Inventory of programs aimed at attracting High-Skilled migration to the EU

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Abstract: This report concentrates on four TEMPER country destinations (Italy, France, Spain and the UK) to explore the policies fostering the migration of high skilled immigrants (HSM). The report succinctly reviews the literature on the benefits of HSM and the policy innovations existing internationally. The country analysis is qualitative and does not refer to demographic dynamics. It shows that while HSM policies are largely developed and sophisticated in the UK than in France and, specially, in Spain and Italy, there is some space for convergence across countries. Despite its evident benefits, HSM policies are not a-cyclical and have suffered a number of adjustments during the economic downturn. The general approach to defining skills based on education has been overcome in all three countries. Only the UK and France have taken a decisive step forward in developing supply driven policy schemes, while Spain and Italy remains strictly attach to an underdeveloped demand-driven model.

Keywords: high-skilled migration, definition of skills, policies, Italy, France, Spain, UK.
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1. Literature review on the effects of high skilled migration

In this literature review we discuss the existing evidence on the benefits of high skilled migration and the measures that countries take to attract this desired group of migrants from the integration pool of candidates. We use this review to formulate hypotheses that articulate the analysis of the dynamics seen in four TEMPER destination countries: Italy, France, Spain and the United Kingdom. Although evidence on Italy has also been systematized, and will of course be used to inform the future empirical analysis to be developed within the boundaries of WP5, it has been made part of the current draft.

Much of what is being debated in recent times about immigration policies and future reforms has to be understood in the context of what is commonly known as “the global race for talent”. The diversification of advanced economies and their relative position in the international arena does not hinder their shared interest in being attractive destinations for the global pool formed by the brightest and most talented potential emigrants to whom they send diverse signals. Even though this general statement can be applied to all developed economies and lately also to most developing countries, Europe strikingly lags behind in the global race for talent both in terms of policy innovation and outcomes. According to all evidences available, Europe has not successful enough in attracting the right flows of high skilled migrants (OECD, Eurostat). Despite this weaker position of the EU and most European countries there is a significant conviction among experts that the future of European economies requires attracting skilled migrants from third countries. In an interesting survey conducted among reputed scholar of immigration from economics and neighbouring disciplines by IZA (Kahanec et al. 2010), 96.1 per cent of the respondents claimed that the EU in the future would need as many high skilled migrants (HSM) as it has now, and 81.2 believed that it would need more or many more compared to the current situation.\(^1\) The

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\(^1\) The survey was conducted in March 2009 among all IZA research fellows, policy fellows, and research affiliates based in Europe to measure experts’ perceptions about the EU’s economic need for immigrants and about the size of future immigrant
experts showed however less conviction regarding whether the EU needs low-skilled migration (58.1 and 25.8 per cent respectively).

At the light of this evidence it is a sort of paradox that even if everyone is aware of the importance of attaining significant results in the global race for talent, few countries are really politically committed beyond the shared normative and rhetoric discourse on HSM prevailing in most cases. The 2007 UN survey on Government’s policy on high skilled migration showed that 44.4% of high income countries where taking some action to clear the access for HSM into their territory compared to 25% among those with an the upper middle income, 11% of those with lower middle income and 12 of poorest. Similarly, Peri (2010) analysed a pool of 14 OECD countries between 1980 and 2005 to conclude that even though on average these advanced economies passed an average of two reforms reducing the access of immigrants to benefits available to citizens, they also passed about 2.5 laws on skilled migration. However, even if many among the wealthiest economies are already proving increasing awareness, only a small group of countries have taken the risk of innovating their migration policies to improve their comparative attractiveness for attracting high skilled immigrants. This group includes Australia, Canada, New Zealand and to a lesser extent and in a more discontinuous manner, the UK.

Overall it is not exaggerated to say that the EU and its members lack a consistent strategy to attract global talent something that reflects the influence of the understanding of Europe of as fortress that should haul immigration flows of all kinds. Since the international fight for

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2 The was survey conducted in 2005 among country officials registered whether countries lowered, maintained, rose or did not intervene in shaping the migration of high skilled workers
3 "Pro-skilled" reforms captured the passing of laws, which favor highly educated (or skilled) immigrants against less educated. In this analysis Peri used the Fondazione Rodolfo DeBenedetti data based on Reforms that has been accessed by the High Skill Migration TEMPER research team. The database also provides information “Requirements for Entry”: captures how cumbersome the visa application and entry process are in terms of fees, time and documents and how stringent immigration quotas are. "Requirements for Residence": measures how cumbersome the process of acquiring permanent residence or citizenship is in terms of fees, waiting time or degree of family relation with a citizen. "Restriction from Benefits": measures how restricted the access to welfare benefits which are granted to native citizens is for immigrants and whether the access is subject to extra-requirements (such as duty of registration, or limitation of their movement) relative to native nationals. "Undocumented": measures how strict the laws against undocumented immigrants (such as border control, legal rights granted to undocumented and possibility of regularization) are. "Asylum" measures how strict the requirements for political asylum are and how cumbersome it is to apply for asylum.
HSM is very likely going to intensify in the mean and long run, the definition of an effective set of policies and their efficient implementation is a matter of urgency.

1.1. The benefits of HSM

Contemporary to this shift in the policy focus on HSM, researchers on the impact of migration in destination countries have started to disentangle the overall effect of immigration from the specific one of skilled immigrants. While the traditional approach, which shares most of the assumptions of neoclassic economy, concentrates on the direct impact of HSM on the receiving labour market and fiscal system, there is a recent literature that speaks about the wider benefits of HSM looking at its indirect effect on the production and consumption sides of the economy (Nathan, 2014).

The traditional approach to describing the benefits of HSM is based on a static model of labour market supply and demand. It narrowly defines the impact of skilled migrants on local workers and productive sectors in which they integrate reflecting also on its distributional effect on income and wages. This literature is based on the assumption that HSM, as other migrants, enter their destination countries solely as workers and are perfect substitutes with natives (Kerr and Kerr, 2011; Borjas and Doran, 2012). Its basic argument is that after the arrival of HSM, the wages of natives in specific productive sectors adjust downward producing the transfer of native human capital to different productive sectors. HSM migration thus helps countries to increase productivity by cutting labour costs. Besides, HSM also increases the per capita production by adding to the average skill level of the labour force. This has a redistributive effect since it lowers the wage of equivalent skilled native workers and boosts the wages of less skilled natives by complementing their labour. The assumptions of the classic model have been questioned for taking labour as a homogeneous factor in which migrant and native workers are perfectly interchangeable.
Regardless of whether the predictions of this model are more or less accurate, the potential broader impacts of HSM are impressive. In a systematic review of the relevant international literature (the ‘Wider Impacts’ agenda) in which we here rely, Nathan (2014) suggests that HSM impacts both the production and consumption sides of the receiving economies:

- HSM stimulates innovation (Kerr and Kerr 2011).
- HSM may preselect entrepreneurial individuals (Zucker and Darby, 2007; Honig et al, 2010).
- HSM can also generate production complementarities in high value, knowledge-intensive sectors (Nathan and Lee, 2013).
- Increases competition in the receiving labour market increasing innovation and productivity (Aghion et al. 2012).
- Bridges patterns of trade between sending and receiving countries (Docquier and Rapoport 2012).
- Boosts the renovation of practices within working teams generating new ideas and expanding approaches to new perspectives and skills (Berliant and Fujita, 2009).
- Contributes to knowledge diffusion (Docquier and Rapoport 2012).
- Improves average levels of international market knowledge, increasing buyer-seller matching (Peri and Requena 2010).
- Provides information about investment opportunities in countries of origin (Pandya and Leblang 2012).

Note that the positive effects of HSM do not end in the short run and can be transmitted to the descendants of immigrants via family reunification. It is otherwise difficult to explain why the most advanced and experienced countries in attracting HSM globally show the shortest relative distance in the school performance of native and immigrant origin students in secondary schooling.
Figure 1. Relative distance in the mathematics test scores obtained by the children of native and immigrant parents in selected OECD countries in PISA 2012.

The bars reflect the unconditional multilevel lineal regression estimates obtained from adding the constant term and the slope corresponding to being the child of two immigrants (natives are taken as the reference category).

Source: OECD (2012) PISA 2012 Results: Excellence through Equity

At the light of this non-exhaustive direct and indirect list of benefits of HSM, one can easily understand the importance countries should be giving to attracting skilled workers from abroad. The debate here is centred on the relative importance of market conditions (wage premium for skilled workers) and policies (skill-selective immigration policies). As explained by Peri (2010) the international evidence on the most relevant factors that effectively help
to attract this desired pooled of global emigrants is scarce and, to some extent inconclusive.\textsuperscript{4} The non-policy factors that appear to operate as pulling elements in attracting HSM are:

- The size of after tax wages, which is supposed to be the single most important factors above all others. Bertoli et al. (2010) argue that increasing the wage premium for education by US $ 10,000 increases the share of the highly skilled in the immigrant population between 20 and 40 per cent relative to its initial value.
- The flexibility of labour markets. Countries that increased the protection of insiders in labour markets by protective laws or raising the minimum wage, result more attractive for low and mid skilled migrants.
- Large wage premium for education.
- A slim approach to welfare benefits.
- High levels of Research and Development spending.

Policies also appear to impact the attractiveness of different destinations for HSM, although they could do so to a much lesser extent. Bertoli et al. (2010) and Peri (2010) gathered and systematized evidence from a sample of 14 OECD countries from 1980 to 2005. According to them, passing a pro-skilled law (understood as all legal changes representing incremental changes in the legal framework for high skilled immigrants) resulted in an increase in the share of HSM of 12%. The problem here is the lack of agreement on which policies result more fruitful. The evidence used by Peri (2010) and Bertoli et al. (2010) probably gave an excessive influence to the extraordinary cases of Australia, Canada and New Zealand which are outliers in the international arena, which is by large dominated by a strong bias towards maintaining the status quo. Why so? From a political economy perspective, Bertoli at al. (2010) speculate about the reasons for the outstanding paradox of political inaction from the largest share of advanced economies at the light of the impressive benefits the HSM. Among

\textsuperscript{4} Peri (2010) represents a significant advancement in the international literature compared to previous studies using cross sectional data or smaller samples of destination countries (Belot and Hatton, 2008; Grogger and Hanson, 2008; Brücker and Defoort, 2009)
the reasons they suggest, the protective reaction of trade unions and national skilled workers in the destination society sounds correct only if business lobbies, evidently interested in attracting talent and benefitting from the improvement in the productive context imposed by HSM, are less successful in materializing their interests or ignore which are the best ways to attract talent.5

HYPOTHESES:

H1: Given the large direct and indirect benefits of HSM, countries are expected to show an early awareness on the important to attract HSM. Policies favouring the immigration of qualified workers are expected to be a-cyclical. In other words, the countries under scrutiny in this report should show no sign of the impact of the economic crisis that started in the final years of the previous decades.

H2: Given the benefits of HSM and the logic aspiration of countries to attract skilled migrants, a number of measures are to be expected overtime and across countries making the settlement of candidates easier and smooth (i.e. family reunification). We expect that these benefits are a-cyclical and thus stable over time.

2. Policy review on HSM: how do countries define and selected talent?

Most of the policy debate around HSM reflects the classic distinction between the well-known demand and supply driven approaches also called ‘employer led’ or ‘shortage’ and ‘immigrant driven’ or ‘human capital’ recruitment policies (Chaloff and Lemaitre, 2009; Papademetriou et al. 2010). The demand driven approach fosters the direct selection by

5 In their views, this is what explains why in the United States, the establishment of a point system has been slowed by opposition of business groups who do not want to lose flexibility in hiring skilled migrants, which would happen given the bureaucracy of a point system. Other reasons include the fact that politicians facing anti-immigrant constituencies already know that unskilled migrants will come and refuse to increase the flow with skilled ones; they also suggest that if officials can really decide the shared of HSM in the total flow, they will look at the demand from internal productive sectors to decide their weight relative to unskilled migrants.
employers through a specific and personalized job offer to a foreign candidate. Normally, this offer is justified because of the existing difficulty in matching the employer’s need and the national labour force. This is the traditional system implemented worldwide, and in an exclusive manner in most European and Asian countries. By contrast, supply driven recruitment accepts potential HSM on the bases of certain criteria. Accordingly migrants can enter without a specific job offer, and are allowed to seek for a suitable position matching their qualifications while already in destination. Very few countries have indeed developed this type of scheme, including Australia, Canada, New Zealand and, for some time, the United Kingdom.

Demand driven approaches can take various forms (Papademetriou et al. 2010): (A) labour market tests, (B) preclearance of certain employers and (C) occupations and (D) attestation-based decisions.

