislations on legal migration, based on the economic and demographic needs in the EU. Legal migration became a shared competence between the European Union and its MS.⁸⁵ However, volumes of admission for economic immigrants remain an exclusive competence of MS. Harmonisation at EU level is therefore limited to entry and residence conditions of TCN, without prejudice to more favourable conditions in EU MS legislations or agreements.

The European Commission primarily aimed to approach the legislation of legal migration of TCN from an economic point of view. Aiming at the introduction of harmonized rules on TCN coming for purposes such as family reunification, studies and research, the negotiations in the Council proved successful and resulted in a number of directives adopted between 2003 and 2005.⁸⁶

The Political Plan on Legal Migration⁸⁷ (2005) put forward the way in which the Commission envisaged a framework directive – together with four further directives covering four specific groups of economic migrants. Carrera's view on the new Policy Plan clearly highlights the differences between the new perspective and the initial proposal of 2001: *“The main result of the approach (...) has been the emergence of a hierarchical, differentiated and obscure European legal regime on labour immigration which accords different rights, standards and conditions for entry and stay to different groups and countries of origin of TCN.”*⁸⁸

The plan of five directives actually resulted in four proposals from the Commission among which the first to be adopted was Directive 2009/50/EC creating the so-called 'EU Blue Card'. The framework directive (Directive 2011/98/EU) not touching upon admission criteria, but definitely bringing major change in procedural rules as well as rights was only adopted two years later. Two more draft directives

83 Juncker, Jean-Claude, My five-point plan on immigration, 23.04.2014

84 Intervention during the hearing by the European Parliament's Committee on Civil Liberties and Home Affairs (LIBE) on 30 September 2014.

85 The unanimity rule applied in this sensitive area. Since the introduction of the Lisbon Treaty, decisions are taken under co-decision and qualified majority voting.

86 Directive 2003/86/EC on family reunification, the first legal migration directive, harmonizes criteria for family reunification among third-country nationals, embracing it as a right of migrants. Directive 2003/109/EC creates a European regime for acquiring EU long-term residence status after five years of legal residence in a Member State. Directive 2004/114/EC focusing mainly on migrants coming for pursuing studies and Directive 2005/71/EC setting up a unique procedure for the admission of researchers reflect the EU's preference for knowledge-based migration.

87 Communication from the Commission – Policy Plan on Legal Migration {SEC(2005)1680} / COM/2005/0669 final/

88 Carrera, Sergio et al (2011) Labour Immigration Policy in the EU: A Renewed Agenda for Europe 2020, CEPS Policy Brief No. 240, p. 3.

– on intra-corporate transferees and on seasonal workers – were proposed by the Commission in 2010 and finally adopted in the first half of 2014. Both these Directives⁸⁹ shall be transposed by EU MS⁹⁰ within 30 months.

The possibility of work in the informal sector is a strong pull factor for illegal migration. In 2009 a Directive⁹¹ was adopted to improve enforcement measures and send a clear message to employers against illegal employment. It sets out obligations for employers to fulfil as well as administrative and penal sanctions in case of infringements.

As regards EU relations with third countries, the European Council encourages MS to offer legal migration opportunities to partner countries, and invites them to develop temporary or circular migration schemes.⁹² Legal migration, including labour migration, forms one of the four pillars of the Global Approach to Migration and Mobility (GAMM). In this framework, labour migration is discussed within regional consultative processes (such as the Prague Process), or bilaterally, within association agreements or ‘mobility partnership’ agreements with specific third countries. Actions at EU level are of course once again dependent upon the willingness of EU MS to open up their labour markets.

EU MS also enjoy discretion as regards regulating access to the labour market. All Member States make use of specific approaches to identify and manage labour demands, with some using a combination of tools. These include drawing up occupation lists, analysing employer needs on a case-by-case basis (labour market tests), and the setting of quotas or limits.⁹³

EU MS are allowed to “consider requests for admission to their territories for the purpose of employment only where vacancies in a Member State cannot be filled by national and Community manpower or by non-Community manpower lawfully resident on a permanent basis in that Member State and already forming part of the Member State’s regular labour market.”⁹⁴ When applying for a residence permit for the purpose of employment, EU Directives set out the condition of already being able to present a valid work contract or a binding job offer.

“Improving intra-EU mobility of TCN and labour matching”⁹⁵

TCN usually have to leave the EU when losing their job. This has become a huge problem in view of the ongoing economic crises. According to the present EU legislation, TCN are allowed to move within the EU in the following three cases:

89 Directive 2014/36/EU and Directive 2014/66/EU

90 Denmark, Ireland and the United Kingdom are exempted from the Directives.

91 Directive 2009/52/EC

92 See: European Pact on Immigration and Asylum adopted by the European Council on 16 October 2008.

93 EMN Synthesis report: Satisfying labour demand through migration, 2011 p. 53.

<http://www.statewatch.org/news/2012/feb/ep-study-labour-demand-and-migration.pdf>

94 Council Resolution of 20 June 1994 on limitation on admission of third-country nationals to the territory of the Member States for employment, OJ C 276, 19.9.1996, p. 3

95 Presentation by Mr. Yves Pascouau, European Policy Centre (EPC), during the 2nd Joint PP2 and PP3 Workshop, 7-8 February 2013, Prague

- **EU long-term residents:** after five years of legal stay in an EU MS and fulfilling other conditions (i.e. being insured and well integrated etc.). The adoption of the respective Directive⁹⁶ in 2003 was revolutionary at the time.
- **Highly-skilled migrants:** namely the owners of the so-called ‘EU Blue Card’ which are granted free movement after 18 months of stay.
- **Students and Researchers:** these are allowed to move for three months (or more) for the purpose of completing their studies or research.⁹⁷

However, MS have the possibility to block the mobility of TCN which may be linked to their insufficient implementation of the respective EU directives. Some states only grant the long-term resident status on very rare occasions. Another barrier is the possibility for MS to oppose a labour market test, thus killing the reasoning behind these directives. All this makes intra-EU mobility very inefficient, raising the question whether the EU can match its labour demands. The impossibility for TCN to move elsewhere is hindering the possibility of flexible problem-solving and of cross-border labour matching while also making the EU unattractive to foreign migrant workers. In contrast to the European reality, migrants are allowed to change the state after only six months of stay in the USA.

A more efficient approach to this problem may include the following measures:

- The EC could envisage infringement procedures for the non-implementation of the relevant directives by MS.
- The EC could also make much better use of **existing mechanisms** such as:
 - **EURES:** TCN should also have access to the system which currently is only targeting EU citizens. This is not a technical but a political problem and is seen by many as a missed opportunity.
 - **Recognition of qualifications:** This is a very intricate issue. The recognition within the EU only applies to EU citizens and qualifications acquired within the EU. For the rest of the world the rule is that MS have to recognise diplomas that have been recognised in one MS within three years. As this issue is crucial for intra-EU mobility, a possible amelioration would consist in recognising universities outside the EU (i.e. within Mobility Partnership agreements) in the future.
- The EC could also envisage some **new rules**:
 - It would be coherent to allow TCN to move after three years of stay (equal duration as for the recognition of diplomas).
 - Students should not just be allowed to move for the purpose of study but also for job search upon graduation.⁹⁸

96 Directive 2003/109/EC

97 Based on Directive 2004/114/EC and Directive 2005/71/EC

98 However, policies among EU MS remain very different in this respect: while Germany recently opened its labour market to university graduates, France closed it.

At present, any solution regarding the admission of TCN seems politically unacceptable. There is a lack of political leadership in this direction when speaking of migrants. Moreover, there is no reliable estimation on the exact number of TCN needed to fill labour shortages across the EU. Finally, it is very hard to foresee what jobs will be available in several years and how high the pension age will be by then. It is to be assumed that TCN would be more mobile than EU citizens if granted free movement. Mobility Partnerships give third countries the opportunity to put these issues on the table during the respective negotiations.

1.2.1.2. Circular Migration

In order to explore and develop different ways and means to facilitate circular and temporary migration and provide credible alternatives to illegal migration, the Commission in 2007 published a Communication on circular migration and mobility partnerships.⁹⁹ This Communication recognized circular migration as one of the key opportunities and instruments for matching the labour supply and demand at international level, emphasising that circular migration should be properly designed and managed as not to become permanent.

Chapter III outlines the essential elements needed to facilitate circular migration and provides a common definition thereof. According to the interpretation of the Commission, circular migration can be characterized as *“a form of migration that is managed in a way allowing some degree of legal mobility back and forth between two countries”*.¹⁰⁰ This kind of interpretation is not based on the perspectives of the individual concerned but is evolved in relation to two countries involved in the envisaged legal mobility of the individual.

Secondly, it lists those different forms of circular migration that could be most relevant to EU MS. On the one hand, it considers circular migration of those third-country nationals who are already settled in an EU MS. On the other, it discusses the circular migration of persons who reside in a third country. The Communication also considers the legislative framework for the facilitation of circular migration and the possibility of developing circular migration schemes.

With regard to the opportunities provided for TCN who have no right to permanent residence in the EU, the Communication lists and describes the categories of titles/reasons that can be invoked to be authorized to come to the EU temporarily: TCN intending to work, study or follow trainings within the EU can be granted entry on the condition that they must re-establish their main residence and relocate their main activity in their country of origin. It is also noted that circularity can be

99 COM/2007/0248 final, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on circular migration and mobility partnerships between the European Union and third countries, COM/2007/0248 final.

100 Ibid. Chapter III, point B. Definition and forms of circular migration.

enhanced by making it possible for the migrants upon their return to their country of origin to retain a certain form of privileged mobility to the Member State where they resided formerly, for instance in the form of simplified admission/re-entry procedures. In line with the relevant EU policies, such an incentive could be applied to various categories of migrants, including temporary and seasonal workers, students, graduates, volunteers, trainees, researchers and others. Moreover, circular migration of certain categories of people could be further facilitated by appropriate legislative harmonization.

With regard to the ‘Blue Card Directive’, measures to enhance circularity could be focused on further facilitating admission procedures for persons having previously resided legally in the EU for a certain length of time (through highly skilled employment, studies or other types of training activities). In relation to the ‘Seasonal Workers’ Directive’, the introduction of a multi-annual residence/work permit for seasonal migrants would allow them to come back several years in a row to perform seasonal work (see below). The Commission also discusses in its Communication the proposal for a Directive on the Admission of Remunerated Trainees, yet no separate proposal was drafted, instead the recast of certain existing Directives was launched, which cover the target group of trainees as well.

According to the Long-Term Residence Directive¹⁰¹, the EU long-term resident status is withdrawn from TCN following an absence from the territory of the EU of more than 12 consecutive months. The EC proposes the extension of the current 12 months to two or three years. As for the Students and Researchers Directives, one possible amendment could be the introduction of a residence permit for multiple entries allowing the holder to be absent from the territory of the EU for longer periods than currently specified and without forfeiting the student’s/researcher’s residence right, consequently.

Another option the EC describes would be to turn some of the optional clauses of the Directives into a right which allows Member States to apply simplified or fast-track admission procedures for TCN who have formerly resided and worked as researchers or studied in the EU, given that they returned to their country of origin upon the end of validity of their permit.¹⁰²

EU-funded Projects on Labour and Circular Migration¹⁰³

Promoting well-managed labour and circular migration are fundamental objectives of the EU’s **Thematic Programme for Migration and Asylum** (TPMA). In 2011, a thematic evaluation of labour migration projects conduct-

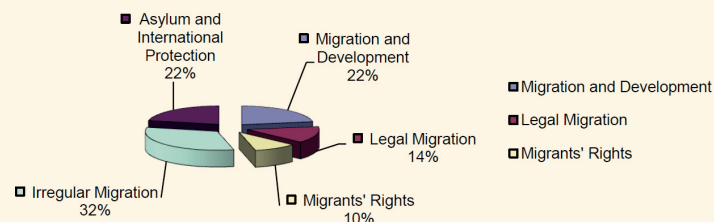
101 Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, OJ L 016, 23.1.2004, p.44-53.