The first of them (A) refers to the widespread practice of proving that the regional/national labour force cannot meet the requisites needed for certain positions, and this pushed the employer to seek a candidate from abroad. The conditions for proving the impossibility of matching the offer with the national demand for labour vary greatly across countries and over time. The preclearance of employers (B) by the administration certifies certain employers as trustworthy and thus, externalizes the ability to determine the circumstances under which the internal supply of labour force is inadequate to fill the existing needs (this is the system used by universities to hire their academic staff in most countries). Following a similar logic (C), the administration can publish a list of occupations for which employers can skip the lengthy process that follows the application of permits for specific workers seeking to accept their offers. Many of these lists have traditionally included occupations for high skilled workers. The fourth policy tool (D) is a US innovation. In this system, employers sign a legally binding declaration stipulating the employment terms that is subject to post recruitment auditing by government officials to check that the conditions and process match the logic of the law.
Supply driven systems are less diverse and can be generally classified in two groups (Papademetriou et al. 2010), although they are clearly dominated by one of them: (E) intergovernmental agreements and (F) points based systems. Firstly, (E) results from a bilateral agreement between sending and receiving countries framing the mobility of specific type of workers (as defined by their qualifications or expected occupations). Finally, (F) is a selection based on how many points out of a predefined test potential migrants obtained on the bases of their skills and other characteristics.

While all countries have clearly opted for demand-driven recruitment systems, the supply driven approach is less extended internationally. However, if we look at the echo that it has among international analysts and think tanks, it is clear that it is gaining momentum. In theory, immigrant driven approaches should be more appropriate at the light of the large and diffuse list of indirect benefits of HSM. Most of these benefits are not limited to those brought by immigrants already connected through a job offer to existing employers (think, just to mention an example, the importance of the direct selection of entrepreneurs themselves). Besides, there could be inconsistencies in the incentives of current employers to recruit high skilled migrants and the aggregate general interest of the receiving society to open its frontiers to international talent. Despite these obvious reasons to engage into supply driven policies of selection for HSM, start-up visas are still rare in the international arena. The reason for this apparent paradox is that it requires relying on the administration the selection of talents and investors rather than on employers or experts. Indeed, the complexity of the knowledge society imposes increasing levels of specialization and innovation that can eventually be difficult to discriminate.

The most extended supply driven program is the type assessment that is known in the specialized literature as Points-Based-System (PBS). PBSs were for the first time introduced in Canada in 1967 (Canada Skilled Workers), followed by Australia in 1979 (General Skilled

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6 With permanent validity of visa and work permit.
Migrant Program)⁷, New Zealand in 1991 (Skilled Migrant Category)⁶, the Czech Republic in 2003 (Selection of Qualified Workers)⁸, Singapore in 2004 (S-Pass System)⁹, Hong Kong in 2006 (Migrant Quality Admission Scheme)¹⁰ and Denmark in 2007 (Danish Green Card).¹¹ The UK, as we shall explain later, also had for a number of years a PBS (2002: High Skilled Migrants Program; PBS Tier 1 System since 2008), which has recently been closed. Finally, the never fully developed EU blue card initiative has some features that could eventually be characterized it as such.

By studying the logic of the existing PBSs, one can also approach the general understanding of the skills wanted by developed economies. The following figure reflects the components of the PBS in the three most experienced (and early) adopters of this approach. Across all cases, education is the single most important variable capturing the understanding of what a HSM should be. Besides, it has gained importance in all three cases over time (Bertoli et al. 2010). Yet, certain skills are insufficiently reflected in or by educational credentials (even if tertiary education is highly selective). It is for this reason that a certain value is given to other aspects such as past or expected wages, prior experience. Other dimensions such as those relating to the candidate’s family reflect the idea that the long term settlement and future integration of migrants is driven by his or her broader social networks of support. Language is in the case of New Zealand (and the UK) a prerequisite for application. The importance attached to age reflects the concern of ageing societies in facing specific demographic challenges. Finally, by granting a specific number of points to the matching

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⁷ Skilled Independent and Skilled Sponsored Visas: permanent residence. Skilled-Regional Sponsored visas: provisional residence w/ option for permanent status after two years of residence and one year of full-time work in a specified region.

⁸ Provisional visa for one-and-a-half years for highly qualified workers or two-and-a-half years for other workers. Visa holders can apply for permanent residency after these time periods (Papademetriou et al. 2010).

⁹ Up to two years for first-time applicants; renewable for up to three years. An S-Pass holder can apply for permanent residency in Singapore (Papademetriou et al. 2010).

¹⁰ One year, renewable for a year or more on a case-by-case basis. After seven years of residence in Hong Kong, individuals admitted under the General Points Test or the Achievement-based Points Test of the scheme can apply for permanent residency (Papademetriou et al. 2010).

¹¹ Three years with a possible extension for up to four years if the individual has worked for the past 12 months for at least 10 hours per week. Individuals are eligible for permanent residence if they have a residence and work permit and resided in Denmark for at least seven years (Papademetriou et al. 2010).
between the candidate’s profile and certain occupations in demand, governments can make of PBSs a responsive tool the situation of their national labour markets.

Figure 2. Selection criteria for attracting highly skilled migrant workers in Australia, Canada and New Zealand

The figures reflect the maximum points given for each criterion. This is expressed as a proportion (out of 100) of the pass mark for each country’s high skilled immigration programme. Since Australia has three visas within its points based system, the bars reflect the average variable-to-pass-mark country across the three of them. In New Zealand language proficiency is a prerequisite for applying for a points test.

Source: Bertoli’s et al. (2010) and Papademetriou et al. (2010).

In theory, the most evident advantage of a well defined points based system is its flexibility since by simply reallocating the points given to specific characteristics or merits it can be the result of extremely different political logics. For example, by allocating an outstanding importance to having a job offer at the time of the application, it can be transformed into a
demand-driven practice. Besides, its flexibility also allows a more or less intense adaptation to the context of the national labour market if the specific substantive skills of the applicants are more generously rewarded. By contrast, if these factors are downgraded can reflect a more diffuse appreciation for human capital that is more in line with the traditional understanding of standard supply driven systems. Specific merits can also be made explicit pre-requisites reflecting consensual integration logics and philosophies such as language proficiency.

Points based systems are a really attractive option for countries not ranked as the first and most desired immigration destination among potential HSMs. Indisputably, at the light of the existing evidence, the US is the single most successful country in pulling the most skilled immigrants internationally. Interestingly, the US lacks a properly defined supply driven system. Note that this has been suggested as the reason why, in comparative terms, the US attracted migrants with average lower skills than countries such as Canada (Beach et al. 2006).

**HYPOTHESES:**

This review inspires another theoretical expectation to be confirmed in the analysis of dynamics in the selected TEMPER countries.

H3: Given the increasing complexity of advanced economies and the existence of problems for the transfer of human capital across borders, a trend is to be detected towards a more heterogeneous understanding of how highly skilled workers are. Requirements for the selection of HSM should accordingly be less dominated by formal education (credentials) and more so on alternative characteristics of candidates that should grant a better matching
between the individual profiles of workers and their productive role in the receiving countries.

H4: Besides, a progressive move towards supply driven systems should be detected if countries learn from international experiences of success such as those here described. We do not expect a full substitution of the demand by supply driven approaches, yet we have here presented arguments to believe that a firm move towards the opening up of paths to entry to HSM that will be less constrained by labour market tests.

3. Analysis of TEMPER receiving countries

In this section we present empirical evidence to test the formulated hypotheses in section 2. We analysed four TEMPER destination countries, which present different levels of awareness regarding the importance of developing policies for HSM and different degrees of institutionalizations in this dimension. While the UK and France show an early awareness on the importance of developing such policies, Spain as a recent immigration country has done so only in a modest manner. Note however that all EU members, traditional and recent immigration countries, had an exogenous impulse to coordinate some of their initiatives coming from the Council Directive on the conditions of entry and residence of third-country nationals (EC 2001), the Green Paper on an EU approach to managed immigration (EC 2004) and the Policy Plan on Legal Migration (EC 2005) as well as the most important initiative of the European Commission, namely the directive proposal COM(2007) 637 on “the conditions of entry and residence of third country nationals for the purpose of highly qualified employment”. This last directive represent the very formal attempt to concentrate policies on HSM at the EU so as to overcome the contradiction between its inspiring goal of granting the perfect mobility of workers within the limits of the Union and the tensions existing in protecting the EU borders from the migration third country nationals. This initiative developed the so-called European “blue card”. Even though some harmonization has taken place, this has been very limited. To start with immigrants wanting to enter for temporary
migration or settle permanently in the EU still face very diverse national regulations on top of the minimum conditions by the EU. On the other hand, it is a modest step ahead since it does not develop a complex strategy including the adoption of supply driven approaches (yet, it was initially considered as seen in the option C in the directory draft). Finally, it regulates the conditions of access of candidates to a given country member for a period of two years, before having the right to move to another country member. To sum up, the space to discretionally among EU members is still massive even though it has worked as a catalyst to start thinking on HSM strategies for countries lagging behind the in the global race for talent, which is the focus of our report.

We organize this section in three separate blocks. We first describe how the understanding of each country is of skills and the characteristics that skill migrants should have. This first section will allow us testing the first of our hypothesis. Secondly we describe the policy dynamics in each country to provide a description of the evolution of the tools developed overtime and evaluate how countries have improved the existing measures as well as to see how they adapted to a changing economic context. This section will serve for the testing of H3/3. We finally describe the benefits attached to HSM mostly in terms of advantages compared to low and mid-skills migrants (i.e. compared to the general paths for entry and settlement). This section seeks to contrast H2.

3.1. About the definition of skills

Definitions are key variables for any cross-country comparison since they reflect the specific understanding on how an eligible candidate can eventually become a HS worker. Different policies and programs would of course have a plethora of definitions to set the conditions for eligible candidates. The aim here is to report the specific definitions adopted in the main regulations but also to reflect the trend over time and how EU regulations have been received in each TEMPER country.
Defining and demarcating the differences between what constitutes low, mid and high skilled jobs is challenging. One must be mindful that ‘skill’ as used by employers ‘can have as much to do with personality, gender, ethnicity, age, and nationality as it can with recognized qualifications’ (Lucas & Mansfield 2009, 179), as exemplified by employers’ preference for migrant workers based on soft skills rather than necessarily formal qualifications. Indeed such ‘soft’ skills, such as creativity, communications skills, or empathy, may have an important role to play in many jobs, and therefore in many hiring decisions, but are difficult to measure and quantify (Cinzia & Vargas-Silva 2014 p.10).

Nonetheless, a high skilled job is generally defined in both the academic and policy communities as a work that requires the ‘possession of tertiary level of education or its equivalent in experience’ (Salt 1997, p5). Of course ascertaining what equivalent in experience means as an operationalized concept is problematic, at least if attempting to apply such a measurement universally to all sectors. According to the OECD (OECD 1997, p.21) the term high skilled includes ‘highly skilled specialists, independent executives and senior managers, specialized technicians or tradespersons, investors, business persons, “keyworkers” and sub-contract workers’ (Iredale 2001, p.8).

### 3.1.1 France

There is no concept of high, or for that matter low or mid skilled workers in France. However, a definition of high skilled workers can be drawn from the conditions for the issuance of the residence permits to third country nationals (whether defined with the level of education or human capital, the foresee occupation or salary). At present four types of residence permits can be issued to these specific workers: one of them is the “European Blue Card”, three of them are specific to the French context: “Skills and talents”, “employee on assignment” and “exceptional economic contribution”. Not all the permits issued to high skilled workers in France have the same conditions of issuance. We will develop the
conditions to apply for the three permits in order to find common criteria of definitions of the specific migrant population.

**A. European Blue Card**

The reference permit for high skilled worker in European Union is the European Blue Card, defined in the Directive 2009/50/CE of May 2009 (“EU Blue Card” Directive). France was the first member country to transpose the text in the Law 2011-671 of June 16th of 2011 on Immigration, integration, citizenship and residence permits. The aim of the new permit was to facilitate the entry, stay and employment of high skilled migrants meeting the following criteria (article L 313-10 of the Code on Entry and Residence of Foreigners and Right of Asylum (CESEDA)):

- Education/Human capital: holding a degree achieved after at least 3 years of higher education in an institution recognized by the State of residence of third country national or providing evidence 5 years of professional experience at comparable level.\(^{13}\)
- Foresee occupation in France: Holding an employment contract for a period of at least 1 year, certified by the service in charge of third country national workers;
- Current/Foresee salary: earning at least 1.5 times the average gross salary taken as a reference. The amount is defined every year by Order of the Minister responsible for Immigration. For example, it was 4395 euros gross per month in 2014.

**B. “Skills and Talents” permit**

The permit “Skills and talents”, implemented in 2006 with the Law 2006-911 of July 24th, 2006 on Immigration and Integration is issued to foreigner «who are likely to contribute, through their skills and talents, in a significant and lasting manner to the economic growth,

\(^{13}\) This minimum level of education corresponds to the level 5 of the International Standard Classification of Education (ISCED) of the UNESCO; i.e. the Bachelor’s degree. The corresponding occupations are the groups 1 and 2 of the International Standard Classification of Occupation (ISCO) of the international Labor Organisation: Group 1: the managers (in the ISCO-08) or legislators, senior officials and managers (in the ISCO-88); Group 2: the professionals.
the territorial development and to the international outreach notably intellectual, scientific, cultural, humanitarian or sports of France and, directly or not, of their country of origin » (article 315-1 of CESEDA). The applicant should meet the following criteria:

- Project: “Present a project that contributes to the economic growth and the international outreach of France and their country of origin”;
- Migrant worker: “Be able to prove their aptitude to accomplish the project”.

The ability will be assessed according to “the level of study, his/her qualifications or professional experience and, if need be, the intended investment”. The explicit criteria of assessment are mentioned in the circular of 1 February 2008:

- Foresee salary: a salary comparable with that of senior executives in the same geographical region in France; the worker must also be able to earn his/her living with the project;
- Level of education: a Bachelor’s degree and minimum 3 years of professional experience, or a Master’s degree and a minimum of 1 year of professional experience, or a PhD without any minimum work experience.

Note that the requirements regarding the level of human capital are higher for the “skills and talents” permit than for the “EU Blue Card”. Indeed, for the latter there are no work experiences’ conditions for the holders of a Bachelor’s degree whereas 3 years of professional experiences are required for the European Card.

C. “Employee on assignment” permit

This permit was introduced by the Law 2006-911. It is issued to employees of international groups who are transferred to carry out a temporary assignment at a branch of the group in France. The criteria for the issuance are the following:
• Assignment: must last at least 3 months;
• Salary: earn a gross salary equivalent to or higher than 1.5 times the minimum French wage (SMIC). It was 1445 euros gross per month in 2014.\textsuperscript{14}
• Skills: bring a specific expertise to the French company or attend a training course for the implementation of a project abroad.

D. “Exceptional economic contribution” permit

A fourth permit can be issued to foreign investors on grounds of “exceptional economic contribution” to France (article 314-15 of the CESEDA). To receive the permit, the migrant workers must, through a company they run or a company of which they own at least 30% of the capital:

• Create or save, or commit to create or save 50 jobs in France;
• Invest or commit to invest 10 million euros minimum in tangible and intangible assets.

Interestingly, no personal criteria are mentioned (such as the level of education, the qualifications or the salary), the one condition is the French economic development.

3.1.2 The United Kingdom

Tier 1 (T1).

This is the UK’s points-based system is specifically for high skilled work. The eligibility criterion has however changed since 2008. In terms of formal qualifications, originally (in 2008) an applicant needed a minimum of a Bachelor’s degree which was worth 30 points, with a Masters degree been attributed 35 points and a PhD 50 points. In 2009 the minimum

\textsuperscript{14} It appears that the required salary for the issuance of a “EU Blue Card” is higher than the one for the “employee on assignment” permit. For the latter, the salary must be higher than 1445 euros gross per month (in 2014) whereas for the second it must be higher than 4395 per month (in 2014). The level of 1.5 times the SMIC (1445 euros gross per month) seems to define monetarily the minimum conditions for being defined as a high skilled migrant worker. This is confirmed by the fact that high qualified students (Master’s degree or higher level) willing to stay in France to have a first professional experience must be remunerated at least 1.5 times the minimum wage to obtain a provisional authorization to stay (see TEMPER Working Paper 2).
requirement in terms of a formal qualification was raised to a Masters degree, with no points attributed for a Bachelors degree. In 2010 this was changed again, with the original points (30) allocation for a Bachelors degree reinstated. However, since the closure of T1 general in 2010, the term used to describe T1 has changed from high skilled to ‘high value’ migrants, reflecting the shift in terms of ‘who’ this tier aims to attract. Whilst Tier 1 was initially set up to pull high skilled migrants, the tier has changed so as to attract entrepreneurs and investors. Effectively, the Coalition government has changed this channel from a route to encourage the ‘brightest and best’ and the supply of skills, to a route to encourage investment from lucrative and prosperous individuals.

**Tier 2 (T2)**

T2 perhaps encapsulates the skill dimension more accurately. While there are different sub-categories of T2 (discussed below) which have differing requirements and in-country rights, any T2 applicant must have an ‘appropriate salary’ to qualify which is currently set at a minimum of £20,500 per annum (with certain exceptions) and either be taking a job in the shortage occupation list skilled to level 4 on the National Qualifications Framework (NQF) which is Diploma level or above, or an occupation listed at level 6 of the NQF which is degree level or above (UK Visas & Immigration 2014a). Thus the UK defines a ‘skilled worker’ through a combination of previous and potential earnings, and qualifications, which is, at a bare minimum, considered to be diploma level. With the closure of T1, and the increasingly stringent requirements needed for T2, one could speculate that T2 has effectively replaced T1 as the high-skilled route.

Whilst there is no working definition of ‘temporary’ migration in the UK, policy guidance implies that leave for 12 months is generally considered temporary. This is signified by the (usually) maximum leave of 12 months in any Tier 5 category. Visitor visas are usually issued for a maximum duration of six months. Similarly, the UK government does not have an operational definition of permanent migration, but indefinite leave to remain under a work-route (i.e. T1 and T2) requires a minimum of five years continuous residence. Following a
granting of indefinite leave to remain, settlement and eventually citizenship can be acquired. On this basis, one could speculate that the UK government considers migration of less than a year to be temporary, and more than five years to be permanent, although of course there are many caveats to this. Given that T1 was at least initially designed to pull high skilled workers to the UK, we focus on this route. However, in consideration of T2 workers usually being required to possess formal qualifications to a Bachelor degree level at a minimum, and given that the closure of T1 general has effectively meant that T2 is the primary work route, we also consider and discuss developments under T2.

### 3.1.3. Spain

The Spanish legal definition is much more simple and underdeveloped than what we just saw for France and the UK. The Organic Law 4/2000, of January 11th and Organic Law 2/2009 of December 11 on the rights and freedoms of foreigners in Spain and their social integration includes in its 38th article a specific definition regarding highly skilled professionals. It considers such only those accrediting higher education qualifications or, exceptionally, those having a minimum of five years of equivalent professional experience that may be considered comparable, in the terms specified by the regulations. In fact, this definition gathers all elements included in the definition provided by European Directive 2009/50/CE (article 2), where highly skilled professionals are conceived in the same terms.15

Definitions on skilled flows are not directly tackled in Law 14/2013, of 27th September 2013, on support for entrepreneurs and their internationalization. Nevertheless, this law dedicates specific articles to defining different profiles of professional flows that could be integrated into the category of skilled flows. In this regard, article 63 (referring to residence visa for investors) defines investors as non-resident foreigners that enter in the Spanish territory

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15 Researchers are tackled in a separate article (article 38 bis.) of this law and are defined as those foreigners whose residence in Spain has an only or main purpose: to develop research projects in the framework of a hosting agreement signed by a research institution.
aiming to make a significant capital investment. In order to be considered a significant capital investment, one of the following criteria must be fulfilled:

- An initial investment with a value equal to or greater than EUR 2 million in Spanish government debt securities, or a value equal to or greater than EUR 1 million in stocks or shares of Spanish companies, or bank deposits in Spanish financial institutions.
- The acquisition of real estate in Spain with an investment value equal to or greater than EUR 500,000 per each applicant.
- A business project that will be carried out in Spain is deemed and proved to be of general interest. In order to be considered of general interest, the project must fulfil one of the following conditions: a) it creates jobs positions; b) it will have a relevant socio-economic impact in the geographical area in which the activity will be developed; c) it represents a significant contribution to scientific and/or technological innovation.

In sum, when defining highly skilled workers according to Spanish laws, there are no salary requirements or salary thresholds, no labour market tests are required and there are no age restrictions or linguistic trainings conditions when applying the different framework policies.

3.1.4. Italy

Similarly, the Italian legislation shows less detailed definitions of the conditions required for candidates to migrate to be considered as high skilled migrants. The Turco-Napolitano law, (nº40, 6 March 1998) gave for the first time a preliminary scheme for categorizing migrants as general applicants and high skilled. The Law specified in its article 25 sixteen categories of relevant applications qualified as HSM: directions and Cos of firms having a see in Italy, the EU or a member state of the International Trade Organization; University professors and scientists, academics, translators and interpreters, artists, professionals and sportsmen.
This piece of legislation has been preserved as the foundation of an Italian system of HSM. The classification saws an early awareness regarding the definition of what a high skilled migrant is, going beyond the pure qualification and starting to allow migrants on the basis of their professional experience.

Summary of the findings

- There is a large heterogeneity in how countries define the skills wanted in their HSM policies. While the UK and, to some extent France, provide detailed definitions, Spain relies on simpler and more traditional approaches.
- Yet, a trend towards more ambiguity is also detected. We label this as a move from a high skilled to a high value perspective in which the added value of high skilled migrants looser and more diffuse starting from a rigid attachment to formal education (credentials) to broader concepts that allow for a more innovative conceptualization of human capital (work experience).
- This trend could also open up spaces of discretionally since the definition of what a relevant / significant project is, remains to be defined at the light of administrative considerations that could be not stable and influenced by diverse concerns.
- The schemes developed for the regulation of HSM have also been re-adapted to manage the entrance of investors, something that represents a cross-country convergence in the shift from a traditional understanding of skills to high-value.

3.2. Evolution of policies in TEMPER countries

We here present and analyse the very chronological trend behind each country’s changing logic behind HSM policies. As we already outlined in the previous section, the four TEMPER countries under scrutiny present a significant variance regarding policy sophistication and impulse for innovation. The UK benefitted from its early awareness on the importance of resulting an attractive destination for high skilled migrants globally, engaging into a promising policy development. In a clear case of policy transfer, the UK scrutinized the
existing models on HSM policies internationally to get inspiration for its reforms, choosing to implement a supply driven scheme similar to the one in place in Australia and Canada. France did something similar with less spectacular results. Two things explain this relative French failure. To start with the French economy, known for its rigidities and the weight of trade unions in the aggregate level decision making, did not benefit from the market conditions that signal the attractiveness of the UK as a destination for high skilled migrants. Besides, its more innovative policies on HSM have taken place later and were constrained by complex administrative processes and conceptual demarcations. Finally Spain, as a recent immigration country, started to regulate immigration policies with the commitment of protecting the South EU border, unbalancing its regulations in favour of control. Also, its productive strategy was, for a large number of years been intensive in low skilled labour. Accordingly, for Spain, HSM is only a recent concern.

Interestingly, and contrary to what one could expect at the light of the massive benefits attached to HSM, the economic downturn has in at least two countries (the UK and Spain), shifted the approach to skilled migration. A similar reaction in France is probably still to arrive. While the UK has decided to adjust the functioning of its Tier-system rather than jumping into large-scale reforms, France appears to prefer legal reforms of the systems in place. Finally, Spain started to draft a new system for the admittance and settlement of HSM during the crisis. In other words, HSM policies in our TEMPER countries appear to be rather sensitive to the economic cycle.

3.2.1. The UK: From the ‘managed migration’ Labour approach (2000-2010) to the ‘net migration target’ (2’11-2’15)

From 1997–2010 Britain’s immigration system underwent substantial changes including: ten major parliamentary acts on immigration and asylum, countless strategy documents, and major reforms and renovation of the immigration system. Whilst the immigration regime in this period remained restrictive to some types of immigration (such as asylum and irregular
migration), the Labour governments’ economic immigration reforms culminated in one of the most expansionary policies in Western Europe, and as a result economic immigration flows increased.

The beginning of this new strategic approach to immigration policy was first hinted at in the Department for Trade and Industry’s 1998 *White Paper Our Competitive Future: Building the knowledge driven economy* (DTI 1998). Two years later, a major government review on immigration and its impact on the economy was conducted. The impetus for this review was a wider re-thinking of global economic competitiveness, an initiative driven by the Treasury and the DTI. As a consequence, two new labour immigration routes were established which were ‘major departures from previous economic migration policy’ — the Innovators Scheme (in 2000) and the highly skilled migrant programme (HSMP) in 2001. These were the first of its kind, as these visas were the first to be based on the supply of skills, rather than shortages. Announced in July 2000, the Innovators Scheme was a small-scale pilot targeted at attracting entrepreneurs to the UK.\(^{16}\)

The two-year pilot aimed to pull in 2,000 applicants for each year of the project. However, the scheme attracted only 112 applicants, largely because of the creation of the HSMP. The HSMP (originally called the *Skilled Migrant Entry Programme*) was introduced in January 2002, and was initially planned as a 12-month programme. The scheme was ‘designed to allow individuals with exceptional personal skills and experience to come to the UK to seek and take work’ (Home Office 2002b). In many ways the HSMP was the first origins of the points-based system (PBS), as candidates were admitted according to the number of points for human capital (such as qualifications, work experience, past earnings). The initial pass rate was set at 75 points, but over the years of its operation the threshold for entry was eased; the pass mark was reduced to 65 points in 2002, the number of points prospective

\(^{16}\) The justification for the scheme, given by Johnson, was that: “In the knowledge-driven economy, innovation is ever more critical to success. We are committed to ensuring that by 2002 - the UK will be the best place in the world to conduct e-commerce. This scheme will strengthen our position in the global war for talent. It will promote the UK as the location of choice for high-tech entrepreneurs (DTI 2000)”.