102 The EC also discusses the possibility of linking the two Directives by providing simpler admission (fewer criteria to be fulfilled). This concept could be put forward and extended to make it possible for students to apply for the right to residence on the basis of carrying out research activities while still residing in the Member State where they are pursuing their studies, provided that their application is submitted before their study permit expires.

103 This section is based on the presentation by Mr. Markus Sperl, DG Development and Cooperation, during the 3rd PP3 Expert-Level Workshop, 9 October 2013, Tbilisi.

ed, looking at 24 projects in total. Specific attention was paid to circular migration.

Expenditures / Thematic priorities (euro)



Main Types of EU-funded Interventions

1. Support to Policy Design, Policy Dialogue and Policy Development on Labour Migration
2. Capacity Building for the Management of Labour Migration and Labour Matching
3. Promoting Voluntary Return and Mitigating Brain Drain
4. Targeted Support for Implementation of Circular Migration Schemes

1. Policy Development and Dialogue

Main types of activities

- Support the integration of migration issues into development and labour related policy-making
- Collection of data on emerging labour markets and skills required
- Support for high-level policy dialogue on labour migration
- Support for negotiation of bilateral agreements on labour migration, transferability of pension etc.

Findings and recommendations:

- Positive results in terms of supporting the formulation of national labour migration policies and broadening in terms of stakeholders involved in the policy formulation
- Policy dialogue successful in setting off processes to promote cooperation on labour migration
- More focus required on migration between non-EU countries to ensure that projects correspond to the migration realities of partner countries
- Policy change is stronger where possibilities to sign Mobility Partnerships exist

2. Capacity Building for Labour Migration Management

Main types of activities:

- Strengthen the capacity of national employment agencies to support all stages of labour migration
- Establishment of information centres for migrants
- Creation of data management systems for managing labour migration

Findings and Recommendations:

- A wide range of tools used by implementers and target groups have considerably improved the capacity of countries of origin to manage all aspects of labour migration
- Mixed results in terms of mediating between governments to promote labour migration:
- Few possibilities for recruitment of labour migrants in the EU
- Limited success of pre-departure vocational training à should be better integrated in national vocational and educational training systems
- Need for improved partnership between the EU and its MS in developing a workable systemic approach for the actual recruitment and management of migrants

3. Promoting Voluntary Return and Mitigating Brain Drain

Main Types of Activities:

- Support for mapping of diaspora skills in key areas (e.g. health)
- Measures to attract return and circular migration of diaspora members (e.g. job fairs, websites)
- Support for reintegration of returning migrants

Example – Moldova: 2 Mio. EUR project with WHO to promote circular migration of health professionals through i) research on migration of Moldovan health workers; ii) promoting bilateral agreements with MS; iii) promoting partnership between health institutions in EU and Moldova.

Findings and Recommendations:

- Only few success stories so far, but a growing field for EU external cooperation;
- Evaluated pilot initiatives are too small scale to have a significant impact, and often are not adequately based on the situation and priorities in countries of origin
- Need to further strengthen efforts to promote the return of highly skilled migrants in the context of circular migration

- Need to strengthen cooperation and links with both high-level governmental structures and technical organisations in priority sectors (e.g. health)

Targeted Support for Implementing Circular Migration Schemes

- Two most successful examples have focused on low-skilled agricultural workers.
- Other evaluated circular migration projects achieved more limited results. Problems included small-scale nature, lack of demand in EU, technical and legal difficulties etc.

Example Spain ↔ Colombia: Implemented by IOM 2006-2009. Promoted **comprehensive approach** including i) training before and after arrival; ii) support for community and family development projects after return; iii) policy-level support in ES and Colombia; etc.

Findings and Recommendations:

- Needs of receiving country are primordial for developing targeted support for circular migration schemes; effective legal and administrative frameworks also necessary.
- Clear potential exists for circular migration schemes for agricultural low-skilled workers, including in promoting co-development approach.
- Limited success so far with promotion of targeted schemes for skilled workers. More effective to facilitate **spontaneous movements** (e.g. voluntary return)?

The Way Ahead – What Benefits for Countries of Origin?

- Benefits in terms of reducing pressure on unemployment are quite limited;
- Financial benefits in terms of remittance flows and transfers of savings are often considerable;
- Human development impact depends on quality of skills ‘brought back’ by migrants and national capacity to ensure they are used on national labour market;

→ Ensuring return works for development requires targeted measures fully in line with national development priorities and initiatives in key sectors (e.g. employment, health).

1.2.1.3. Seasonal Labour Migration

The ‘Seasonal Workers Directive’ was officially adopted on 26 February 2014 after three and a half years of negotiations. The Proposal of the Directive was unique as it touched upon migration of low or unskilled workers for the first time and put not only the aim of raising the competitiveness of the EU in the centre, but the protec-

tion of seasonal workers against abuse. The proposal also complied with the EU’s development policy by facilitating circular migration. In particular, its provisions were introduced in a way to encourage the circulation of migrants staying only for a temporary period.

The definition of seasonal worker includes carrying out an activity dependent on the passing of the seasons without containing a close list of seasonal work or seasonal activities, but instead taking into account the differences among MS, in particular their climate and economy. Those fulfilling the conditions for admission may come for a period determined by each MS individually between five and nine months in any 12-month period. Not only the provision concerning the length of stay, but the rules on documents to be issued reflect flexibility, as MS are free to continue issuing long-stay visas instead of seasonal worker permits for those staying for longer than 90 days, while for stays not exceeding 90 days, Schengen visas are to be issued applying the *Schengen acquis* in full.

There has been an extensive debate on how to determine the way of re-entry facilitation. The EC proposal intended to provide for two, but compulsory ways of facilitation, according to which MS should either issue a ‘multi-seasonal worker permit’ covering up to three subsequent seasons, or provide a facilitated procedure for bona fide TCN.¹⁰⁴ Even though the final text of the Directive offers more options for facilitation, the content of these rules is not determined in a harmonized way at EU level. Only the most preferred options are listed, providing more flexibility for MS.¹⁰⁵

1.2.2. CIS Legal Framework

1.2.2.1. Introduction

With the announcement by the Republic of Belarus, Russian Federation and Ukraine on 8th of December 1991 that the Soviet Union had ceased to exist, it was also declared that the abovementioned states enter a new union, therefore forming a Commonwealth of Independent States. One year later Azerbaijan, Armenia, Kyrgyzstan, Kazakhstan, Moldova, Tajikistan, Turkmenistan and Uzbekistan signed a protocol to join the CIS.¹⁰⁶ In 1993 the CIS Charter was adopted.¹⁰⁷

¹⁰⁴ “Taking into account (...) the interests of Union employers in being able to rely on a more stable and already trained workforce, the possibility of facilitated admission procedures should be provided for (...) bona fide third-country nationals who have been admitted as seasonal workers in a Member State at least once within the previous five years (...). Such procedures should not affect, or circumvent, the requirement that the employment be of a seasonal nature.” (Preamble 34 of Directive 2014/36/EU)

¹⁰⁵ As some MS may already facilitate circular migration by bilateral or multilateral agreements with non-EU countries, it is important to emphasize that this Directive shall apply without prejudice to more favourable provisions of such agreements. Consequently, such bilateral or multilateral agreements shall continue to apply as long as their provisions provide for more favourable rules for seasonal workers, including their rights. Therefore it is suggested for Member States having entered into bilateral or multilateral cooperation that they review their agreements in order to determine whether there are certain aspects of the agreement that need to be omitted in order to apply the Directive’s provisions.

¹⁰⁶ Protocol for Agreement on Creation of the Commonwealth of Independent States. Alma-Ata, 21. December 1991. See: http://www.cismission.mid.ru/ii1_4.html

¹⁰⁷ While Ukraine and Turkmenistan have not ratified the Charter, Georgia withdrew its CIS membership in August 2008.

CIS is a loosely binding union or commonwealth of states, which does not have supranational powers, and in which countries withhold their independence, though giving the CIS some coordinating powers. Since the inception of the Commonwealth of Independent States, numerous cooperation agreements have been signed by the member states, encompassing a variety of spheres.¹⁰⁸ Migration figures among the priorities for cooperation within the CIS.

1.2.2.2. Migration trends in the CIS region

Among the CIS countries, Russia and Kazakhstan represent the two main countries of destination for migrants in the CIS. Meanwhile, important source countries feature the Central Asian states, as well as Armenia, Belarus or Moldova. Moreover, CIS countries also represent an important transitory route for other Asian migrants.¹⁰⁹ The most important push factors for migration in the region remain economic ones. Migrants are on the quest for employment, mostly on a temporary basis. On a larger scale their earnings, savings and remittances in some cases represent the backbone for their home countries' balance of payments and the development of their national economies. Finally, the impact of migrant workers on their respective host societies is estimated as overly positive and important in demographic and socio-economic terms: While filling existing labour market gaps, migrants also contribute to the economic development of their destination countries.

The promotion and management of legal labour migration consequently figures among the top policy priorities of both origin and destination countries alike. Member States of the CIS mutually recognize the potential for improvement and are trying to take appropriate measures by modernizing their migration legislation, complementing their legal base, enhancing bilateral and multilateral cooperation, or through the implementation of different large – and small-scale pilot projects. Efforts are being jointly undertaken to fight irregular migration while enhancing legal migration channels as well as the protection and integration of migrant workers in the host society. The increasing recognition of the role that migration can play in enhancing national and regional development is also to be mentioned.

Many CIS Member States have in recent years endorsed National Migration Strategies and accompanying Action Plans for their implementation.¹¹⁰ Moreover, several countries have developed normative frameworks for regulating the employment of foreign citizens.¹¹¹ Meanwhile, some countries of origin have undertaken significant efforts to better prepare their migrants for the journey and employment abroad by establishing specific migrant resource centers, scaling up the pre-departure information and services, or providing specific professional and

linguistic formation. These measures have in some cases been accompanied by attempts to facilitate efficient labour matching and provide potential migrant workers with up-to-date employment offers from abroad. All these different measures should contribute to the establishing of a united regional labour market.

1.2.2.3. The CIS policy framework on labour migration

The migration authorities of CIS Member States are closely working together to tackle various migration related challenges. This has led to the adoption of a proactive approach in terms of inter-state cooperation, mainly taking place in the framework of the *Council of the Heads of Migration Agencies of CIS Member States* (see below).

CIS Cooperation measures in the field of labour migration

1. Creating favourable conditions for labour migration

- concluding of international agreements, regulating labour migration issues;
- ensuring the social and economic rights of labour migrants and their equal status as compared to nationals of the destination country;
- providing state support for the social protection of migrants and their families;¹¹²
- establishing mechanisms for the transfer of pension contributions of labour migrants to the place of permanent residence;
- encouraging mass media in objective portrayal of migration news;
- providing foreigners and compatriots abroad with necessary information on moving, employment and residence in CIS member states
- providing conditions for education of children of labour migrants at schools and universities in the country of residence;
- introducing specific measures for the successful employment of migrants;
- providing professional training for migrants, corresponding to the actual needs and requirements of the targeted labour market

2. Policy Coherence

- designing and implementing inter-governmental mechanisms, joint programmes and actions for regulating labour migration
- expanding the network of representatives of migration structures in other member states
- developing a legal base for the administration of minor law infringements by labour migrants and their prosecution in the country of temporary residence
- conducting coordinated policy towards international organisations

¹⁰⁸ Including economic, political, financial, humanitarian and social issues, cooperation in the field of protection of borders and combating organised crime, amongst others.

¹⁰⁹ While migration mostly occurs within the CIS region, the EU also represents an important destination, especially for citizens of Ukraine and Moldova. In addition, new destinations such as the Middle East countries, China or South Korea also gain in importance.

¹¹⁰ Kazakhstan: 2007; Armenia, Tajikistan: 2010; Moldova, Ukraine: 2011; Russian Federation: 2012.

¹¹¹ The Russian approach of introducing work patents for privately employed migrant workers (e.g. in the domestic sector) was picked up by Kazakhstan, which introduced a similar system.

¹¹² This provision also refers to the provision of medical insurance and pension for under-aged children of labour migrants, who have lost the main provider in the family.

- having consultations on practical cooperation, coordinating approaches and principles in concluding international agreements and other documents
- designing and creation of a unified system of migration control
- developing short and long-term programmes, based on knowledge of potential migration flows, in order to prevent critical and unregulated processes of labour migration developing of joint measures for sustaining and creating new jobs

3. Information sharing, data collection and analyses

- establishing of joint databases on the stocks of both labour migrants and vacancies
- studying and analysing international experiences; joint monitoring and analysis;
- conducting joint research, symposia, and scientific conferences, seminars, consultations and meetings, knowledge sharing
- information sharing regarding:
 - changes in the national legislation and implementation thereof
 - employment possibilities
 - statistical and analytical data on migration flows
 - creation of joint information systems and databases on migration flows
 - development of study kits/tools for conducting research in labour migration;
- conducting joint seminars and research in migration subjects

The main CIS bodies in the area of labour migration include the following:

- Council of the Ministers of the Interior
- Council of the Heads of Migration Services of the CIS states
- Bureau on Coordination of Fighting Organised Crime and other Dangerous Forms of Crime
- Joint Commission on Combating Illegal Migration
- Consultative Council for Labour, Migration and Social Security of the Population

The *Consultative Council on Labour, Migration and Social Protection of the Population*, established in 1992, brings together the responsible heads of ministries and agencies. The Council aims to design policy and harmonise the legislation of Member States in a way conducive to adopting a coordinated labour migration. Various important international agreements have been adopted by the Council, including the following:

- Agreement on Cooperation in the Field of Labour Migration and Social Protection of Migrant Workers (1994);
- Agreement on Mutual Recognition of Rights for Compensation for Workers, who received professional injury or contracted illnesses, while at work (1994);
- Agreement on Regulating Labour Relations at transnational corporations con-

- ducting business activities on the territory of CIS member states (1997);
- Agreement on cooperation in the field of unified tariffs and qualifications database for vacancies and workers (1999);
- Convention on the Status of Labour Migrants and Members of their Family;
- Activity Plan for Modernising the Legal Framework on Labour Relations in the CIS member states for 2010-2014

The *Council of the Heads of Migration Services of the CIS states*, established on 5 October 2007, has the main coordinating role in all spheres of migration cooperation. All members of CIS, except for Ukraine (observer status), have joined the Council, which meets twice a year. Observer status has also been granted to the IOM. The main areas of activity of the Council include the following:

- defining priority areas for cooperation;
- facilitating the harmonisation of national migration legislations;
- ensuring the rights and interests of migrants, who are citizens of the CIS, as well as stateless persons permanently residing in CIS countries;
- facilitating the integration of information databases of CIS countries on registration of foreigners and stateless persons;
- facilitating the effective implementation of international and inter-governmental agreements;
- coordinating the cooperation with other CIS bodies, international organisations and NGOs;
- ensuring the implementation of documents adopted by the CIS in the migration sphere;
- facilitating the information exchange between migration authorities of CIS member states;
- facilitating the capacity-building of staff at migration authorities in CIS member states

The main agreements adopted in the field of labour migration include the following:

The *Declaration on Coordinated Migration Policy* (2007) calls for an acknowledgement of the significant migration flows between the CIS countries and the protection of human rights in relation to free movement within the CIS. The coordinated migration policy of the CIS states is based upon concerted efforts in solving migration issues while recognising principles and norms of international law, the provisions of national legislations of member states and adhering to the principles outlined in the CIS Convention for Human Rights and Basic Freedoms (1995).

The *Agreement on Cooperation in the Field of Labour Migration and Social Protection of Migrant Workers* (1994) aims at establishing simplified procedures for labour migration within the CIS. However, similar to the EU context, the member states themselves have the final say on the actual modalities for cooperation. The number of labour migrants allowed into the country can be set in bilateral agreements. In order to avoid double taxation, contracted labour migrants shall only pay taxes in the country of destination and should enjoy the same medical benefits (provided by the employer) as host country nationals. Meanwhile, transfers of remittances

are regulated by the host country legislation or through bilateral agreements.

The *Agreement on the Legal Status of Migrant Workers and the Members of Their Families* between Belarus, Kazakhstan and the Russian Federation has been in force since 1 January 2012. It aims at facilitating the equal (to nationals) treatment of labour migrants and members of their families in the countries of destination, to create favourable conditions for labour migration, and to effectively regulate the volumes of labour migration, taking into account the economic needs of all parties. Receiving countries may limit the volume of incoming labour migrants, the type of work they are involved in and their rights. However, once legally residing and employed in the host country, migrants shall enjoy equal rights regarding remuneration, safe working conditions, social security (except for pension), accident insurance (at the workplace), education, religious freedom and other rights. Parties to the convention reject any form of slavery and forced labour. Labour migrants are also free to transfer any financial savings to the country of origin.

The Agreement thus provides various preferences for labour migrants from the contracting countries:

- Hiring is not limited by the annual quota;
- No requirement to obtain a work permit;
- Migrant workers and their family member families are exempt from registration;
- Right to social security (social insurance), other than pension;
- Access to education provided for migrants' children;
- Employers are not obliged to notify the FMS or employment services about the conclusion and termination of the individual labour contract.

The *Concept of the CIS Member States' Common Migration Space* (May 2012) aims at enhancing a joint regional approach towards the regulation of migration flows in the CIS region. Among its priorities are the facilitation of labour migration, the protection of migrant workers, the creation of new channels for legal employment and improving inter-state cooperation in terms of migration management.¹¹³

113 CIS Executive Committee (2012) Labour Migration as a Factor of Development in space of the Commonwealth of Independent States. Background document to the CIS Member States' Joint Statement on the Regional Position on Migration, p.4.

2. Labour Migration

2.1. Pre-Departure Information

In the following, the provision of pre-departure information to potential migrants is examined from three different perspectives: First, methods for providing pre-departure information will be presented. Secondly, a short outline of the various types of information will be provided. Finally, the actors providing the information will be presented.

2.1.1. Methods

Generally, information on safe migration should be a continuous process, carried out on a wider scale. Based on the responses to the questionnaire and the experiences of the country visits it can be stated that most participating countries have a system for the provision of information in place. It is realised through established hotlines, the organization of mass media campaigns, publishing and disseminating leaflets/brochures, maintaining websites, organizing specific thematic events etc. The three main forms of pre-departure measures identified in the participating states include operating centres for migrants, maintaining hotlines and websites.

Centres

The institutionalized form of providing information for future migrants is widespread. The centres for migrants offer information and/or consultation services free of charge. One common characteristic of many countries is that the centres are often concentrated in the capitals or main cities. In Albania, however, MRCs are located at regional directories and local offices across the entire country. Through "Information packages for migration" they provide information and advisory services for Albanian citizens who wish to emigrate. Active help for their employment abroad is provided through the implementation of bilateral employment agreements that have been signed with some European countries.

IOM provided participants with an overview on the so-called 'Migrant Resource Centers' (MRCs), operated by IOM.¹¹⁴ Such centers have been established in most of the origin countries participating in PP2, as well as several countries of destination. In 2012, IOM was managing a total of 62 such centers in the Western Balkans with an overall clientele of approximately 6.000 people.¹¹⁵

114 One example of such an MRC is the one established in Dushanbe in 2004 by IOM and the Government of Tajikistan with the support of OSCE. The aim of the Centre, as well as other similar structures operational in the country is to provide intending and actual labour migrants with accurate information on their life and work abroad.

115 IOM Presentation by Ms. Anna Platonova during the Joint Kick-off Workshop of Pilot Projects 2 and 3 in September 2012.

Hotlines

Providing help and information by telephone is a tool frequently used by the participating states. Nonetheless, it could be further promoted as a useful instrument in the hands of both sending and receiving countries.

Online information

Nowadays, information technology is rapidly becoming a key element of the migration process. Online resources facilitate migration planning; they can be used for reaching potential migrants in the fastest and easiest way. It is to be noted that not only information, but also online training should be made available online.

According to the analysis of the information provided by the participating states, EU countries are at the forefront in maintaining websites for offering migration information.

Sweden

The Swedish website www.work.sweden.se provides step-by-step guidance to the Swedish migration process and helpful hints. The site provides information from finding a job, through migration regulations to applying for a work permit to get settled in Sweden. The target group of the site are non-EU/EAA citizens interested in working in Sweden for at least one year.

Czech Republic

The website www.cizinci.cz is one of the tools for prevention of illegal practices of foreign nationals in the Czech Republic. You can find there complete information and experience in the field of immigrant integration. This page is mainly designed for civil servants, as well as governments, non-governmental organizations, the foreign nationals themselves and others.

Mass media

The importance of information campaigns through the mass media is to be considered. The mass media is a powerful tool for information dissemination; television, radio and print media are useful to spread information on migration. The officials of the Ministry of Internal Affairs of Belarus, for example, took part in the migration-related television programs on the leading television channels as part of an awareness raising campaign on the threats of becoming potential victims of human trafficking when going abroad, as well as on ways of prevention and the assistance available to victims.

According to the responses from participating states, there are many variations in the types of practices and services offered to potential migrants. While Arme-

nia uses hotlines and booklets, Belarus also offers legal consultations/personal meetings in response to migrant workers' questions or applications. In Bosnia and Herzegovina, potential migrants wishing to find employment abroad can approach the responsible Agency for Labour and Employment in order to receive handouts with contact information of the relevant authorities abroad.¹¹⁶ The Czech Republic has developed a "Pre-departure package", which is to be distributed in important countries of origin (primarily through Czech embassies).¹¹⁷ Simultaneously, a special "Welcome course" has been introduced for newly arrived immigrants.¹¹⁸

2.1.2. Information provided

Information is essential for migrants who are planning to migrate to a foreign country and are in need of obtaining basic information on legal, social and working conditions in the county of destination. According to the answers received, various information is provided across the PP2 participating states, including on the conditions for legal entry, stay and employment; general conditions and requirements of the labor market, its main sectors, working conditions, wages and the pension system, study, risks of irregular migration and work etc. Some important elements are highlighted as follows:

Admission conditions:

During the planning and the preparation migrants should be provided information about the legal procedures of gaining a residence and work permit in the country of destination.

Assistance in the country of origin:

Countries of origin can help potential migrants by organizing pre-departure orientation (socio-economic situation, culture etc.) or trainings (professional and linguistic courses) to facilitate their integration in the host country. In addition, special cooperation with the country of destination should be promoted. In this context, providing information on contacts of institutions dealing with migration issues, as well as support services for migrants is recommended.

¹¹⁶ All information can be obtained in the three official languages of the country (Bosnian, Croatian and Serbian).

¹¹⁷ Established through close cooperation between the Ministries of Interior and Foreign Affairs, as well as the NGO "Slovo 21", the package includes a brochure, a checklist and even a movie. The Czech Republic also provides immigrants with various other information brochures that have been translated into their languages. The most important publication – Information Booklet for Foreign Nationals – has been updated three times since 2007 and has been published in Czech, English, Ukrainian, Russian, Mongolian, Moldovan and Vietnamese. It is also available electronically at <http://www.cizinci.cz> and <http://www.imigracniportal.cz>. Both web pages aim at providing information to migrants. Ministry of the Interior also provides its information hotline for immigrants and webpage <http://www.imigracniportal.cz>.

¹¹⁸ The courses last only one day and entail important information about the various rights and obligations of foreign nationals. It is being considered to make these courses obligatory for newcomers in the near future.

Rights and duties of migrants in the country of destination:

To prepare future migrants for making informed and intelligent decisions about their employment abroad they should be given adequate information on their basic right for protection, their social security rights and the pension schemes used in the host country.

Awareness raising

Prevention from exploitation and abuse of vulnerable migrant workers is indispensable before they leave the country. Recruitment agents often fail to provide complete information about the working conditions, immigration requirements and basic rights. The lack of information puts migrants at risk of exploitation and abuse by unscrupulous agents and employers.