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applicants could receive for previous work experience was doubled in January 2003, and new points categories such as being under 28 years old were added in October 2003 (Home Office 2002). By 2007, before the replacement of the scheme, annual entry on the HSMP had reached 28,000 (Salt 2009). As part of the launch of the schemes, Immigration Minister Barbara Roche made a landmark speech to the Institute for Public Policy Research (IPPR) in 2000, suggesting a fundamental change to the policy objectives of immigration.\(^{17}\)

Within a year and as part of the review process, the first major cross government research paper was published in 2001. Conducted by economists and experts in the field, the now infamous report concluded that ‘overall migration has the potential to deliver significant economic benefits’ (Gott & Johnson 2002).

Perhaps the most significant move towards liberalisation by the Labour government was the expansion of work permits. The demand for work permits had been rising throughout the 1990s, with a 10,000 increase in permits issued between 1987 and 1992 (Salt 2001), but it was the Labour governments that significantly expanded this scheme. According to the government the liberalisation of the scheme was made ‘In response to growing concerns about skills shortages’ (Home Office & DTI 2002, 7), thus the government refocused ‘the work permits criteria to facilitate the easier inward migration of those with key skills in relation to the UK economy’ (Ibid). The changes to the work permit scheme were in response to the 1999 Budget which ‘argued for a loosening of the rules limiting the skills and experiences required for inward migration, especially for entrepreneurs and investors wishing to start businesses in the UK’ (Ibid, 26). Labour’s liberalisation of economic immigration is clearly expressed in the numbers arriving on the work permit scheme, with numbers rising from approximately 24,000 in 1995, to a peak of 96,740 in 2006 (Salt 2009, 89).

\(^{17}\) This was the first time that a minister had ever publicly expressed that immigration should be seen as part of the economic growth strategy: “The evidence shows that economically driven migration can bring substantial overall benefits both for growth and the economy... Migration policy needs to be joined up – we need to recognize its importance for the economy, skills, employment, trade, investment, international relations, higher education and culture (Roche 2000).”
The government further lowered the criteria to obtain a work permit in 2000, from a qualification and two years’ work experience, to just the qualification. Moreover, applicants without a degree had previously needed five years work experience to obtain a work permit.

This was lowered to three years in October 2000. The validity of a work permit was also extended from four years to five years, and exceptions to the Resident Labour Market Test (RLMT) were introduced, such as for board-level managers. This was coupled by an easing of the rigidity of the administration of work permits, including intra-company transfers and multiple-entry work permits, the process of which had begun in the late 1990s (Ibid; Sommerville 2007, 30). Employers had become disgruntled with the cumbersome and expensive bureaucratic processes to obtain work permits in the late 1990s, and in response the Department for Education and Employment (DfEE) initially took steps to make more rapid decisions on applications and to reduce the skill threshold for posts eligible for a permit. Part of this easing of administrative burdens was to transfer work-permit related Passport endorsement practices from the infamously chaotic Immigration Nationality Directorate (IND) to Work Permits UK in order to prevent delays. This transfer proved to be an effective remedy, with Work Permits UK reputedly completing 90 per cent of applications within 24 hours by 2003 (Spencer 2011, 89). Moreover, the rules were relaxed for senior level ICTs, board level posts, and those associated with inward investment (Home Office & DTI 2002c, 26). These actions saw the number of permits (swelled by recruitment of IT and health professionals) rise to more than 85,000 in 2000 (Spencer 2011, 85). The cumulative expansion of the work permit scheme over these years resulted in a 41.8 per cent increase in applications by the end of 2000, with the number of work permit holders and their dependants reaching a record high of 137,035 in 2005 (Dobson et al. 2001). Between 1995 and 2002 total applicants for work permits (including HSMP applicants) had increased by an astonishing 300 per cent (Clarke & Salt 2003, 565).

The Labour government conveyed this new approach to policy through the term “Managed Migration”. The Labour government officially introduced the concept of managed migration
in the 2002 *White Paper, Secure Borders, Safe Havens* (Home Office 2002). Managed migration was underpinned by the belief that it was possible to both encourage economically profitable immigration flows, whilst attempting to reduce unwanted immigration through increasing border surveillance.

Three months before the 2005 General Election, the Labour government published their five year plan for migration in their strategy paper – *Controlling Our Borders: Making Migration Work for Britain*. The focal point of the paper was the introduction of a single points based system (PBS), which consolidated the previous 80 routes of gaining legal entry to the UK (Home Office 2005). The PBS was rolled out in phases tier-by-tier from 2008, and remains in place under the current government. The PBS is composed of five tiers: Tier 1 – highly skilled migrants; Tier 2 – skilled workers with job offers; Tier 3 – low skilled migrants; Tier 4 – students; Tier 5 – temporary workers and youth mobility.18

Prospective immigrants were judged and awarded points according to their human capital: qualifications, future expected earnings, sponsorship, and English language skills. This system constructed a supply and demand immigration system, restricting what was considered to be economically ineffective immigration. The PBS had numerous objectives including: attracting skilled immigrants, increasing competitiveness of the highly skilled global labour pool through selective admission, creating an immigration regime susceptible to labour market needs, attracting profit and future revenue through active recruitment of international students, and enhancing tourism through simplifying entry and visa rules (Home Office 2005).

18 By 2009 Tier 5 had received the most persons admitted (36,715 people), followed by Tier 2 (33,685) (Home Office 2010, 21). Tier 1 replaced the Highly Skilled Migrants Program Writers, Composers and Artists, Innovators and Investors, although not all of which have equivalents under T1.
3.2.1.1. Changes to T1: the closing down of the UK bid for supply driven recruitment

In a bid to cut net migration down to the tens of thousands, the Coalition government placed an annual limit on the number of non-EU workers employers are allowed to bring in to the UK. The annual limit came into force in April 2011 and is set at 20,700 workers under the T2 (skilled) bracket. T1 of the points-based system (PBS) has been closed altogether. Tier 3, the low-skilled route, has never been open since the inception of the PBS. The government is keen to make all types of immigration exclusively temporary immigration. The new stature sets out a more restrictive system in terms of access to public provisions, including the requirement of migrants staying longer than six months need to pay a ‘health surcharge’ on top of their visa fees.

The T1 channel has been subject to major curtailments by the Coalition government and has been a primary target for the Coalition’s net migration target. The bulk of the curtailments made on this tier were implemented between 2010 and 2012. In June 2010 the government asked the MAC to advise on the level at which T1 and T2 caps should be set (MAC 2010). This was particularly in light of government findings, which revealed that some migrants admitted on a Tier 1 visa were not employed in high skilled jobs (UKBA, 2010). Other evidence also showed that former undergraduate students remained in country after five years on Tier 1 PSW visas (UKBA, 2010). Given that the student route was designed to be temporary migration, this led to concerns that this channel was becoming a route to permanent settlement. Subsequently the PSW visa was eliminated in 2012. The MAC suggested small reductions to the T1 route, a more systematic and regular recalibration of the points awarded and a requirement of graduate level employment at the renewal stage. Yet, before the publication of the report the government announced an interim cap of 600 T1 (general) acceptances per month (7,200 per annum).

Prior to April 2012 international students could apply for a Tier 1 post-study work route (PSW) visa. This visa was closed in 2012, partly stemming from government evidence, which
showed that graduates were not undertaking highly skilled or even skilled work (Achato et al. 2010). The net migration target however undoubtedly motivated the closure. From April 2012 non-European graduates identified by UK HEIs as having developed world-class innovative ideas or entrepreneurial skills are able to extend their stay in the UK after graduation in the T1 (graduate entrepreneur) category. The criterion for obtaining a T1 graduate entrepreneur visa is incredibly rigid and capped at 2,000 per annum. By way of contrast, 207,751 Tier 4 visas were issued to international students in 2012-13, thus less than one per cent of overseas graduates can stay to work in the UK on a T1 visa (UK Visas & Immigration, 2013). The Coalition government reduced the ability to enter under this Tier through closure of T1 (General) and its replacement by the much more restrictive T1 (Exceptional Talent). The closure of T1 general route was announced in November 2010 and implemented from December 2010 for overseas applicants and from August 2011 for in-country applicants, when T1 exceptional talent also opened. In May 2014 the government announced that no new extensions would be given to T1 general visas after April 2015. The Coalition government has instead created four new categories under T1, but the eligibility criteria is incredibly stringent, and, with the exception of millionaires and those willing to invest £2,000,000 in a UK business, combined lead to a maximum of 3,000 admittances per annum for all highly skilled workers.

In the year ending June 2014, T1 visas fell by 2,090. The 2,090 fall for high value workers (Tier 1) was accounted for by fewer visas in the 2 categories that have now been closed to new entrants: T1 Post-Study (-2,292) and T1 General (-1,283), and partially offset by increases for the Tier 1 Entrepreneur (+836) and T1 Investor (+484) categories (Home Office, 2014). The report now outlines the current eligibility requirements, conditions and rights for those applying under T1.
3.2.1.2. Tier 1

When Tier 1 was established in 2008 an applicant had to obtain 95 points. Points were awarded for qualifications, age, past earnings, UK work experience, UK qualifications, English language ability and maintenance funds, although it was impossible to score sufficient points without scoring highly in either qualifications or previous earnings. No job offer was required, and T1 visa holders had unlimited access to the UK labour markets. T1 visa holders were free to bring their dependants.

Entry clearance is required before entry for all T1 visas and switching in country is only possible in limited circumstances. Leave varies depending on the specific category of T1 visa, but is generally for a maximum of three years, although extensions are possible in every category. There are four sub-categories of Tier 1: Exceptional Talent, Entrepreneurs, Investors and Graduate Entrepreneurs. The report will now outline the specified criteria for each visa, and the conditions of leave attached.

- **Tier 1 (Exceptional Talent) and Tier 1 (General):** This specific category was introduced in August 2011 and effectively replaced T1. General, which closed to new entrants at the same time. The T1 exceptional talent route is far more restrictive in terms of eligibility than the previous T1 general visa. The purpose of this category according to paragraphs 245B of the rules is to provide a route for exceptionally talented individuals in the fields of sciences, humanities, engineering, and the arts who ‘are already internationally recognized at the highest level as world leaders...or who have already demonstrated exceptional promise and are likely to become world leaders’. Applicants must usually apply from outside the UK. Applicants need a minimum of 75 points under Appendix A (paragraph 245BB) which can be obtained only through endorsement by a Designated Competent Body defined in paragraph 4(b) of Appendix A as the Arts Council (allocated 300 a year for arts and culture), the Royal Society (300 for natural and medical sciences), the Royal Academy of
Engineering (200) and the British Council (200 for humanities and social sciences). There are only 1,000 admittances per annum (500 released in April and October respectively) accepted under this route. However, in contrast to all other PBS tiers there are no maintenance requirements. Entry clearance is for three years and four months and subject to conditions as to public funds, registration with the police and some limits on employments. There is no recourse to public funds but NHS and school services are available for T1 holders and their family to use. If successful, a T1 exceptional talent visa holder can bring their dependants who can also work. Further leave is obtainable provided that the applicant is economically active in their expert field through employment or self-employment or both, the Designated Competent Body has not withdrawn endorsement and the applicant has a level of English equivalent to B1 in CEFR. A T1 exceptional talent visa can be extended for a further five years. A migrant can apply to switch to a T1 exceptional talent visa in country if they possess another type of T1 visa, a T2 visa or have a Tier 5 (Temporary worker - Government Authorised Exchange) on an exchange scheme for sponsored researchers. Indefinite leave is obtainable after five years of working on this visa, subject to meeting the same requirement as before regarding economic activity and other criteria for settlement.