Raising the awareness of potential migrants about the trafficking of human beings is crucial, including on the risks and threats of becoming victims of human trafficking abroad, possible ways of prevention and the available assistance.

Additional information and formation measures

Pre-departure trainings aim to provide practical knowledge to future migrants in order to ensure the benefits and reduce the potential dangers of migration. Such trainings may, for example, aim at improving migrants' language skills or professional qualifications.

Current pre-departure information practices among PP2 participating states

Participating source countries provide potential migrants with a wide range of information regarding:

- general conditions for entry and visa information;
- migration for employment purposes, work permits, labour market conditions;
- possibilities for studying abroad;
- general conditions for legal residence, including the necessary procedures;
- on family reunification possibilities;
- on Health Care and Social Security Systems;
- housing possibilities and support services for migrants;
- prevention of exploitation and abuse;
- integration measures and prospects

In some source countries information on concrete job vacancies abroad can also be obtained. Others organise interviews on behalf of foreign employers with potential candidates.

2.1.3. Actors

Pre-departure information services should be carried out within a broad institutional framework. Governments, NGOs and other civil society actors, private recruitment agencies, research bodies and international organizations are or should be involved in the process. They all play an important role in providing pre-departure preparation for future migrants.

Government

Governments are essential in providing pre-departure information/preparation. In order to promote and facilitate legal migration, governments can sign international agreements with host countries such as bilateral labour agreements. Such agreements between sending and receiving countries may improve the labour market outcomes of immigrants, especially if they contain provisions on migrant support measures such as pre-departure training.¹¹⁹ Moreover, cooperation (e.g. exchange of information) between states on legislative and practical changes is crucial for providing up-to-date information to potential migrants.

Nevertheless, in order to facilitate the effectiveness of the system it would be worth to sub-delegate some tasks within the national institutional framework. For example, overseas employment centres (OEC) can conclude cooperation agreements with foreign employers.

International organizations

International organisations also play a significant role in providing pre-departure information for potential migrants among the participating states. Provision of information and migrant trainings includes a wide range of activities designed to ensure the smooth and successful integration of migrants in the country of destination. These take into account a wide range of factors such as the cultural, educational and socio-economic backgrounds of migrants. These activities provide participants with crucial information about the country of destination, while helping them to identify and develop the necessary skills needed to succeed in their new environment. In addition to providing factual information, training activities also focus on exploring the attitudes and behavioural changes needed for successful integration.

HEADSTART: Fostering Integration before Departure¹²⁰

This new IOM project aims to consolidate the lessons learnt from existing pre-departure integration support practices, and to explore ways to create stronger links between pre-departure and post-arrival immigrant integration services. IOM

¹¹⁹ See also: <http://interact-project.eu/docs/publications/Research%20Report/INTERACT-RR-2013-06.pdf>
See also: <http://interact-project.eu/docs/publications/Research%20Report/INTERACT-RR-2013-06.pdf>

¹²⁰ For more information, see: <http://www.iom.int/cms/en/sites/iom/home/news-and-views/press-briefing-notes/pbn-2014/pbn-listing/iom-partners-improve-pre-departu.html>

has decades of experience in the provision of various types of pre-departure information and training for migrants worldwide. It also has expertise in the impact of such assistance in countries including Australia, Canada and the United States. On average, IOM provides pre-departure orientation to over 40,000 migrants annually, in over 50 countries.

The 18-month project will combine review and analysis of existing pre-departure integration support, with the development of new practical tools, and networking and partnership building among the policy-makers and practitioners in the countries of origin, and with their counterparts in countries of destination. A handbook for Migrant Resource Centres as a specific vehicle of pre-departure information and training provision will be developed and will include recommendations on standard operating procedures, design, institutional set-up, training, competences, data collection and evaluation.¹²¹

NGOs

Other possible actors are non-state organizations in the countries of origin. The government should provide opportunities for NGOs to facilitate the preparation process by using their experience, knowledge, contacts and expertise in this field. This can lead to in-country as well as cross-border cooperation among the actors operating the migration field.

Research centres

Research centres can also play a vital role in the process of providing pre-departure information for citizens wishing to emigrate. By exploring social problems and conducting ex-ante and ex-post impact assessments they can contribute to the adequate preparation of potential migrants.

The Tian Shan Policy Centre (TSPC)

The work of the TSPC in Kyrgyzstan can be mentioned as a good example in this respect. Its activities are focusing on the rights of migrants, both in respect to internal and external migration aspects. Moreover, TSPC's work is also providing recommendations to support government plans, a task which is undertaken voluntarily. In general, TSPC has a good cooperation with both civil society organizations and government officials. Finally, the Centre aims to contribute to the new national migration strategy with its research on the potential impacts of the accession to the Customs Union in terms of migration.

¹²¹ *HEADSTART* will be implemented in partnership with the World Association of Public Employment Services (WAPES) and authorities in charge of integration issues in Austria, the Czech Republic, Germany, Hungary, Italy, the Netherlands, Portugal and Slovakia. It is co-financed by the European Integration Fund and the Ministries of Interior of Italy and Austria.

2.2. Labour Matching

2.2.1. The varieties of intervention

The “agency-managed” model

In many countries potential migrants can either find employment abroad by themselves or use the services of a licensed agency. In Belarus, for example, every citizen has the right (not obligatory) to register when going abroad in order to facilitate the protection of his rights. Agencies must obtain a license to be able to act as temporary work agencies and recruit Belarus workers for employment abroad.¹²² A continuous information campaign to raise the awareness of migrants on these issues has been set up.

The “government-helped” model

Some countries approach labour matching on a central level, through the conclusion of Bilateral Labour Agreements, Memoranda of Understanding or other cooperation instruments. Such agreements enable employers in destination countries, who have failed to hire native workers, to legally hire an adequate number of foreign workers. Such a system should help managing foreign workers in an organized manner. If portability and pension rights are not guaranteed, an agreement on these issues between the two countries should be envisaged.

However, the actual employment might altogether take up several months to a couple of years. Longer waiting periods occur especially when the passing of courses and language or other tests is required. Whereas some countries of destination may focus on the recruitment of unqualified workers, others may only be hiring qualified migrants.

Source countries should aim for direct agreements with employers in the receiving countries in order to be able to provide concrete vacancies to potential candidates. The listed vacancies should entail concrete requirements, be kept updated and made available to potential candidates both in print version and online. When someone is interested in a job advertised on the list, his CV is sent to the employer and an interview is carried out online. The successful candidate may also be listed in a database for a certain period of time.¹²³ The employment conditions should at least be monitored until the worker receives his first salary.

The host country may determine the quota of work force for each industry and develop a policy on hiring foreign workers. The setting of an age limit for potential candidates is optional. Source countries may also consider various measures for the active promotion of their national work force, which are to be agreed with the host country.

¹²² 79 entities have received such a license, but many others remain illegal.

¹²³ The agreement signed between Korea and Kyrgyzstan, for example, foresees that successful candidates are listed for a period of two years. The database is set up and managed by Korea, but the relevant Kyrgyz authorities can also access it online.

The use of databases

Electronic databases of job-seekers' profiles can enable the effective matching of labour demand and labour supply by facilitating credible information exchange between key actors in labour markets, substantially reducing transaction costs and ensuring confidence among private businesses, public institutions and societies at large. The databases should offer a professional, universal and comprehensive interface to subscribers at both ends enabling quick and consistent communication of job-seekers' profiles between the actors. Moreover, it should provide for adequate instruments to ensure the protection of the personal data of job-seekers and commercial information of companies during the exchange.

Databases may target both potential labour migrants and employers wishing to recruit from abroad. Private Employment Agencies (PEAs) may subscribe to the database in order to create and develop their segments (databases of job-seekers' profiles) based on existing good practices. The database should subsequently be made available to employers and recruitment agencies in the countries of destination. The services of the database should preferably be offered to job-seekers, employers and agencies free of charge. On the other hand, offering the services of the database exclusively to private or public intermediary institutions (which are to be approached by job-seekers) could ensure that the information available is more reliable and facilitate the overall interaction.

Databases should allow for the upload of individual profiles of job-seekers including their personal data and contacts, qualification, professional experiences. Moreover, the establishing of online tools to assess the language and general skills and competences of the candidates is considered a good practice. The vacancies available in the database should cover a wide range of occupations, especially of temporary or seasonal nature. If no limitations are introduced concerning the citizenship of the job seekers, agencies and employers, these can register from any country. In this way, databases could have an effect on a wider scope of people seeking a job or a work force.

2.3. Recognition of Skills and Qualifications

Several central questions are important with respect to the recognition of skills:

- How are qualifications and competences recognised and the formal, non-formal and informal learning of immigrants assessed?
- What are the latest developments regarding measures for skills assessment procedures, the set-up of bilateral and multilateral recognition frameworks and the introduction of pre-migration or other measures?
- To what extent do these practices meet the needs of the (changing) labour market and of various types of migrants?¹²⁴

Recognition systems around the world mainly differ in terms of their definition of regulated and non-regulated professions, the methods used for assessment and

recognition of formal learning, and the practices for recognition of informal and non-formal learning. Further important differences relate to the involvement of employers or the varying provisions of the multilateral and bilateral agreements on recognition. Moreover, different methods can occur within one single country, especially in case of decentralized systems. As the fragmentation of the system discourages migrants to seek recognition of qualifications and competences, the harmonization of differing recognition procedures should be promoted to enhance transparency and simplify the access to the recognition system. A common system of recognition of diplomas and qualifications between major countries of origin and destination would mitigate the 'brain waste' phenomenon.

The overall awareness on the problems inherent to recognition systems seems to be on the rise. Recent studies have successfully pointed out shortcomings in migrants' access to respective information as well as the need to provide multilingual information in the context of integration programmes. However, the lack of awareness among employers persists. Another important challenge relates to the need for early and timely recognition: foreign credentials are to be assessed as early as possible in order to reduce relative disadvantages. This could be enhanced through pre-migration screening and the setting of time limits for the recognition procedure.

When it comes to collection and interpretation of data, the limited availability of statistical information on recognition outcomes has to be considered. This is even more important in view of the shrinking workforce across many countries of destination, which increasingly recognise the need to tap the potential of immigrant skills. Unfortunately, over-qualification remains a common feature among migrant workers in – and outside the EU.

2.4. Portability of Social and Pension Rights

The lacking portability of social benefits not only affects labour mobility but also threatens basic human rights. *„Migrant workers are confronted with particular difficulties in the field of social security, as social security rights are usually related to periods of employment, contributions or residency. Migrant workers risk the loss of entitlements to social security benefits in their country of origin due to their absence, and may at the same time encounter restrictive conditions in the host country with regard to their coverage by the national social security system. (6) Therefore, migrant workers have specific interests in obtaining equal access to coverage and entitlement to benefits as national workers; maintaining acquired rights when leaving the country (including the export of benefits); and benefiting from the accumulation of rights acquired in different countries.“*¹²⁵

One of the options for establishing portability is the use of uni-, bilateral and multilateral agreements. However, the mere existence of bilateral agreements should not automatically be considered as a good practice. The signing of an agreement does not guarantee that its content is indeed satisfying. In some cases you may preserve your rights theoretically, while effectively losing your insurance. There is no world-wide inventory listing the content of these agreements and no rigorous and comprehensive monitoring and evaluation on them. As a result we have

¹²⁴ Presentation on "Recognition of Qualifications and Competences of Immigrants: Focus on the European Union" by Ms. Anna Platonova (IOM), held during the 3rd PP3 Workshop, 9 October 2013, Tbilisi. The presentation is based on the findings of the IOM LINET study, entailing in-depth research of eight countries: Germany, Italy, the Netherlands, Sweden, Denmark, United Kingdom, Australia and Canada.

¹²⁵ OSCE, IOM, ILO (2006), p.6-7.

limited understanding about the scope and content of the bilateral agreements.¹²⁶ Moreover, many of the agreements set up between CIS countries in the beginning of the 1990's have become overhauled. Meanwhile, within the EU a system of social security coordination governs the portability of social security benefits.¹²⁷

Over the next few years, the priority lies in ensuring fairness between countries. While this is easier to achieve regarding pension rights, it is less so for health coverage. Whilst insurances are consumed within agreed periods, exportability is most important for long-term pre-funding/pre-saving schemes (i.e. pension rights). Since migrants in their majority tend to come at a young age, they contribute without ever getting anything back. Due to the significant volume of money involved, receiving countries' positions tend to be the decisive ones.¹²⁸

On the transnational level, it is crucial to ensure efficiency whereby the decision on where to move should not be impacted by portability issues. Nevertheless, countries continue to instrumentalise portability in order to select their source countries. No country should lose out or win from portability agreements. At the same time, it should be considered that almost no extra-European country covers health care in its bilateral agreements. In the case of widely differing or even inconsistent social or pension systems, which do not allow for portability agreements, migrants could be offered the value of their contributions and an interest rate when leaving the host country.¹²⁹ However, efforts to bring different systems together are only undertaken if great migration flows occur.

At the national level, a first meaningful step could be taken by granting the exportability of accumulated rights to all citizens. Moreover, source countries should first think of how to ameliorate their own national benefit systems.¹³⁰

2.5. Data Collection and Analyses

Statistics on international migration suffer from the non-existence or inaccessibility of detailed, comparable, disaggregated data on migrant stocks and flows resulting from:

- lack of harmonized concepts and definitions across countries and at national level;
- lack of data collection systems;
- lack of coordination and information sharing among various agencies at national and international levels.

At the international level, the UN 1998 Recommendations on Statistics of International Migration provide a detailed framework for the compilation of statistics on

migration flows including suggestions for standardized definitions and guidelines for collection and tabulation of data. A (long-term) migrant has been defined as "a person who moves to a country other than that of his or her usual residence for a period of at least a year".¹³¹ Moreover, the UN 2007 Principles and Recommendations for Population and Housing Censuses give further standards and guidelines for the collection and tabulation of census data relevant to international migration. Population censuses should include questions on country of citizenship, country of birth and place of residence in the past year and the past five years.¹³² The answers to those questions should be processed, tabulated (by sex, age and level of education) and disseminated.¹³³

National statistics offices are key actors as they are responsible for harmonisation, compilation and dissemination of data, while fully respecting data protection regulations and national security considerations. Usually responsible for implementing national censuses or conducting sample surveys, they are also in charge of compiling specific statistics collected by a wide range of authorities in administrative registers related to their tasks (border crossings, asylum-seekers, labour market, education etc). These authorities often have only limited access to this data. Adequate cooperation and information sharing must be guaranteed between ministries/agencies in charge of migration, the various other authorities in charge of areas related to migration and statistical services.¹³⁴

Data collection practices in the EU have shifted in the past decade towards a better coordination and harmonisation at national and international levels including more accurate ways to collect socio-economic statistics and identify migrants (an increasing number of datasets identify the country of birth, second generation migrants based on parents' country of birth, etc.)¹³⁵.

The EC has lately also been very active in promoting a better understanding of migration issues in third countries as part of its Global Approach to Migration and Mobility (GAMM). The promotion of the production of "Migration Profiles"¹³⁶ in third countries confirms its commitments to this aim. Various external actions have also

131 This definition has been retained in the EC Regulation 862/2007 on migration statistics.

132 See also the questions recommended by the 2006 Conference of European Statisticians. UNECE 2006: Conference of European Statisticians, Recommendations for the 2010 censuses of population and housing, pp. 83-93.

133 Researchers working on the PROMINSTAT project (see below) believe that additional information on lengths of residence, previous country of residence, purpose of migration, legal status and naturalisation should be included into datasets whenever possible.

134 Such cooperation can be supported through EU external cooperation projects.

135 Out of the nearly 50 Mio. migrants throughout the EU, approximately two thirds are third-country nationals. Unfortunately, it remains impossible to estimate who returns or circulates for most countries. Such information is neither published in Eurostat but can only be found through various case studies.

136 Originally, this was a simple exercise of data collection to be included in the EC's ACP and Western Balkans strategic documents which were based on a very basic template. Since 2006, this exercise has been replicated and developed by various international organisations and has generated the interest of numerous countries around the world. Migration Profiles are now considered more and more as a process, linking the collection of data and figures to a range of capacity building and policy development activities. Regarding the development of the profiles it is one of the EC's priorities to enhance the countries' capacities and to provide them with the skills to eventually collect the essential data on their own account. This information gathering exercise has been broadened to include more data on the impact of migration on the socio-economic situation of the respective country in the form of 'Extended Migration Profiles'.

126 Corridor studies and the application of a relevant results framework should be able to provide useful information to policy makers on them.

127 EU Member States are also free to negotiate bilateral agreements but recently there are attempts to review and streamline this process by the European Commission.

128 Presentation on "Portability of pension, health and other social benefits" by Prof. Holzmann during the 2nd Joint PP2 and PP3 Workshop, Prague, 7-8 February 2013.

129 Most of the countries participating in Pilot Projects 2 and 3 seem to have quite similar systems (with the exception of Kosovo).

130 The example of Kyrgyzstan with its economically viable system can be considered a good practice in this respect.

been funded by the EC, including the geographic expansion of the so-called i-Map¹³⁷ to Eastern Europe and Central Asia (See: www.imap-migration.org) or the **CARIM East project**, co-financed by the EC, which has produced quality research on migration covering the Eastern Partnership countries and Russia. An extensive database covers the legal, socio-politic, economic and demographic dimensions of migration to/from these countries. The creation of country migration profiles is also facilitated. (See: <http://www.carim.org/>).

The so-called 'Platform for Partnerships' (PfP) was launched in 2010 in the framework of the Global Forum for Migration and Development (GFMD). The aim of the GFMD PfP is to foster the exchange of M&D practices among policy makers and to encourage governments to work in partnership with each other and other key stakeholders. The PfP features an online component (See: www.gfmd.org/pfp), including profiles of many PP countries and explicit calls for action or partnership, as well as face-to-face meetings between governments and key partners. Since 2010, a PfP has been an integral part of the GFMD summit meeting program.

As statistics in developing countries are still scarce, feature many gaps and have the potential to be biased it is vital to consult more than only one source of data and information on migration in the respective country or region. Not only government resources but also civil society organisations should be sought out for advice as they may have a more realistic picture on the actual migrant stocks and issues related to migratory flows – in particular as regards such sensitive topics as irregular migration or trafficking in human beings.

Initiatives for Data Collection within the EU

A key milestone has been the adoption of **Regulation (EC) No 862/2007** on Community Statistics on migration and international protection. Under this Regulation, EU MS must provide Eurostat – the statistical agency of the EU – with detailed statistical data on immigration, emigration, citizenship, residence, asylum and the enforcement of immigration legislation. This has improved the quality and comparability of data throughout the EU significantly and promises further improvements for the future.

Several EU Member States changed their data collection methodology in order to respect the harmonized definitions stipulated by the EU Regulation on Migration Statistics. While such changes in definitions were introduced rather swiftly, some Member States implemented the Regulation gradually over several years. This, however, has resulted in breaks in time series.¹³⁸ Meanwhile, several other Member States did not have data for every year of the relevant period. Some other data were clearly not comparable between successive

years. Finally, the figures in some countries' international and national databases do not correspond to each other.

Other institutions involved in data collection cooperate closely with Eurostat, including various DGs, the European Migration Network, and EU agencies such as FRONTEX and the Fundamental Rights Agency (as well as national institutions or international organisations such as the OECD and UNHCR).

In the past, Eurostat has been funding two projects to assist EU MS in applying the appropriate statistical modelling techniques (MIMOSA – Migration Modelling for Statistical Analyses) and making best use of available data sources (ILMAS – Implementation of Legislation on Migration and Asylum Statistics). Another project funded by the EC 6th Framework Programme, THESIM (Towards Harmonised Statistics on International Migration), reviewed national data availability and statistical definitions and assessed the steps necessary for compliance with the new regulation. Finally, a new 'Ad-hoc Module' on migration has recently been launched, covering important elements of labour migration.

PROMINSTAT (Promoting Comparative Research in the Field of Migration and Integration in Europe), another project funded by the 6th Framework Programme, established an **online database** which provides for a comprehensive inventory of more than 1,200 datasets available in 27 European countries. Country reports analyse national data collection systems and thematic studies explore the possibility to conduct comparative research in a number of thematic areas. (See: <http://www.prominstat.eu/prominstat/database/>).

The **Eurostat database** provides a wide range of statistical data on population (demography, international migration and asylum, population projections, census tables), but also on other areas such as for instance health, education, labour market and living conditions. Annual Eurostat data on international immigration flows normally include migrations of both national citizens and foreigners, ideally for a period of at least 12 months. Monthly data are published in very few EU Member States, and, due to their rapid and preliminary character, do not always correspond to the annual figures that are published later. In addition, the available statistics should be used with caution because the sources of these data are usually administrative databases that are designed for purposes other than statistics.¹³⁹ (See: <http://epp.eurostat.ec.europa.eu/portal/page/portal/population/data/database>)

137 The i-Map is an intergovernmental information exchange tool implemented by a consortium of international organisations and co-funded by the EC.

138 For some countries (Austria, Denmark, Germany, the Netherlands and Poland) that changed their methodology in 2008 in response to the EU Regulation, a methodological break appears in the Eurostat database, but an unbroken time series can be found at the national level.

139 Administrative data sources often exclude some groups of migrants or fail to record some events even if all the relevant groups are included. When analyzing time series, all breaks due to various reasons should be tracked very carefully. These reasons may be categorised into two groups: (i) changes in administrative or legal measures, such as changes in the registration and regularisation of illegal migrants, or (ii) changes in the statistical methodology, e.g. using new data sources, definitions, etc. These artificial changes or breaks in series can easily appear to be changes in migration trends and distort the analysis of the impact of the economic crisis.

Further Important Data Sources

General Migration Data:

- **Sussex University's** Development Research Centre on Migration, Globalization and poverty tries to give more coherence to the estimates from the decennial censuses by maintaining a distinction between data based on different concepts (place of birth and citizenship). (See: <http://www.migrationdrc.org/index.html>)
- **MPI** (Migration Policy Institute): has created the MPI Data Hub, compiling a large number of existing tabulations (remittances, migration management, asylum etc). (See: <http://www.migrationpolicy.org/programs/data-hub>)
- **UNPD** (United Nations Department of Economic and Social Affairs, Population Division): prepares estimates of migrant stocks for each country on the basis of the data provided by the United Nations Statistics Division. The "Global Migration Database" includes all publicly available tabulations on the international migrant stock by sex, age, country of birth and citizenship (See: <http://www.un.org/esa/population/migration/index.html>). The "Trends in Total Migrant Stock database", which provides estimates of the stock of international migrants (by sex) and refugees for all countries and regions in the world from 1960 to 2010, is available on <http://esa.un.org/migration/>
- **UNSTATS** (The United Nations Department of Economic and Social Affairs, Statistics Division) provides a wide range of mainly census based) data on core demographic indicators, including international migration stocks and flows. (See: <http://unstats.un.org/unsd/default.htm>)

Regional Migration Data:

- **EUDO** (European Union Democracy Observatory on Citizenship) provides detailed statistics on citizenship acquisition in 33 European countries including comprehensive information on the acquisition and loss of citizenship. (See: <http://eudo-citizenship.eu/>)
- **OECD**: the annual "International Migration Data" provides information on stocks and flows of foreign and/or foreign born population/labour force across the OECD countries, including on immigration and emigration by age, sector and occupation, duration of stay, education, labour force status (See: <http://stats.oecd.org/Index.aspx?DataSetCode=MIG>)
- **UN regional economic commissions** have several information/databases on population.¹⁴⁰
- **IOM** (International Organisation for Migration): is active in producing country migration profiles and extended country migration profiles available on the different IOM country web pages. (See: <http://www.iom.int/>)

Labour Migration:

- **ILO**: The new ILO database of labour statistics provides multiple datasets with annual and infra-annual labour market statistics for over 100 indicators and 230 countries, areas and territories. (See: http://www.ilo.org/ilostat/faces/home/statisticaldata.jsessionid=KMswT18WhFnLMTGr8rn2N9PMm8NY8Dpvg67KyQC GDq3gCNyTdGcG!436129044?_afLoop=1881756776279240#%40%3F_afLoop%3D1881756776279240%26_adf.ctrl-state%3D1cyhm76u89_4)

Migration and Development:

- **World Bank**: collects data on **remittances and brain drain** by countries and regions.
- **IMF**: the 'Balance of Payments Yearbook' compiles the annual balance of payments records of countries (main sources of official data on remittances) (See: <http://elibrary-data.imf.org/FindDataReports.aspx?d=33061&e=170784>)

Regional development banks such as the Asian Development Bank collect data on remittances (See: www.adb.org).