- **Tier 1 (Entrepreneur):** According to paragraph 245E of the rules, the purpose of this category is to provide a ‘route for high net worth individuals making a substantial financial investment to [sic] the UK’. This category is targeted explicitly at the independently wealthy. In order to obtain the 75 points needed under Appendix A, a first time applicant must have at least £1 million of his own funds under his control and at his disposal in the UK or must own assets with a net value of £2 million and have £1 million available to him in the UK and loaned to him by a UK regulated financial institution. The applicant must demonstrate sufficient knowledge of English, which is set at B1 on the Common European Framework of Reference for Languages (CEFR). This must be evidenced through either an approved English language test or
the possession of an academic qualification that was taught in English and is recognized by the UK National Recognition Information Centre (NARIC) as being equivalent to a UK bachelor’s degree. However, if the applicant is a national from an English speaking country then they will not need to prove their knowledge of English. Leave is granted for three years and four months in the first instance and then for further two years if the visa holder applies for an extension. Leave may be curtailed if the applicant does not invest at least £750,000 within three months in UK government bonds or share or loan capital in active and trading UK companies (other than property investment companies) and maintain that investment throughout the period of leave. Whilst other categories have incredibly strict criteria in order to be eligible for settlement and eventually naturalization, this specific category is by contrast relatively liberal. The period of time required before being eligible for settlement depends upon the wealth of the applicant. Those who have £10 million under their control in the UK may settle after two years provided they have invested 75 per cent of that £10 million in UK government bonds or companies and the remainder is on deposit in a UK regulated financial institution. Those with £5 million can settle after three years, while those with £1 million must wait five years. The usual requirements for settlement apply.

- **Tier 1 (Graduate Entrepreneur)** This scheme was introduced in 2013 to replace the T1 Post-Study Work route. These are outlined in paragraphs 245F-FC of the immigration rules. This visa is available to MBA alumni and other UK graduates who have been identified by approved institutions as having developed genuine and credible business ideas and entrepreneurial skills, or by UK Trade and Investment as elite global graduate entrepreneurs. The number of available visas under this category is capped at 2,000 per year. To be eligible for this visa, the institution from which the applicant graduated must endorse them. Applicants must have obtained, at a minimum, a Bachelor’s degree from this institution. The endorsement must confirm that the applicant has a genuine and credible business idea and will spend
the majority of his time on developing business ventures. To be eligible for this visa certain language requirements must be met, however these are very likely to have been met by having graduated from a UK university. The applicant must also meet certain maintenance requirements; this requires the applicant to have £945 in savings if applying from inside the UK, or £1,890 if applying from outside the UK. Most applicants must prove they have such funds in their bank accounts for 90 days before applying for this visa, such as through a bank statement. However, those endorsed from a UKTI do not need to provide evidence of their savings if they have an endorsement stating that the applicant has been awarded funding to cover maintenance. Leave is for one year and may be renewed once for up to a year. There is thus no direct route to settlement. The applicant may be able to switch to a T1 (Entrepreneur) visa at the end of two years (i.e. one year plus one year extension) if their business is successful.

- **Tier 1 (Investor) Visa:** A migrant will be eligible for a T1 investor visa if they wish to invest £2,000,000 or more in the UK. Leave is granted for three years and four months. The successful applicant can work and/or study. It is possible to switch on to this visa in country if the applicant previously held a Tier 4 visa, a student nurse, studying, writing up a thesis or re-sitting an exam, a postgraduate doctor or dentist, an overseas qualified nurse or midwife, or a student sabbatical officer. A T1 investor visa holder can apply for settlement after a mere two years if they invest £10 million or three years if they invest £5 million in UK government bonds, share capital or loan capital in active and trading UK registered companies. The applicant cannot however invest in companies mainly engaged in property investment, property management or property development. As with almost every category in the PBS there is no recourse to public funds but NHS and school services are available for T1 holders and their family to use. The report now turns to Tier 2 of the PBS, outlining the eligibility requirements, rights, and conditions for migrants seeking to enter the UK under a Tier 2 visa.
3.2.1.3. Tier 2

According to paragraph 245H of the rules, the purpose of Tier 2 (other than the Intra-Company Transfer visa which is dealt with under separate rules) is to ‘enable UK employers to recruit workers from outside the EEA to fill a particular vacancy that cannot be filled by a British or EEA worker’. All applicants coming from outside the UK for a Tier 2 visa need entry clearance.

There are four sub-categories under Tier 2: General, Minister of Religion, Sportsperson, and Intra-company Transfer (ICT). Initial leave is for the period of engagement plus one month, or for three years and one month, whichever is the shorter. Periods of further leave are granted, subject to the applicant still qualifying for sufficient points. Having said this the maximum grant of leave under T2 is six years in total, at which point T2 visa holders must either apply for indefinite leave to remain (before their visa expires) or leave the UK.

Conditions of leave include a prohibition on working except for the sponsor and voluntary work or, for a sportsperson, employment by the national team while that team is in the UK. Formerly, supplementary working of up to 20 hours per week was permitted but this has now ended. For a Tier 2 general visa, an applicant needs fifty points from attributes from Appendix A, ten points for language requirements from Appendix B and ten points for maintenance requirements from Appendix C. Thirty points are awarded if the job which is being offered passes the Resident Labour Market Test13 (RLMT) or where RLMT exemptions apply. The remaining twenty points can be gained through having an ‘appropriate salary’ which for a new entrant must be £20,500 per annum or more, and not less than the appropriate rate stated in UK Visas and Immigration codes of practice.

All applicants need a Certificate of Sponsorship. A certificate must relate to a job that is either on a list of occupations at level 6 (degree level or above) of the National Qualifications Framework listed in Appendix J, is one of a number of creative occupations skilled to level 4,
or is a shortage occupation skilled to level 4 listed in Appendix K. If applying from outside the UK, migrants must not have had entry clearance or leave to remain as a Tier 2 migrant at any time during the 12 months immediately before the date of application. This means that a migrant will not be able to apply for entry clearance until 12 months after their visa/leave to remain as expired, regardless of the date the migrant left the UK. There are no exceptions to this rule.

The salary must be at or above the appropriate rate for the job. Under paragraph 80 of Appendix A, the Secretary of State may limit the number of Certificates of Sponsorship available in any specific period, and in addition to meeting the other criteria for entry, new applicants will be awarded a visa only if that limit has not been reached or they are to be paid a salary of at least £152,100.

Previously there were no restrictions on the number of third country nationals coming to work under T2, but as part of the Coalition government’s aspiration to reduce net migration, T2 visas now have a set quota, decided by the Home Secretary. This was implemented in April 2011 (Home Office 2011), when the government also changed the eligibility criteria for a T2 visa (minimum skills threshold to one broadly corresponding to graduate level occupations). The current limit/quota for T2 general visas is set at 20,700 per year. In the year to April 2012 there were merely 10,000 migrants on a T2 visa thus only half the annual quota was being taken up (MAC 2012). Up to 1,725 of these are available monthly, and they are rolled over if there are insufficient qualifying applications. This limit, rather controversially and undoubtedly due to business lobbying, does not include the Intra-Company Transfer route.

Whilst the government has risen the eligible skill level required for a T2 visa to graduate level, this does not necessarily mean that the applicant need to hold a graduate qualification. The government also raised English language requirements for a T2 general visa in April 2011 (Home Office 2011) from basic to intermediate English at B1 on the CEFR.
• **T2 - Shortage Occupation List:** There are two separate shortage occupation lists (SOL), one for the UK generally and one for Scotland specifically. These are reviewed and updated regularly following consultation and recommendations from the MAC. Indeed following a MAC report the government announced in 2011 that eight occupations were to be removed from the shortage list, meaning that the number of jobs available to migrants under the list was reduced from 500,000 to around 230,000 (Law Centre 2011). At the time of writing (November 2014) there are 32 occupations listed in the SOL for the UK. The majority of these jobs, which are specified to four digits on the Standard Occupational Classification system, are within the natural sciences, medicine and engineering. Other occupations (with various specifics) include: software developers, secondary school teachers in maths and science, social workers, visual animators, ballet dancers, orchestral musicians, 3D computer animation directors and producers, welding trades and skilled chefs (*earning more than £29,570 after deductions for accommodation*) (UK Visas & Immigration 2014c). Whether chefs should be considered for the SOL has been a particular issue of contention between the government and stakeholders, specifically the Indian cuisine industry, with the MAC effectively mediating such discussions. Indeed such case exemplifies well the issues of defining skills and demarcating labour market needs as opposed to employers preferences. The industry had long claimed that skilled chefs were needed from outside the UK.

Initially, the major concern surrounded chefs, particularly those who were deemed to be suitably skilled in ‘creating ethnic cuisine’ (MAC 2008, p. 170). Therefore, skilled chefs (where the salary is at least £8.10 per hour) were included in T2 of the PBS following recommendations from the MAC. Based on evidence presented primarily from Bangladeshi and Chinese restaurateurs, the needs of ethnic restaurants in particular were deemed to be ‘special’ and it was felt that UK and EEA workers did not have the necessary skills to fill the roles. The Guild of Bangladesh Restaurateurs and the Bangladeshi Caterers’ Association (BCA) argued that it was essential to bring staff from countries where they had been brought
up with the traditions and culture of what is required and have learnt the necessary culinary skills in an authentic environment. Following the introduction of the PBS in 2008, it was reported that there was a serious skills shortage, with 7,000 vacancies for chefs in ethnic cuisine restaurants (Lucas & Mansfield 2009, p.179). After months of debate the MAC looked at the evidence and concluded it was not necessary for chefs to be on the SOL. Thus chefs were dropped from the SOL in March 2011 but the debate on this specific issue nonetheless persists.

- **T2 - Intra-company transfers:** Eligibility for a T2 Intra-Company Transfer (ICT) visa has the same stipulations/eligibility requirements as a general T2 visa with the added caveat that the applicant’s overseas employers has offered the applicant a role in a UK branch, as is the purpose of the ICT route. There are four types of ICT visas: long-term staff, short-term staff, graduate trainee and skills transfer. One major difference between the ICT route and T2 general is that an ICT holder cannot switch to a T2 visa unless they were last granted leave as a T2 migrant under the rules in place before 6 April 2010 and they must be changing sponsor to qualify. The applicant can however switch to other subcategories of ICTs. A further difference is that an ICT holder cannot reapply to re-enter the UK under an Intra-company Transfer visa until 12 months after they have left the UK.

- **T2 - Rights-in country:** There is no appeal against refusal of applications made through entry clearance via any tier of the PBS except on human rights and racial discrimination grounds. Independent appeal rights were replaced by a system of administrative review and scrutiny by the chief inspector. Administrative review mirrors a long-standing system whereby an entry clearance manager reconsiders a refusal. However, administrative review has been criticized for being ineffective (NAO 2004). Appeal rights remained in place for in-country applications but were attenuated further by section 19 of UK Borders Act 2007 which prohibited introduction of new evidence in an appeal case, even if it related to state of affairs at
the time of application. The 2014 Immigration Act replaces all appeal rights except on human rights grounds with administrative review for which a fee is payable. A new application must be made if the employee changes jobs or the conditions of their employment changes so that they no longer work under the same job classification or within the shortage list or their pay is reduced below the level indicated on the Certificate of Sponsorship. Visa switching is usually (exception of ICT) permitted from other work-related categories. T2 holders can bring their dependants although they will need their own dependant visa. It must be shown that the main T2 applicant can support their dependants, therefore each dependant must have £630 available to them, in addition to the £945 the main T2 applicant must show to support him/herself. Alternatively a fully approved A rated sponsor can provide a letter ensuring that they one months funding of at least £630 for each dependant for the first month. There is no recourse to public funds but standard NHS treatments and school services are available for T2 holders and their family to use.

Whilst some on a T2 visa can in principle settle, following a 2011 consultation (UKBA, 2011b), the criteria that must be met for settlement has become incredibly demanding, including more rigorous language tests and a minimum salary threshold for skilled workers not in the shortage list. Prior to 2011 those applying for settlement could opt for the ESOL route, whereby they only had to demonstrate English language requirements (Home Office 2014). In 2011 the government made a change so that T2 visa holders (or indeed any work visa) applying for settlement had to also pass the Life in the UK test, which is set at B1 intermediate level on the Common European Framework of Reference for Languages (CEFR) thus demonstrating the required level of English language needed. This is based on the notion that ‘those wishing to live permanently in the UK have a basic understanding of the responsibilities which come with settlement, the principles of British democracy and the history and culture from which they flow’ (Home Office 2013). However, following a consultation on Family Migration in 2011 which considered whether the Life in the UK Test was a sufficient demonstration of English language ability, the Home Secretary made further
changes and announced that from October 2013 all applicants for settlement, unless exempt, would be expected to pass both the Life in the UK test and to have a English listening and speaking qualification at B1 on the CEFR or above (Home Office 2013, p. 3).

Settlement is possible after five years have been spent in a work related category with the last part on a T2 visa, provided that the employer confirms that the applicant’s services are still required and that the salary is at or above £35,000 per annum or at the appropriate rate for the job as set out in T2 Codes of Practice. This latter requirement may cause difficulty for those who entered under old rules when lower salaries were permitted.