¹⁴⁰ The United Nations Economic Commission for Europe (UNECE), together with IOM and numerous statistical offices is also carrying out many regional data sharing initiatives.

3. Overview of National Policy Approaches to Labour and Circular Migration¹⁴¹

Albania

The Albanian National Strategy on Migration and the corresponding Action Plan for the period 2005-2010 entailed various measures related to circular, temporary and seasonal migration. The country has signed bilateral employment agreements with Germany, Italy and Greece. The draft Agreement with the Republic of France is still in the ratification process. These bilateral agreements with the most targeted host countries should facilitate the regular migration of Albanian citizens for employment purposes. The agreements establish the procedures and structures for effective labour matching between the demand and supply side. However, there is no definition of circular migration in the national context due to the complexity of the issue and all the different challenges linked to it. In a recent decision, the country provided for the possibility of double citizenship.

Relevant bilateral agreements signed by Albania:

Signed on 2 December 2008, the bilateral agreement with Italy aims to facilitate both seasonal and non-seasonal employment of Albanian citizens in Italy. Meanwhile, the agreement signed with Germany in 1991 already not only set out the legal framework and procedures for the temporary stay of Albanian workers in Germany, but also aimed at enhancing their professional and language formation through their work. This outdated agreement has been revitalised through the signing of a Memorandum of Understanding under the title “Triple Win Migration” in May 2012. Finally, the Agreement between Albania and France targeting the mobility of young people still needs to be finalised after it was already approved by the Council of Ministers in 2011. The underlying objective is to enhance the opportunities and facilities for young Albanians to gain professional experience in France and vice versa.

Armenia

Armenia also aims to ensure circularity through cooperation between countries. Receiving countries need to be convinced to grant a residence status which al-

¹⁴¹ This section is based on the information received by the PP2 and PP3 participating states. It does not aim for an exhaustive description of all relevant policy elements but to rather highlight some important ones.

lows for the temporary return of Armenian citizens. As a result of the Mobility Partnership signed with the EU, Armenia launched one circular migration scheme. Whereas Armenia is willing to put more such schemes into practice, it still lacks knowledge of the relevant EU regulations. In view of the difficult economic context in Armenia, neither a mass return of Armenian citizens, nor a significant decrease in emigration is currently expected.

When it comes to the immigration of foreigners to Armenia, the national legislation ensures the possibility of multi-entry visa. Foreign nationals can also obtain the Armenian citizenship in a simplified way while preserving their original citizenship. Finally, a Special Residency Status is granted by the President of Armenia to foreign citizens of Armenian ancestry and also to other distinguished individuals, who have provided significant services to the Armenian state and/or are engaged in economic and cultural activities in Armenia. The Special Residency Status is granted for a ten-year term.

Belarus

For Belarus, Russia remains the prime destination country for labour migration as it does not require a work permit from Belarus citizens. The established freedom of movement enhances circular mobility between the two countries. Meanwhile, students preferably go to Germany, the United States or Poland. Enhancing the return of Belarusian specialists is an important objective of the Ministry of Internal Affairs and circular migration might provide a possible solution in this respect. However, the new law on external migration policy from 2012 does not entail a definition thereof.

Governed by several international treaties¹⁴², the employment of Russian and Kazakh citizens in Belarus is mostly managed through employment agencies and requires a signed work contract. The national labour legislation facilitates the circular migration of citizens from these states.

Bosnia and Herzegovina (BiH)

In BiH, the Strategy in the Area of Migration and Asylum and the accompanying Action Plan for the period 2012-2015 set a series of measures for approximating the national legal framework to the relevant EU legislation and respective positive practices. The institutional capacities for linking migration to development are being strengthened. This should encourage circular migration towards and from the country, mostly for the purpose of work and education.

The draft BiH National Development Strategy also foresees measures concerning the development of circular migration schemes for Bosnian experts and scientists. The recently concluded agreement between Bosnia and Herzegovina and Slovenia (ratified in 2012) is a first step in this direction. Referring to the temporary labour migration and

employment of Bosnian citizens in Slovenia, the agreement comes close to introducing circular migration. A result of close partnership and dialogue, it aims at managing labour migration flows from BiH to Slovenia in a mutually beneficial way. While circular migration is not specifically addressed, an institutional monitoring system should in the future evaluate the development impacts of migration between the two countries. A similar agreement has also been signed with the Republic of Serbia.

Croatia

The country's recent EU accession has been accompanied by various proposals by other EU Member States regarding the introduction of circular migration schemes for Croatian citizens.

Czech Republic

The country has no specific instruments promoting either circular migration of foreign nationals, nor of Czech citizens.¹⁴³ Bilateral programmes have solely been introduced on the local level in border areas (especially to Germany), in an attempt to facilitate the cross-border mobility of Czech migrant workers. The latter policy approach runs on a "shuttle" basis which turns it into a rather specific type of circular migration. Substantial policy changes are expected from the so-called "New system of economic migration", which aims to introduce new channels for incoming migrant workers with strong elements of circularity.

In the framework of the Czech Development Cooperation, selected students from countries of particular interest are being supported to study in the Czech Republic, which is sponsoring their travel, insurance, study and regular scholarship. Considered highly successful, this programme has been running since 2003, accounting for some 130-250 scholarships per year. Nevertheless, certain concerns about its actual development potential have been raised as many students reject to return to their countries after finishing their studies. The introduction of measures supporting not only their return but also involvement in development projects in their countries of origin is currently being considered.

Finland

The country has no specific policy on circular migration either. In the past, the common Nordic labour market has offered some special employment services between Nordic countries. Nowadays, EURES is the most important tool offering employment services.

FYROM

The country aims to tackle brain drain, especially due to the mass exodus of its students. Possible solutions include enhancing temporary or virtual return, including through the setting up of circular migration schemes.

¹⁴² These include the following: the Decision of the Supreme Council of the Community of Russia and Belarus dated 22.06.1996 № 4 "On equal rights of citizens to employment, remuneration and other employment and social guarantees"; the Treaty between the Republic of Belarus and the Russian Federation "On equal rights of citizens" of 25.12.1998; the Agreement on the legal status of labour migrant and members of their families, concluded in Saint Petersburg on 19.11.2010.

¹⁴³ The Czech labour force itself can be described as rather immobile, even within the domestic territory.

Georgia

Georgia has begun the implementation of its National Migration Strategy in 2013. By listing circular migration among its policy priorities in terms of migration management, the country recognises the importance of the concept. Another priority aims at successfully establishing the nexus between migration and development. The present migration strategy has extensive provisions on 'temporary legal employment abroad'; it also envisages the introduction of circular migration schemes through bilateral agreements. The Mobility Partnership signed with the EU represents an important opportunity for both sides in this respect and should be used to develop a common understanding of circular migration and make the best use of it. An agreement recently signed with France has not yet been enacted as it requires the implementation of additional legal procedures by the signatory parties.

The country has also made significant progress in informing potential migrants about the existing regulations and legal migration opportunities to the EU. A number of EU-funded programs are being implemented in this area through overall coordination by the State Commission on Migration Issues. The very first pilot project on circular migration was recently initiated with Germany (see below): In the framework of the EU funded project "Strengthening the development potential of the EU Mobility Partnership in Georgia through targeted circular migration and Diaspora mobilization"¹⁴⁴ more than 30 Georgian nurses and hospitality professionals have been selected for their placement and stay in Germany. The participants will enhance their qualification profile and employability for the Georgian labour market by means of job placement, employment and training in Germany. They are offered pre-departure German language courses and profession-specific trainings prior to their stay in Germany. The scheme considers both, the current demands of the German labour market, and the desire on the Georgian side to facilitate the exchange of knowledge and the requalification of its concerned personnel. The maximum duration of stay of Georgian migrants in Germany is limited to 18 months. The pilot scheme aims to generate evidence on means to leverage migration for sustainable development in the frame of Georgia's Mobility Partnership with the EU. Depending on the results and success of the project, future amendments to the national legislation could entail more explicit reference and a systematized policy approach to circular migration. Georgia perceives the concept as economically reasonable and would not limit itself to certain nationalities, if asked to receive circular migrants.

However, the current focus lies on attracting foreign investors and aims at facilitating creation of a good investment climate in the country. Recently, as of 1st September 2014, a new Law on Legal Status of Aliens and Stateless Persons entered into force. It is based on internationally recognized standards and regulates the entry and stay in Georgia as well as expulsion procedures. Finally, Georgia finalised the work on Glossary of Migration Terminology (containing "circular migration").¹⁴⁵

¹⁴⁴ The project is carried out by the Centre for International Migration and Development (CIM) (a joint operation of the "Deutsche Gesellschaft für Internationale Zusammenarbeit" (GIZ) and the German Federal Employment Agency in conjunction with the Public Service Development Agency / Secretariat of the Georgian State Commission on Migration Issues and the Georgian Small and Medium Size Enterprises Association (GSMEA).

¹⁴⁵ Based on the IOM glossary, the document was established in Georgian.

Hungary

Simultaneously representing a source and destination country, Hungary mostly receives seasonal workers from Ukraine. Although there is no strategy in force explicitly on circular migration in Hungary, yet the National Migration Strategy adopted in 2013 for the period of 2014-2020 includes reference to the facilitation on circular migration, within the frames of the strategy related to legal migration. As for the set goals and objectives in relation to the envisaged development of international dimensions, the Hungarian Migration Strategy explicitly points out the importance of utilizing the opportunities provided by circular migration. More precisely, it is laid down in the Strategy that circular migration can and is aimed to stimulate the presence of those third-country nationals in Hungary who actively contribute to the growth of the national economy (highly qualified workers, investors) and the development in the field of science (students, researchers). At the same time, it may also contribute to the reduction of negative effects (for example, in terms of the phenomenon of brain-drain) faced by the countries of origin, that bears relevance especially with regard to Hungarians living in neighbouring countries.

The country has also established bilateral agreements within the so-called 'working holiday scheme', which welcomes young adults for one year of tourism during which they also have the right to work, as long as it is not the prime purpose of their stay. As the concerned individuals can benefit from this initiative once only, it does not provide for circularity.

The Strategy also sets out the vision for the future of economic migration on Hungary, deeming the reception of additional migrant labour a necessity.¹⁴⁶ The simplification of the rules of employment and the ongoing review and transformation of rules of entry and stay of foreigners reflect the aim to continuously adjust the actual policy to the current labour market situation.¹⁴⁷

In terms of emigration, the increased outflow of highly-skilled workers and members of the health sector has been tackled through various measures aiming to prevent future emigration and brain drain. Hungarian students who were granted a scholarship and whose studies were paid for by the state are obliged to work in Hungary for the duration of their studies upon their completion. They can do so within a period of 20 years.

Kosovo*

The greatest national concerns have been linked to policies on return migration as many Kosovars continue to seek asylum in EU Member States. Kosovo has developed a circular migration scheme with Liechtenstein and with Switzerland.

¹⁴⁶ This concerns both skilled and unskilled manual labour and highly skilled intellectual work where a long-term deficit has been registered.

¹⁴⁷ Hungary expects the number of TCN employees from neighbouring countries to decrease (especially in view of the simplified naturalization of ethnic Hungarians) and a simultaneous increase in the number of TCN workers from Asia.

* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kyrgyzstan

The need for a clear definition of circular migration is linked to the prospect of a mass return of Kyrgyz migrants ten to fifteen years from now. Moreover, circular migration for study reasons is also considered of crucial importance as students should return upon completing their studies abroad.

Moldova

To date, Moldova has implemented two projects in the field of labour migration: The first project, completed in 2012, enhanced the operation of the National Agency for Employment. This was achieved through the creation of modern communication systems and the development of a software called "Labour Migration" to monitor migration flows and to inform citizens – both through a call center and via newly established information centers on legal migration channels and labour market opportunities. The second project is underway and is focused on continuing and complementing the first. Both projects are supported by the State Employment Service of Sweden.

A further project to enact the Moldova-EU Association Agreement in the field of employment, social integration and migration was approved in July 2014 at a meeting of the Inter-Ministerial Committee for Strategic Planning. The project, designed for a period of four years, will support the management of the labour market, aiming to strengthen the institutional capacity of the responsible government agencies while also enhancing the positive impact of migration on the development of the country. Another goal targets the socio-economic and professional reintegration of Moldovan returnees at the domestic labour market.

The National Strategy on Migration and Asylum (2011-2020) and the National Strategy for the Employment Policy for 2007-2015 are the basic documents which designate the priority goals and objectives in the field of labor migration for Moldova. Both papers focus on policy development by: 1. Creating and improving efficient mechanisms for managing and controlling migration flows; 2. Continuously developing bilateral and multilateral cooperation with countries receiving migrants from Moldova; 3. Supporting and assisting the return and reintegration of migrants; 4. Measures to prevent youth migration through the creation of employment opportunities at home.

Russia

In recent years Russia has modified its labor migration legislation in order to make employment in the country more attractive for migrants and provide more options for legal migration. Some novelties have simplified the recruitment of foreign work force while others have introduced new restrictions. Undoubtedly, Russia needs to modify its legislation on a regular basis in order to provide the right balance between the rights of migrants and its national interests. The constant modifications may, however, create additional difficulties for the concerned migrants.

Foreign nationals on the territory of the Russian Federation can have three different statuses:

- Temporary staying: applies to short periods when migrants have a migration card but no (temporary) residence permit;
- Temporary residents: applies to holders of a temporary residence permit (for a period of 3 years)
- Permanent residents: applies to residence permit holders (with a validity of 5 years).¹⁴⁸

Different systems are in place for the employment of foreign workers. The two main types of relating regimes are the general and the special one. The general regime applies to nationals of countries requiring a visa to enter Russia. These foreign workers are in need of two separate permits: One for the envisaged employer and the other – a work permit – for the potential worker. This provision does, however, not apply to permanent or temporary residents.¹⁴⁹ In certain spheres of employment, there are restrictions related to the number of migrant workers to be employed.¹⁵⁰

Meanwhile, the special regimes result from reforms introduced in the last three to five years. Several special regimes have to be considered:

Foreign workers from countries having a visa free regime with Russia¹⁵¹

This group of foreigners receives some 90% of all work permits issued. Employers are allowed to seek and hire such foreign workforce without the special permit mentioned above. Solely the foreigner has to apply for a work permit.¹⁵² If the migrant worker holds a labour contract, his work permit may be issued for one year. Otherwise, the permit is issued for three months only but can be prolonged. This situation represents a genuine challenge for migrants: While employers do not want to conclude a contract in the absence of a work permit, the work permit cannot be issued without a labour contract. During their stay, the foreign workers have the right to conclude a contract with another employer, but have to inform the FMS thereof.

A newly introduced requirement (applicable as of 1st January 2015) is the proof of knowledge of Russian language, history and basic Russian legislation. Citizens of countries where Russian is one of the official languages are freed from this obligation.

148 According to the Federal Law on the Legal Status of Foreign Citizens in the Russian Federation of 25.07.2002 No. 115-FZ, foreign workers are foreign citizen which temporary stay on the Russian territory (not residents) (art. 2). It means that temporary and permanent residents are not foreign workers in the sense of the Federal law.

149 It also does neither apply to other specific groups such as: compatriots resettled from abroad; diplomats and other employees of foreign companies; foreign journalists; foreign students; foreign researchers and professors; foreign artists and sportsmen under the age of 18.

150 The Government establishes every year the allowable percentage of foreign workers, for example, in the sphere of retail and sport, as well as others. Consequently, foreign workers cannot be employed in retail, markets etc. These provisions, however, do not apply to temporary and permanent residents.

151 Art. 13.1 of the Federal Law.

152 The application can be submitted either in person, through an employment agency or through a legal representative. The term of issue of the work permit amounts to ten working days. When issued for a period exceeding 90 days, the foreigner is obliged to submit a medical certificate on the absence of certain diseases within 30 working days.

Meanwhile, the quota system for nationals of countries with a visa-free regime was found to be ineffective and was replaced by a so-called 'patent system', which currently only applies to employment by individual persons. By determining the price of the patent depending on the type of work, the local authorities have a possibility to regulate the recruitment of foreign workers.

Highly qualified migrant workers

Through its amendment in 2010, the Law "On the Legal Status of Foreign Citizens in the Russian Federation" introduced a special regime for highly qualified workers, which is analog to the EU Blue Card Directive.¹⁵³ The minimum salary required for this type of status normally amounts to some 40.000 EUR per year, but may be less in some specific cases (e.g. researchers, tutors).

Privileges enjoyed by highly qualified specialists include the following:

- Special provisions concerning the status of their family members;
- Exemption from the obligation to register their migration record;
- Right to invite persons living abroad to the Russian Federation;
- Employment is independent of the quota system and other related restrictions;
- Income tax of 13% instead of 30% (if not registered as residents).¹⁵⁴

An employer willing to hire a highly qualified specialist has to send a petition and additional documentation to the FMS. Once again, the employer needs no permission while the foreign worker must be in possession of a work permit. Without a job offer in hand, the potential specialist can ask the FMS to publish his profile in order to find a job. The posting of his profile may serve as a ground for issuing a business visa.

Employment of foreign full-time students

Since 1st January 2014 foreign full-time students of accredited institutions have the right to apply for a work permit. Issuance of the latter does not fall under the quota regime nor does it require a permission for the employers to hire them. The respective procedure is similar to the one for nationals of countries with a visa-free regime described above.

The Concept of the State Migration Policy of the Russian Federation till 2025¹⁵⁵

Against the background of a constant demand for cheap foreign labour force and the ever worsening demographic challenges, the Russian government saw the imperfections of the migration management system as the main reason

for the large and growing numbers of illegal migrants within the Federation and set about to change that. Previous targeted attempts had borne limited success.¹⁵⁶ The legislative and policy changes in Russia's migration policy are no ad-hoc measures. The Concept outlines the national strategy in key spheres of migration as well as potential state responses. Many elements of the legal framework have already been formulated way earlier.

The Concept of Migration Policy for the period 2013-2025, adopted in 2012, defines the Russian Federation as a multi-ethnic, multi-religious, and multi-national country. The key objective is to become an attractive country of destination, particularly for migrants from other CIS countries. While this is not a novelty, one principal change introduced in the Concept is the prioritization of permanent legal immigration of highly-skilled labour migrants and their families to Russia. Meanwhile, temporary migration is defined as the international and internal migration, which occurs for a certain period of time without a change of residence. Temporary migration can serve work-related or other purposes (education etc.).¹⁵⁷ Another novelty is the focus on a more balanced distribution of the immigrant population in the Russian Federation.¹⁵⁸ The removal of administrative procedures that complicate internal migration within Russia is also envisaged.

In addition, a number of priorities for a more effective Russian migration policy have been identified: differentiated mechanisms for selecting, attracting, and employing short-term and long-term migrants; a score-based system for selecting migrants; simplified entrance and departure procedures for selected categories, such as investors and business-owners; and a modernized and simplified system of allocation of quotas and issuance of residence permits. To achieve these goals, a number of amendments have been introduced to the Russian legal framework on migration and the corresponding governmental measures have been developed.

These legislative novelties have the potential to fundamentally change the migration situation in the region, directly impacting on Russia and the migrant sending EaP and CIS countries, indirectly also affecting migration movements from the region to the EU. The real impact of these legal changes, however, will depend on the actual implementation mechanisms in place. In the recent past Russia has seen some significant developments in terms of introducing a number of enforcement tools, which shall ensure targeted and strict enforcement of the 2002 Law on the Legal Status of Foreign Citizens (amended in 2007, 2010, 2012).

An automated system of enforcement of the 2002 Law on the Legal Status of Foreign Citizens (amended in 2007, 2010, 2012) has been introduced shortly before the Olympic Games in Sochi in 2014 as a security measure. But it es-

153 Federal Law Nr. 86-FZ, 19 May 2010.

154 The high income tax provokes illegal employment, under which migrant workers are neither granted an official contract nor social security. They neither pay taxes nor any other social provisions.

155 See: <http://cis-legislation.com/document.fwx?rgn=52502>

156 The first Migration Process Regulation Concept, issued in 2003, failed to be implemented due to over-ambitious goals and lacking implementation mechanisms.

157 The concept of circular migration is not used in the Russian official documents.

158 Enhanced numbers of immigrants shall settle in Siberia, the Far East, and other strategically important areas, including border regions in the South and East of the country.

establishes a new system for monitoring migration as well. Technically it is based on a number of interconnected automated systems that have been installed across the borders check-points and within the various national institutions dealing with the monitoring and enforcement of the Russian national law. These include:

- An automated programme recording migrants' violation of immigration law; and
- A monitoring system at the border applicable to all foreign citizens, across the country.

These two components allow an automated monitoring of both entry and exit of all foreign citizens and, most importantly, identification of those, who have committed criminal and administrative offences on Russian soil. The currently active components of this database also register infringements pertaining to migration legislation. Such violations lead to the issuing of a three-year entry ban for the concerned migrants. Decisions on an individual case are final, without the right to appeal. While the law excludes the possibility of revising the decision on an individual case-by-case basis, a solution is offered at state level via the possibility of joining the Customs Union. The migratory restrictions do not apply to citizens of participating states of the Union.

Notwithstanding the fact that the implementation of the monitoring system has to be seen as the attempt to finally enforce migration legislation which – at least partly – has been in existence for a long time, it still has the potential to become a real game changer in terms of future migration flows in the region. There is a broad number of potential and significant consequences which can be listed as follows:

For the **Russian Federation** potential consequences and scenarios include:

- A decrease of cheap foreign labour force which so far entered the country illegally or stayed on its territory illegally, including a potentially significant outflow of large groups of labour migrants, including irregular migrants, from the national labour market;
- A strong demand for a change in or legalization of their status within the Russian Federation, including acquisition of Russian citizenship;

For the **sending countries** potential consequences and scenarios include:

- Return of large numbers of persons, mainly labour migrants, including illegal migrants, who are expelled from Russia or cannot keep up employment there, to their country of origin where not all of them might be successfully absorbed by the domestic labour markets;
- On a related note, the loss of vital migrant remittances;
- A potential loss of citizens as some labour emigrants might prefer or feel forced to revoke their citizenship in order to acquire Russian citizenship and keep their chances to access the Russian labour market intact;
- Labour emigration to destinations other than Russia, namely the EU and the Gulf region;
- For the **EU** potential consequences and scenarios include:
- An increased inflow of labour migrants from EaP and CIS countries, includ-

ing a certain share of illegal migrants, who have lost their access to taking up occupation in Russia and seek employment elsewhere;

- Possible impacts on future negotiations on visa liberalisation with some countries.

The stringent implementation of the described measures started only recently (2013 and 2014), and the real consequences are yet to be seen. One decisive question is, whether the new Russian migration regime can ensure sufficient supply of foreign work force for the domestic market. The Russian economy strongly depends on labour immigration, a considerable share of which so far unfolded as irregular migration. It will be a challenge to replace irregular with regular migration, as the prior has a number of “advantages” for employers like low pay, the high flexibility of irregular workers and the absence of basic labour rights for this particular group. If a shift of labour immigration to legal channels fails, economic necessities and market pressures might require a softening of the envisaged tight migration regime.