3.2.1.4. Bilateral agreements

Whilst other Member States signed and ratified the Blue Card initiative, which offers high skilled workers a EU wide work permit, the UK along with Ireland and Denmark did not opt in. The only relevant bilateral agreement that the UK holds in regards to high skilled migration is Mode 4 of the General Agreement on Trades and Services (GATS). With the exception of the non-refoulement duty, the World Trade Organization (WTO) members’ commitments in mode 4 of the GATS, are the only binding international obligation in place to limit national sovereignty over the admission of foreigners (Panizzon, 2010, p10-11). Pre PBS, the work permit system had incorporated the GATS, a global treaty under the WTO. The GATS was agreed in 1995. Mode IV of the agreement addressed the temporary movement of “natural persons” in the provision of services across borders. This officially addressed agreements relating to individuals travelling from their own country to supply services in another, in a bid to enhance the “tradability” of services globally. Paragraph 3 of the Annex on the Temporary Movement of Natural Persons, which forms an integral part of GATS encourages commitments within the entire spectrum of skills, ranging from lower skills such as installers and construction workers, to highly skilled, engineers, investment bankers (Panizzon 2010, p.6). However, the multilateral agreement set a precedent that foreign labour were only allowed to work in periods of three months in certain sectors such as legal
services, accountancy, tax advice, architecture, engineering, urban planning, advertising, management, consultancy and technical testing among others, ostensibly high skilled occupations. The GATS agreement was made to strengthen an already mobile service sector, but in Britain’s case in the height of Labour’s managed migration agenda, GATS merely supplemented and supported the government’s liberalising economic immigration policy.

3.2.1.5. Selected programs

All immigration to the UK is established through policy, and subsequent amendments to the delegated stature, otherwise known as immigration rules. There is however a handful of government backed schemes that had encouraged high skilled immigration to the UK. The paper now describes two such initiatives which targets/ed a specific high skilled sector. Other notable programmes already discussed include the highly skilled migrants programme and the Innovators Scheme both of which were subsumed under the PBS in 2008, and both of which have effectively ended.

- **Medical Training Initiative (MTI):** The MTI, which operates under Tier 5 of the PBS, resulted from collaboration between the Department of Health and the UK Border Agency. The MTI accommodates overseas post-graduate medical specialists to undertake a fixed period of training and experience in the UK for up to two years. Its popularity is based on its potential to achieve a ‘triple win’ through promoting the UK education sector abroad, enhancing participants’ skills and allowing countries of origin to capitalise on these skills upon participants’ return (Wiese & Thorpe 2011 p. 5). Since April 2010 the Academy of Medical Royal Colleges acts as a sponsor. Rather than being centrally regulated these types of movements are managed through partnerships between the UK’s medical Royal Colleges. Overseas institutions with links to royal colleges can put forward suitable candidates. Those short-listed will be interviewed in their home country by overseas and UK doctors to assess communication and knowledge skills (Trewby, 2010). The scheme is considered low-
risk with significant commercial and development benefits. There are on-going discussions with regards to how to further maximise the potential benefits of the scheme, in terms of both development and for the UK’s NHS. Proposals have ranged from diversification of the scheme to make it more accessible for applicants from particular regions, to increasing the duration of the scheme to enable participants to capitalise better on training, acclimatise and integrate into the NHS, as well as to obtain qualifications, extending the number of places available to students and promoting the scheme more widely among employers in the UK (Wiese & Thorpe 2011 p. 22). A number of other government-authorized exchanges (under Tier 5) entail high skilled temporary work. As of November 2014 there were approximately 72 approved schemes. Entry is up to 24 months and family members may enter and work.  

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• Post-study: science and engineering: In a rare divergence of devolution of immigration policy, in 2005 the Scottish government secured agreement with the Home Office to establish the Fresh Talent: working for Scotland scheme (FT: WISS), allowing non-EEA graduates from Scottish institutions to work in Scotland for up to two years after their studies (Scottish Executive 2005). The Fresh Talent initiative (FTI) was launched in 2004 in the context of growing concerns about the demographic challenge facing Scotland (low fertility and an ageing, declining population) and skills shortages in the Scottish economy (Cavanagh, Eirich and McLaren 2008, p.6). The scheme was managed by the Home Office, because Immigration is the responsibility of the UK Government as specified under Schedule 5 of the Scotland Act 1998. To qualify, applicants needed to have graduated from a

19 Since April 2012 the scheme has been divided into three sub-categories: (1)Work experience programs offering work experience including volunteering, job-shadowing, internships and work exchange programs between the UK and non-EEA countries. The aim must be to give experience of work in the UK and maximum leave is for 12 months. (2) Research programs that allow migrants to undertake research and fellowships, in a scientific, academic, medical or government research Project at a higher education or research institute. Maximum leave is 24 months. (3) Training programs permits schemes that offer formal, practical training in science and medicine, or by the armed forces or emergency services, including for postgraduate students who need a period of formal training to complete their qualifications before leaving the UK. Maximum leave is 24 months.
Scottish university or college on a Higher National Diploma (HND), degree, Masters or PhD course, and have resided in Scotland for an appropriate period during their studies. The applicant, and any dependents with them, had to be able to show that they could maintain themselves without applying for public funds (Cavanagh, Eirich and McLaren 2008, p.6). The scheme was successful in attracting additional students to study and work in Scotland, the population of which was in decline (Spencer 2011,p. 89; Cavanagh, Eirich and McLaren 2008, p.4). Indeed part of the rationale for the scheme was to alleviate “demographic time bomb”, as stated by the then Minister for Finance and Public Reform Tom McCabe17. Over 8,000 international students went on the scheme between 2005 and 2008 (Cavanagh, Eirich and McLaren 2008, p. 4). The scheme was then mainstreamed in 2008 within the UK’s immigration system through the International Graduate Scheme. The British government adopted a modified version of this programme under the Science and Engineering Graduates Scheme (SEGS), which allowed graduates with science and engineering skills to remain to work in the UK for 12 months, without a job offer, and with no restrictions on the type of work. The aim being to encourage non-EEA national physical sciences, mathematics and engineering graduates of UK further or higher education establishments to pursue a career in the United Kingdom. The Labour government then extended this to all graduates in 2007, easing the transitioning between visas, and allowing international students to apply for a work permit post-study under the points-based system (PBS), otherwise known as the post study work visa, details of which are outlined above. Given that the PSW is now closed, this programme has effectively being abandoned.

3.2.2 France: a longstanding demand-driven model

High skilled migration to France is not new. The current regime of work migration, based on the Order of 1945, held provisions for high skilled workers, even if they weren’t identified as such at the time. The Order of 2 November 1945 established the basis of the migration
regime in France. Two kinds of permit were issued to foreign workers: a “permanent” work permit valid for one year and renewable indefinitely; a “temporary” work permit (Autorisation Provisoire de Travail (APT)) valid for 9 months and renewable (McLaughan & Salt, 2002) 6. In order to enter in France, foreign workers had to present a visa (delivered by the Ministry of Foreign Affairs), a work contract and a work permit (Ministry of Social Affairs).

From 1945, the French system is demand driven. Employers are allowed to select the workers they need (whatever their qualifications and education level), based on government regulations (EMN, 2013). Among these, employers must consider the job market situation and show that they cannot find a matching skill in France that can fulfil the job requirements, either due to a shortage of job applicants or to the specific requirement of the job (from the decree n° 84-1079 of 4 December 1984). Once the employment contract is drafted, a regional work authority (Directions Régionales des Entreprises, de la Concurrence, de la Consommation, du Travail et de l’Emploi (DIRECCTE)) examines the application. Even during periods when work migration was extremely limited (after the 1974 crisis), high skilled workers remained an exception. For example, in 1987 there were more entries of US executives and technicians than Moroccan labourers (Tribalat 1989). Recent attempts at redesigning the work migration regime and attracting HS workers start from the end of the 1990s (creation of a researcher admission category, IT recruitment program).

3.2.2.1 Beginning of the 2000: towards a new migration regime?

In the 1990s, the politic-economic debate regarding migration policy in France has been focused on two issues: on the one side, the integration of resident of migrant workers and descendants of migrants and, on the other side, the search of competitiveness in a globalized economy (Devitt, 2014). In a context of demographic decline and labour shortages, a consensus emerged towards the ease of high skilled migrant workers.
As a result, a first legislation on the selection of migrants appeared in 1998, with the Law 98-349 of 11 May 1998 on the entry and stay of foreigners in France and right of asylum (“Law RESEDA” or “Law Chevènement”). This law partly modified the ordinance of 1945 introducing specific status and procedure for the entry and stay of foreign researchers and teacher-researchers in France. The new “researcher” procedure aimed to facilitate and accelerate the administrative steps for the entry of foreigners employed in public research institutions under the supervision of the French Ministry of Higher Education and Research.

The targeted population could avoid the common law procedure for the issuance of residence permits. The first advantage is that the administrative procedure is reduced: researchers only need a hosting agreement by the research institution in France in order to apply for the visa “scientific-researcher”. Not only does the agreement free them from having to present a labour contract (except doctorate students) and applying for a work authorization but the situation of the labour market in France is not applicable. The second major advantages are the rights granted to the researcher’s family. They can accompany him/her in France, without having to comply with the minimum residence duration of 18 months, as it is the case for the classic procedure of family reunification. They are automatically granted a temporary residence permit “private and family life” of the same duration as the residence permit of the researcher, allowing them to work in France (circular INT G9800108C of 12 May 1998). Following the Law Chevènement, and in a context of labour shortages in the IT sector, new procedures were introduced to facilitate and accelerate the issuance of the work permits for IT professionals (Circular DPM/DM n° 98-429 of 16 July 1998 relative on recruitment of foreign computer engineers and Circular DPM/DM n° 98-767 of 28 December 1998 on the issuance of work and stay authorizations to foreign computer engineers). Any IT professional presenting evidence of high qualifications and a work contract with a minimum salary of 2250 euros per month was issued a temporary residence permit of 1 year. The employment situation in France is not applicable and the worker’s family could accompany him/her without waiting for a year of regular stay in France (as it is the case for all temporary workers). The family members are issued a
temporary permit “visitor” of 1 year, allowing them to work (CAS 2006). In a context of rising
unemployment in the IT sector, the circulars of 1998 are revoked 6 years later (by the
circular of 13 January 2004) and the recruitment of computer engineers must occur in the
framework of the common law procedure (particularly, the employment situation in France
is now applicable for these professions), (CAS 2006). During this period, another circular was
implemented to facilitate the introduction of high skilled workers in France (circular
DPM/DMI 2 n° 2004-143 of 26 March 2004) by simplifying the administrative procedures for
the entry of senior executives and high-level executives. The delivery time of the residence
permit is reduced by the setting up of a single official reference person for these employees
and their employers. They can also begin to work as soon as they arrive in France, without
having to wait for the formal work permit. The circular of 7 May 2004 completes this
framework by specifying that these workers are not submitted to the employment situation
in France, and facilitating the entry procedure for the family.

3.2.2.2 From 2006: the focus on HSM and the drafting of a supply driven system

High skilled work migration becomes a central issue during the discussion and the drafting of
the 2006 law, which introduced some innovations such as the creation of a point based
category (“Skills and Talents”). However, eight years later, the effects of this law in
revolutionizing the situation appear limited and a new law proposal aimed at attracting HS
workers is under discussion since 2014.

The 2006 Law In 2006, a new migration policy is elaborated by the Minister of the Interior
Nicolas Sarkozy, based on a distinction between the immigration “subie” (“family and asylum
migration which France was forced to accept”) as opposed to immigration “choisie” (“the
one selected to respond to the economy’s needs and integration capacity”)(Devitt, 2014). In
this context, the law 2006-911 of 24 July 2006 on immigration and integration (and its
following decree N°2007-373 of 21 March 2007) facilitates the entry and stay of
international workers whose qualifications and professional experience meet the
requirements of French companies and ensure the competitiveness of the French economy (EMN, 2013; Devitt 2014). This objective was pursued through 2 main changes: the creation of the “Skills and talents” residence permit and the creation of a new regime of authorization for temporary stay (APS8) for postgraduate students.

- **The “Skills and Talents” permit**: The “Skills and talents” permit is issued for 3 years (renewable) to foreigners “being able to present a project contributing to the economic development and influence of France and his or her country of origin”. It allows working only in the field of the project and for the project. As for the “scientific-researcher permit”, the applicant benefit from the advantages of the non-submission to the employment situation in France and the easier procedure for the family reunification: Family members automatically receive a temporary "private and family life" residence permit for the same duration as the "skills and talents" card, allowing them to work. The objective was to deliver 2000 “skills and talents” permits in 2008. The quantitative objective was the first draft of an immigration quota policy in France. Knowing that this type of policy contradicts the French Constitution (Bertossi, 2008), a Commission was set up to reform the Constitution in February 2008 and concluded that that quota policy “would present no real utility as far as labour migration is concerned” (Le Figaro, 7 July 2008). This was the one French attempt for a supply driven system of migration policy.

- **The authorization for temporary stay** The APS is another tool to promote high skilled migration in France by retaining foreign students. Students holding a Masters’ degree (minimum) could apply for this temporary permit after finishing their studies in France. It allowed the former student to stay another 6 months during which he/she is authorized to (1) look for a first job in France corresponding to his/her qualifications, or (2) work within the limits of 60% of the annual statutory working time, or (3) work full-time if the wages is at least 1,5 times the minimum wage in France. In this case, he/she must request a change to a worker status in the 15 days
following the signature of the labour contract, and the prefect does not examine the employment situation in France. This new temporary permit is designed in a global aim of win-win perspective between the origin country of the student and France i.e. the student is supposed to return to the origin country after his/her first professional experience in France. Also, the chosen occupation should participate in the economic development of France or the origin country. Those two conditions were deleted in 2013. This system had limitations. For example, the employment following this APS was necessarily the first work experience from the beginning of the studies and the student could not have been employed firstly by this employer. Also, the change of status is only allowed from “student” to “employee” or “temporary worker”, i.e. the change of status from “student” to an independent occupation’s status is not allowed.

3.2.2.3 The onset of the economic crisis

Despite the onset of the financial international economic crisis of 2008, the French government continued to promote the high skilled labour immigration through the creation of a list of shortage occupations and the “EU Blue Card”. At the same time, the government indirectly protected the national labour market through a circular to restrict the access to the labour market for foreign graduating students: the Guéant Circular.

Indeed, in 2008, the government introduced a list of 30 professions experiencing recruitment difficulties, which justify the recruitment of nationals from other countries, without the employment situation being enforceable10 (Order of 18 January 2008). The list contains both qualified and less qualified jobs across a range of sector. The main sectors listed regarding high skilled professions are finance, information technology and construction. These so-called shortage occupations are listed by region, but 6 professions are common to the whole country and can be categorized of high skilled (Diplomatie.Gouv.fr):
- Auditing and accounting control executives,
- Information technology analysts
- Information technology experts,
- Technical project managers, construction industry,
- Chief engineers, public building and works,
- Foremen, public buildings and works.

The Law 2011-671 of 16 June of 2011 on Immigration, integration, citizenship and residence permits introduced the “EU Blue Card”, a residence permit issued for 1 to 3 years (according to the length of the labour contract) to high skilled workers, as defined in the previous section. The family members (spouse and children) receive a temporary residence permit "private and family life" allowing them to work. This permit is issued for the same period of validity as the European Blue Card of the worker.

The circular of May 31st, 2011, known as the Guéant Circular introduced some limitations to the changes of status of students in France. This regulation asked prefects to be particularly restrictive towards students applying for jobs upon graduation. However, following students’ and universities’ protests in May 201212, the circular is annulled by the new left wing government and the rules relative to the stay and work of foreign students in France were softened. For example, the examination of the employment situation in France procedure to change status cannot last more than 3 weeks (instead of 2 months). The reduction symbolizes a shorter period of competitiveness between the foreign candidate and national ones.

The circular 31 May 2011 aiming foreign student was an indirect but meaningful way to reduce labour migration in France. Indeed, the specificity of the French context is that the majority of persons issued a work permit are already resident in France holding a student permit. The decision to revoke the circular can be seen as a way to promote high skilled workers migration (Devitt, 2014 from an interview with the MEDEF13).
The law confirmed this objective on July 22nd, 2013 (2013-660) on the stay of the students (of level upper or equal to the Master’s degree) and scientists-researchers.

The main changes in the modalities of the issuance of the APS were described in the circular of July 30th, 2013:

- The duration of the APS is extended from 6 to 12 months;
- The notion of "prospect of return" and of "economic development" of the origin country or France no longer needs to appear in the professional project of the former student and these elements no longer condition the issuance of the APS;
- The employment following this APS is not necessarily the first work experience from the beginning of the studies and the student can have been employed firstly by this employer (which was not the case previously).

New legal initiatives are currently being discussed in France. Modifications on the APS system and the student status will be implemented in a future new law in 2015. The expected changes regard firstly the possibility for young postgraduates holders of the APS to start up a business in France and thus to change status from “student” to an independent occupation’s status. The future Law will probably also allow all students (and not only postgraduates) to apply for a multi annual permit (from 2 to 4 years) after one year of stay in France. At the same time, the language level required for the issuing of the residence permit will be higher. As students are potential high skilled workers, we can interpret the new measures consisting in the facilitation of administrative procedures for the entry and stay of foreign student as means to attract high skilled migrants.

The new 2015 law will also provide a unique “Talent” residence permit to investors, artists, and skilled workers valid for 4 years maximum for the skilled worker and his/her family. It will replace the “Skills and Talent” permit and the permit issued for “Exceptional economic contributions”. It aims at facilitating both the administrative procedures for the entry of high
skilled workers and the interpretation of French policy objectives towards international migrants.

3.2.2.4 Current description of legal conditions of access and residence for HSM

Currently, four types of permits can be issued to high skilled workers in France. It is important to note that many of the students changing their status will receive a “temporary worker” or “employee” that we don’t mention in this table since they are not identified as high skilled procedures.

As shown in the literature, the “employee on assignment” permit is increasingly issued to high skilled workers in France. The Directive 96/17/CE on the posting of workers in another Member State stipulates that a worker posted in another member State for a duration of more than a month is subject to the law of the country where s/he is currently exercising his/her professional activity (workings conditions such as minimum salary and vacations) and not to the one of the origin country. The directive was transposed in the French legislation by the Decree n°2000-462 of 29 May 2000 and the Law n°2007-1631 of 20 November 2007 on the Control of Immigration, Integration and Asylum (Law Hortefeux).

Posted workers are defined in the article 1261-3 of the French Labour Code "Every employee of an employer regularly established and exercising its activity outside France, and which, usually working for this one, execute the work at the request of this employer for a period limited on the French ground in the conditions defined in the articles L 1262-1 and L 1262-2 of the labour code"17. The conditions exposed in both articles are the following: (1). A contract of employment exists between the employer and the employee; (2). The labour relation between both remains during the period of detachment. Those conditions expose the fact that the employee must maintain a link of subordination with his employer (unlike the freelance worker) and that he is not directly employed by the French company. Within
this framework, three types of posting exist. They define 3 types of relations between the employer and the employee:

- A posting carried out for the employer and under his management, within the framework of a contract concluded between him and the addressee of the service established or practicing in France. This posting may occur in two cases:
  - A posting carried out between establishments of the same company or between companies of the same group. This “intragroup mobility” does not necessarily require a contract.
  - A posting carried out for the employer without any contract between the employer and an addressee (“self-employed”). This corresponds to a temporary posting of employees realized on behalf of the employer (ex: shooting of a movie, participation in a business trip, in a seminar...).

In addition to the legal and policy mechanisms to attract high skilled foreign workers, other measures were implemented to facilitate the entry, stay and employment processes of this specific population in France.

Firstly, the access to the labour market was facilitated since the introduction of several residence permits in 2006 (Law 2006-911). “Skills and talents”, “EU Blue Card” and “employee on assignment” permits are not subject to the employment situation in France.

Secondly, applications to these specific residence permits are facilitated through the creation of a one-stop administrative office (“guichets uniques”). These offices have been created in several French departments18 to receive applications and issue residence permits not subject to the employment situation in France, under the coordination of the OFII. The aim of these offices is to have a unique contact person who acts as interface between the employer and the different government agencies. The number of visits to the prefecture is reduced for both the employee and the employer.
Thirdly, the administrative procedure to apply for the three HS residence permits is facilitated by the exemption from signing the reception and integration contract (contrat d’accueil et d’intégration, CAI). Although all third country nationals admitted in a permanent residence category 20 for the first time in France should normally sign it and follow the different courses, these migrants as well as their family members are exempt from it. HS workers and their families have also been exempt from passing the medical exam at the OFII starting from August 2014.21 Regarding the specific case of “employee in assignment”, the admission and integration procedures of the employees are also facilitated by the relocation services within large international groups.

Finally, attention is given to the availability of information regarding the entry and stay of high skilled workers, through several websites on work migration22, managed by the Secrétariat Général à l’Immigration et à l’Intégration (SGII) and the OFII). They promote labour migration and offer information about the administrative procedure to follow by type of residence permit and status.

The French Agency for International Investment (AFII) promotes and facilitates foreign investments in France by giving advice to international investors on the business environment in France. It targets directors of third-country companies that wish to set up in France (potential holders of “exceptional economic contribution” permit).

3.2.2.5 Programs

Beyond national legal policies for the management of high skilled flows, private initiatives can be mentioned to illustrate the willingness to attract high skilled workers. Large groups may offer some advantages to international employees (“employees on assignment” or “EU Blue Card” holders) coming to France.
For example, BNP Paribas created a package for each employee on assignment (EMN, 2013). The objective is to facilitate the entry procedure in France. The package includes some offers such as the payment for removals services, helps with finding accommodation, and help upon administrative procedures upon entry France. The relocation of the company helps the issuance of the visa and the authorisation to work, if needed. Another outsourced services accompany them to the offices of various public services (the prefecture, social security services, etc.).

A second example of private initiative allowing an easier mobility of high skilled workers come from the international TOTAL firm (Aubry & al., 2007). The company created a specific entity dedicated to the management of international carriers: “TOTAL Gestion Internationale” (TGI). Legally, it is a filial of the TOTAL group, established in Geneva (Sweden). Its aim is to provide an individual management of executives of several nationalities working in all countries where TOTAL is present (with oil platforms in numerous country around the world).

In particular, it allows the international employees to receive clear and transparent information on the conditions of the international posting within the TOTAL group (intra group mobility). It offers a simple and unique regime of posting for all the posted employees: a unique labour contract and a harmonized social security system (whatever the citizenship of the employee and the country of work).

A peculiarity of this system is that all the postings are organized from Sweden. The country of establishment of the TGI was chosen mainly because the country eases the reception of foreign workers and has appropriate “flexible” social security system for the international mobility. Indeed, the social security rights and regulations are independent from procedures on the right of stay and work: foreign nationals need a preliminary work permit in Sweden to be registered on the national social security fund and can be posted in a foreign country after 1 month of registration. However, the social security Fund is not allowed to verify the
detention of a work permit, and the worker has no incentive to ask for a Swedish permit as he already knows he will be posted elsewhere.

We can conclude that the legal TGI filial employs posting mechanisms of questionable legality. This example shows how complex is the procedure of international posting and how difficult are the state controls on these mobilities in the private field.

3.2.2.6 Bilateral agreements

In addition to the 30 jobs on the list of shortage occupations (defined in the Order of 18 January 2008), concerted migratory flow management agreements were signed between France and different countries of origin. They include specific measures relative to work migration and establish enlarged lists of shortage occupations, for which the issuance of the residence permit is not subject to the employment situation in France (as described previously for the 30 jobs). In these agreements, the lists are established according to the needs and the migration profile of each partner country. The high-qualified occupations concerned are in the IT or finance sectors. The existing agreements20 aim to promote the « skills and talents » residence permit, by specifying an annual quota of permits issued, by partner country (between 100 and 1500 “Skills and Talent” permits per year. In the Franco-Senegalese agreement, no quota is fixed for the issuance of the “skills and talent permit”.

Even if France commits to the recruitment of Senegalese executives, the disposals of the common law are still valid. Also, the French government is responsible for the effective

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20 The bilateral agreements and the corresponding number of shortage occupations are the following:
France Senegal (23 September 2006); 108 occupations in various sectors (agriculture, banking, building and public works, business, electronics, management and administration, hotels and restaurants, process industry, IT, maintenance, marine and fishing, mechanics, security, transport, logistics, tourism, Health, personal services) 15.
France-Gabon (5 July 2007); 9 occupations;
France-Congo (25 October 2007); 15 occupations;
France-Benin (28 November 2007); 16 occupations;
France Tunisia (28 April 2008); 77 occupations;
France Mauritius (23 September 2008); 61 occupations;
France Cape Verde (24 November 2008); 40 occupations;
France Burkina Faso (10 January 2009); 64 occupations;
France Cameroun (21 May 2009); 108 occupations
return of the high skilled Senegalese worker after his/her legal stay in France (circular of the 15 January 2010 on the implementation of the French-Senegalese agreement of 26 September 2006).