Slovenia

The country receives 90% of its immigration from other states of former Yugoslavia, with Bosnia and Herzegovina providing for half of the total immigration. An agreement on the employment of migrants was concluded with BiH in 2012, the results of which remain to be seen.

Tajikistan

The National Strategy on Labor Migration of Tajik Citizens Abroad for the period 2011-2015 was adopted in 2011. It entails concrete actions oriented towards the formation of migrant workers for the targeted labor market sectors and their socio-economic and legal protection. The Strategy also foresees more advanced mechanisms for effective international cooperation, including on migration and development. The concept of circular migration is not yet fully understood as the country mostly experiences labour and seasonal migration. Tajikistan strives to establish bilateral and multilateral cooperation with the countries receiving its migrants in order to protect their rights. Agreements on the organized recruitment of Tajik citizens in the Russian Federation are currently being implemented. Moreover, intensive analytical work on external labor markets and the potential development of analogical draft agreements in the field of labour migration is currently undertaken, aiming at enhanced cooperation with other CIS and non-CIS countries.

Sweden

The country considers the results of its rather liberal migration policy as overall positive. Most importantly, this is valid for the established demand-driven system

whereby employers can recruit labour force from third countries under certain conditions. Contrary to the concern of labour unions that the newly-arrived migrant workers may provoke salary dumping, the system seems to work well as a whole, requiring only some additional fine-tuning. Rather than managing migration, Sweden is trying to 'deal' with it in the best possible way. As labour shortages would anyway be filled, it is better to ensure that this is done legally.

Ukraine

In 2011 Ukraine adopted a State Migration Policy Concept and its Action Plan, which provides for a number of measures related to circular, temporary, and seasonal migration. The national policy priorities include addressing the issues of "brain drain" and protection of the Ukrainian external labour migrants' rights. Adopted in 2012, the Law "On Employment of Population" envisages a number of relevant measures, namely support of employers in establishing new jobs, development of population entrepreneurship, etc.

Ukraine is a party to bilateral agreements on employment and social protection of labour migrants, specifically with Azerbaijan, Belarus, Armenia, Vietnam, Latvia, Lithuania, Great Socialist People's Libyan Arab Jamahiriya, Poland, Portugal, and Spain. Activities are underway to expand the framework of agreements on Ukrainian labour migrants' social and pension security through entering into relevant bilateral agreements.

In the near future, Ukraine intends to adopt the Law "On External Labour Migration", which will legislatively determine the status of Ukrainian labour migrants and their family members and provide for social, economic, educational, cultural, and other guarantees for them.

4. Activities carried out in the scope of PP2 and PP3

Joint Kick-off Workshop on Pilot Projects 2 and 3, Budapest, 25-26 September 2012

The Workshop gathered representatives of 15 participating countries and experts from IOM, ICMPD, the University of Sussex and the EU Project "Consolidation of migration management capacities in the Republic of Moldova".

The first day of the workshop was dedicated to labour migration, with the aim to introduce participants to the objectives and work plan of PP2 and reach an agreement on the proposed structure. The work plan for the two upcoming years was presented, featuring three workshops, two expert missions to non-EU countries and a study visit to an EU member state. Common interests and challenges were identified within a *tour de table*. Presentations were given by national and international experts on experiences, good practices and challenges in the field of legal migration, generating discussion among participants on the needs and practical difficulties in organising labour migration. Participating countries were also invited to give a short overview of their migration management systems and comment on the structure of the PP2 draft questionnaire, established by the leading state Hungary.

The second day targeted the issue of circular migration and followed a similar agenda. Participants were first introduced to PP3 and its envisaged structure and objectives, before being granted a detailed presentation of the concept of circular migration. Tajikistan and Moldova then presented a country of origin perspective, introducing their national experiences with circular migration. Finally, all participating states were invited to present their experiences and expectations linked to the topic within a *tour de table*.

2nd Joint Workshop on Pilot Projects 2 and 3, Prague, 7-8 February 2013

The meeting gathered representatives of 15 Prague Process countries, as well as IOM, ICMPD and a number of external experts. The first day was dedicated to PP3 and circular migration in particular. External experts were invited to introduce participants to various issues such as the potential development impacts of circular migration, the challenges in setting up a pilot project on circular migration, or the portability of migrant workers' pension, health and other social benefits. A first descriptive summary of the answers submitted by participating states to the questionnaire disseminated earlier within the Pilot Project were presented and discussed among participants within a *tour de table*. While most participating countries have no exact definition of circular migration or an explicit legislation thereof, their representatives showed great interest in further developing the concept with the possibility of implementing practical initiatives in the future.

The second day was concerned with PP2 and, more specifically, the information provision to migrants. New ideas to improve labour matching within the EU were

discussed, before introducing participants to the complexity of bilateral agreements as well as statistics and data collection. Among the experts invited was the representative of the *“Centre for the Integration of Foreigners”* in Prague who gave a useful insight into the daily work, information provision and assistance provided to third country nationals in the country and the challenges faced in this respect. The national representatives of Albania, Finland and Georgia then presented their national labour migration policies. Finally, the role of diaspora engagement in enhancing labour matching and information provision to potential migrants was also discussed.

3rd PP3 Workshop, Tbilisi, 9 October 2013

The 3rd PP3 Expert-Level Workshop on circular migration took place in Tbilisi on 9 October 2013 and gathered participants from 12 Prague Process states, the European Commission and European Training Foundation, as well as international and non-governmental organizations including ICMPD, IOM, and the People in Need Foundation.

The aim of the Workshop was to give an overview of the preliminary findings reached under the Pilot, resulting from the individual answers given by the participating states to the PP3 questionnaire. Current initiatives and good practices linked to circular migration were introduced, including the issue of skills recognition, as put forward in the PP Action Plan.

PP2 Expert Mission to the Republic of Belarus, Minsk, 22-24 October 2014

The expert team, consisting of national experts from Finland, Hungary and Romania was warmly received by Mr. A. Begun, Head of the Department for Citizenship and Migration (DCM) of the Ministry of Internal Affairs of the Republic of Belarus. After a short introduction of the various institutions and competences, a comprehensive overview of the national migration policy was provided. Various labour migration aspects were then presented in more detail, including the licensing of legal entities, the issuing of work permits to foreigners or the recruitment and protection of Belarus citizens working abroad. Experts were also introduced to the numerous bi- and multilateral agreements ratified by the Republic of Belarus, as well as to recent efforts on the conclusion of readmission agreements. Special attention was devoted to the area of Counter-Trafficking, characterised by significant success stories over the past decade. During their visit to a regional employment office, experts received an insight into the national labour market, the recruitment of foreigners and social protection issues such as pension rights and portability. The State Border Committee introduced the practices established in combating irregular migration and the related data collection and analyses.

On day two experts were received by the Executive Committee of the Commonwealth of Independent States (CIS) and introduced to the numerous activities and treaties in the migration area. A short visit to the Military Museum was followed by meetings with the National Statistics Committee and two recruitment agencies. In a second phase, experts had the opportunity to meet with important non-state actors, international organisations and NGOs, including the EU Delegation, IOM, UHNCR, UNDP and ‘La Strada’.

Thanks to the excellent cooperation, hospitality and high level of expertise received by all counterparts, the mission accomplished the set objectives.

PP2 Expert Mission to the Kyrgyz Republic, Bishkek, 11-13 March 2014

In the course of three days the experts from Hungary and Romania had the opportunity to meet with representatives of various Kyrgyz state authorities such as the Ministry of Labour, Migration and Youth, the Ministry of Foreign Affairs, the Ministry of Internal Affairs, the Centre for Employment of Citizens Abroad, the Agency for Professional-Technical Education, the Kyrgyz Social Fund and the National Statistical Committee. Further meetings were held with the local EU Delegation and IOM Mission as well as the Tian Shan Policy Centre.

Labour migration is a top political priority in the Kyrgyz Republic. Important push factors include the relatively low salaries, high unemployment rate and lack of an efficient social security system. According to official statistics, some 560.000 Kyrgyz work in the Russian Federation, with another 50.000 Kyrgyz migrants working in Kazakhstan. The annual outflow towards Russia is estimated at around 20.000 people. The amount of remittances received in the country amount to approximately 2 billion US dollars a year, thus representing one third of the Kyrgyz GDP. Most people, however, leave for a seasonal job (fishing and agriculture) and stay for around three months.

The lack of information, knowledge and skills among outgoing migrants is a principal challenge, which is tackled through various measures such as information and training centers, a hotline, websites and PR campaigns aiming to better prepare migrants before their departure. The establishment of a one-stop-shop office at the Ministry of Labour, Migration and Youth was planned at the time of the mission. The protection of its citizens abroad has been another policy priority of the Kyrgyz Republic. An important role in this respect is played by numerous diaspora organizations.

Joint Workshop of Pilot Projects 2 and 3, Yerevan, 6-7 May 2014

The meeting, which was hosted by the State Migration Service of Armenia, gathered representatives from twelve participating states as well as various local organizations and academics, working in the migration area. The welcome notes by the Head of the Armenian State Migration Service and the Head of the EU Delegation in Yerevan were followed by an overview of the activities implemented and preliminary findings reached under the two Pilots. Participants were introduced to various current projects and initiatives linked to labour and circular migration before being granted the opportunity of presenting recent policy changes in their respective countries. Finally, special attention was given to labour migration in Armenia, as well as to a variety of other topics such as the EU Labour Migration Package, the recent changes in the Russian migration policy or the international migration of physicians.

Pilot Project 2 Study Visit to Finland, Helsinki, 2-5 June 2014

Hosted by the Finnish Ministry of Employment and the Economy (MEE), the PP2 Study Visit to Finland gathered representatives of 11 participating states. The MEE first introduced participants to labour migration management in Finland, including the various ministerial responsibilities and structures. The MEE is responsible for employment and integration issues, whilst the Ministry of Interior has competence over all other migration related areas. Challenges are faced in terms of data collection and the envisaged establishing of one single joint database.

The recently published Migration Strategy of Finland until 2020 was introduced as well as the current labour migration flows to the country, the national labour shortages and surpluses, and the various support structures for guidance and integration of immigrants (ALPO project). Participants then had the opportunity to visit the local Employment and Economic Development Services and learn about the labour market insertion of both foreigners and nationals. A guide for new immigrants was introduced before also looking into the functioning of EURES.

On the following day, participants first visited the Ministry of Interior to learn more about the actual immigration situation and migration policy of Finland. The afternoon entailed a visit to the Finnish Immigration Service where participants were introduced to the registration of aliens and the work permit issuing process in Finland. On the final day, participants met with project officers from across Finland, working under the so-called MATTO project. During this networking session, both sides had the opportunity to exchange views on their national practices and everyday challenges and experiences. In the afternoon, participants were introduced to the public information services of the Helsinki City Hall.

Concluding Workshop of Pilot Projects 2 and 3, Prague, 25-26 September 2014

Taking place exactly two years after the Kick-off Workshop in Budapest, this meeting was dedicated to the discussion of the content of the present Handbook. Participating states were invited to give their feedback on the final version before its endorsement at the Senior Officials Meeting in October 2014.

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- HEADSTART – Fostering Integration before Departure. <http://www.headstart-project.eu/index.php/pre-departure-integration-support>
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- Joint Declaration of the Prague Process Ministerial Conference "Building Migration Partnerships" (2009): http://www.pragueprocess.eu/fileadmin/PPP/BMP_Joint_Declaration_EN.pdf.
- Virka Info, Helsinki, Finland: <http://www.virka.fi/en/info/english>
- EU Immigration Portal: <http://ec.europa.eu/immigration>
- Press release on the Official opening of the Overseas Employment Centre under the Ministry of Youth, Labour and Employment in Bishkek, Kyrgyzstan: <http://iom.kg/en/?p=642>
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