### 3.2.3. Spain: an ill-defined system

Spain is exceptional in many different aspects among other immigrant destination countries internationally. The shift from being an emigration country to one of the major global destinations for international migrants happened in less than a decided (during the 1990s). By the beginning of the 2000s, Spain attracted more immigrants both absolute and relative terms than any other developed economy in the world (Cebolla-Boado and González Ferrer 20007). This impressive transformation did not happened in the context of well-defined immigration policies. Rather the opposite, Spain only had a slim tool for the management of immigration at the time of its admission into the EU in 1985. The first policies were then defined so as to ensure a perfect fit of the country in a European context that was committed with the haul of immigration from third countries. This explains why the Spanish regulation on immigration has traditionally been rigid and biased in favour of control considerations rather than integration. In 2000, when Spain started to receive large immigration flows, a new political paradigm for the management of immigration came to place (Cebolla-Boado and González Ferrer 2013). Even though this new setting increased the policy tools and sophisticated the Spanish strategy on immigration, it set the bases for an immigration system that was intimately associated to the productive model that is largely behind the economic downturn that the country is going through since 2007/8. The booming economic sectors that led the Spanish expansion from 2000 were intensive in unskilled labour force (construction, agriculture, services). Accordingly, no interest was attached to providing schemes for the migration of value added foreign workers and, as a result, the country is not only a recent immigration country for good and bad in terms of overall policy developments but also lacks a minimum know-how of what works and not in the global race for talent. The economic crisis has started to change the status quo, although mostly in a
rhetoric manner. While the political elites often manifest the need to change the productive model of the Spanish economy, little is done to attract added value immigrant workers.

Rising unemployment and low wages are of course not an extraordinary incentive for talents to choose Spain as a destination. But even if the market conditions improved, the Spanish policy bid to clear the way to HSM is still underdeveloped. Currently, the Spanish legislation covering foreign professionals is in continuous development, in part, due to the requirements imposed by the latest European Union regulations on this target group. In this regard, the main features of the legislation from 2000 onwards are scarce and mostly linked to the specific legal documents.

3.2.3.1. The slim pre-crisis regulation

The most impressive jump ahead in the development of a formal policy on immigration in Spain took place when Spain passed the well-known Organic Law 4/2000 January 11th, on the Rights and Freedoms of Foreigners in Spain and their Social Integration. This law only includes specific regulation on skilled migration in two articles: article 38.ter and 40. According to the first one (article 38.ter), highly skilled professionals may obtain a temporary residence and work permit, both being documented by the EU blue card. Regarding the holders of the EU blue card that has resided for at least eighteen months in another EU Member State, they can get a residence permit as a highly skilled professional in Spain. The application procedure may be done within one month of their entry to Spain or in the Member State where the worker is authorized. In case the original authorization had been extinguished without being resolved the application for authorization in Spain, it may be granted a temporary residence permit for the worker and the members of his/her family.

Although the same article points out that the authorizations of skilled workers may depend on the national employment situation and the need to protect the adequacy of human
capital in the country of origin, article 40 allows for some exceptions in which the national employment situation will not be taken into consideration:

- Trust job positions or managerial jobs
- Highly skilled professionals including qualified technicians and scientists employed by public institutions, universities or research centres, development and innovation linked to private sectors.
- Employees of a company or a group of companies in a third country that seek to develop labour activity for the same company or group of companies in Spain.
- Outstanding and prestigious artists

The Sixth Additional Provision mention the following conditions for readmission: if an EU blue card holder granted in Spain is targeted to be repatriated to another EU member state (due to expiry of initial residence authorization in that country or due to the fact that the application was rejected) he/she will be readmitted with no need of additional formality. This measure applies also in the case of those family members previously reunified.

It should not be ignored that these regulations seek to frame the migration of researchers. More specifically, the article 25 bis, including different types of visa for the legal entrance of foreigners, refers to the research visa as the one that enables foreigners to remain in Spain for the development of research project in the framework established by a hosting agreement signed by a research institution.

On the other hand, the procedures for the residence of foreigner researchers in the Spanish territory are included in article 38 bis. (special scheme of researchers). According to this article, public and private research institutions can be authorized by the State or Autonomous Communities to invite and host foreigner researchers. The authorization is established for a minimum of 5 years, excepting special cases that will count on shorter periods of time. Foreigners entering Spain through this special scheme will receive a
residence and work permit and, if the holder meets the established conditions, they will be renewed annually. Once the hosting agreement concludes, researcher and reunified relatives may apply for a work and residence permit without the need of a new visa.

Foreigners admitted for research purposes may teach and develop other kind of activities compatible with their main activity as researchers. Nevertheless, the authority delivering the residence and work permit must be informed immediately by the research institution in the case of any event that hinders the development of the hosting agreement.

Finally, in the case of those foreigners accepted as researchers in a third EU country that require the development of part of the research in Spain during more than 3 months, may apply for work and residence permit without the need of a previous visa. Nevertheless in these cases, Spanish authorities may require a new hosting agreement.

The 4/2000 Law also deals with the conditions for long term residence (article 32) setting the requirements for obtaining a long term residence permit; the foreigner need to prove legal residence on temporal basis in a continuous manner for a period of least five years. Residence in third EU countries members is also accepted for EU blue card holders.

A number of adjustments to this ill-defined scheme for HSM were done overtime:

- With the arrival of the conservative government after the electoral victory of the Partido Popular in 2000, the 4/2000 Law was reformed in some specific aspects, although the previous system and logic remained pretty much in place (Organic Law 8/2000). Few are the modifications tackling highly skilled flows in this organic law. These changes are included in article 36 on authorization for the development of productive activities. According to this article, when the foreigner pretends to

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practice a profession that requires specific qualifications, the concession of the work permit will depend on the possession and homologation of the specific credential and, if the law demands it, will depend on being member of a professional association.

- The Organic Law 14/2003\(^{22}\) refers in article 41.1 a) to foreign technicians and scientists invited or hired by the State, autonomous communities, local institutions or organisations that promote and develop research involving the previous mentioned actors. The aim of this statement is to recall future governments of the need to further regulate avenues for their admission and settlement.

- The transposition of the EU regulations regarding the rights and freedoms of foreigners in its member states was done in the Organic Law 2/2009.\(^{23}\) Two are the European Directives involved and both are mentioned in the introductory chapter. The first one refers to the Directive 2005/71/CE of October 12, 2005 regarding the specific admission procedure of third country nationals on scientific research purposes (DOUE of November 3, 2005). The second one is the Directive 2009/50/CE of May 25, 2009 concerning the entrance and residence procedure of third countries nationals for highly skilled purposes (DOUE of June 18, 2009). The Law represent a basic and direct adoption of the European regulation with no changes or improvement done departing from the basic European framework. Most of the content of these Directives was already part (or at least compatible with the framework provided by LO4/2000 and its legislative adjustments.

- The Resolution of February 28, 2007 of Secretary of State for Immigration and Emigration approved the instructions for the procedure of entrance, residence and work permits of foreigners whose professional activity involves matters of economic,

social or labour interest, or related to research and development or teaching that require high qualifications or artistic performance of special cultural interest. This resolution facilitates instruments that are compatible with the regulation established in the Organic Law 4/2000 regarding skilled flows, on one hand, and the presence of key foreigners that could play a significant role in the increasing competitiveness and internationalization of the Spanish economy, on the other. Unlike the previous regulations reviewed, this resolution underlines that the concession of the work permit is regardless of the national employment situation for specific cases:

- Managerial or highly skilled staff of companies or employers, developing activities linked to investments or creation of job positions in Spain. One of the requirements in this case is that the company must provide the entrepreneur project describing the expected investment in Spain and/or the creation of job positions for national and foreigner residents in Spain.

- Foreigners and highly skilled technicians and scientists, recruited by the State, Autonomous Communities, local institutions or organizations that aim to promote and develop research, on one hand, and foreigner teachers recruited by a public Spanish university. The applicant must provide the CV of the researcher or teacher and a descriptive report of the project or the certificate signed by the University Rector regarding the recruitment needs.

- Foreigners and highly skilled technicians and scientists whose arrival responds to the development of research projects or the incorporation in activities related to

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24 Resolución de 28 de febrero de 2007, de la Secretaría de Estado de Inmigración y Emigración, por la que se dispone la publicación del Acuerdo de Consejo de Ministros, de 16 de febrero de 2007, por el que se aprueban las Instrucciones por las que se determina el procedimiento para autorizar la entrada, residencia y trabajo en España, de extranjeros en cuya actividad profesional concurren razones de interés económico, social o laboral, o relativas a la realización de trabajos de investigación y desarrollo, o docentes, que requieran alta cualificación, o de actuaciones artísticas de especial interés cultural

25 In the case of the first three profiles, the foreigner is required to prove the previous labour connection with the employer for at least 1 year or, alternatively, to own the proven experience (at least 1 year) in projects or research and development activities similar to the one he/she will develop in Spain.
research and development in private universities; in prestigious R+D centres or research and development units belonging to private companies established in Spain. In this case, a descriptive report of the project and of the company/organization/employer is required, followed by the CV of the researcher and the certificate signed by the Education and Science Council or Industry, Tourism and Commerce Council regarding the recruitment needs.

- International renowned artists and staff that support the artistic performance, whose arrival to Spain is considered as being of cultural interest. A report is required explaining the number of expected performances, where these performances will take place, people that are part of the stuff, CV of the artist in order to be assessed by the Directorate General of Migration.

- Other similar situations that could be recognized as being of economic, social and labour interest and with the previous authorization of Secretary of State for Immigration and Emigration.

Finally, this resolution also includes arrangements regarding transnational provision of services. These instructions applies also in the case of individuals and legal institutions (as employers) established in third country that require the incorporation in the Spanish territory of non-EU foreigner workers, employed for the development of an activity mentioned in this resolution. The employer that pretends to transfer the employee to Spain must send the residence and work application the Secretary of State for Immigration.

**3.2.3.2. The reaction to the crisis: the Spanish adoption of the high value approach**

The crisis that badly hits the country since 2007 forced the adoption of a more complex logic that in certain ways represents the shift from a pure credential-based understanding of the skills required for HSM to the high-value approach. The tool for this innovation was the Law
14/2013. Yet, far from representing a sophisticated regulation of HSM it is more an attempt to support the internationalization of Spanish firms and companies to increase the economic growth of the overall economy. Yet, it also refers to international migration flows, more particularly to the profile of foreigner entrepreneurs and workers linked to the internationalisation of companies. In this regard, it includes an explicit reference to the right of foreign professionals (in specific fields) to entry and settle in Spain.

The Law recognized that Spain basically regulated immigration at the light of the existing shortages of labour force during the economic expansion. As an advancement, this initiative enlarges this perspective taking into account not only the situation of the internal labour market but also the contribution made by specific profiles of immigrants to the economic development of the country. This is due to the fact that immigration policy and, more specifically, the admission of skilled professionals represents, for the promotors of this law, is an increasing element of competitiveness and economic growth.

Although the main focus of this law is not attracting highly skilled flows in the Spanish territory, Section 2 is dedicated to the international mobility of value added foreigners. It establishes the main criteria in the provision and streamline of visa concession and residence authorization for reasons linked to economic interests and with the purpose of attracting investment and talent in the Spanish territory. The provisions of this section are not applicable to EU citizens and to those foreigners that are beneficiaries of EU law on free circulation and residence rights.

Article 61, regarding entrance and residence on the grounds of economic interest, refers to specific: investors, entrepreneurs, workers subject to intra-company transfers, highly skilled professionals and researchers. More specifically, article 62 lists the requirements for residence or stay.

26 Of 27 September 2013, on support for entrepreneurs and their internationalization (Ley 14/2013, de 27 de septiembre, de apoyo a los emprendedores y su internacionalización).
For stays not exceeding three months, the entry conditions adopted refer back to a previous norms (Regulation (EC) 562/2006 of 15 March 2006; Regulation (EC) No 810/2009 of 13 July 2009) For longer stays, it refers to the Regulation (EU) No 265/2010, amending the Convention Implementing the Schengen Agreement and Regulation (EC) No 562/2006 of 15 March 2006. Here, the applicants shall provide evidence of compliance with the following requirements:

1. Not reside in Spain in irregular bases.
2. Be over 18 years old.
3. Have no criminal record in Spain or in the countries where they have resided in the last five years, for offenses foreseen by the Spanish legislation.
4. Not be subject of objection in the territory of countries that Spain has previously signed an agreement in this regard.
5. Own a public or private health insurance policy with an insurance company authorised to develop its activity in Spain.
6. Count on sufficient financial resources for themselves and their families during their residence in Spain.
7. Have paid the visa or the authorization processing fee.

For each one of the profiles tackled in this law (investors; entrepreneurs and business activity; highly skilled professionals; intra-corporate transfer) the law dedicates some articles explaining the requirements and regulations:

- **Investors:** In the case of investors, while in the article 63 of the law defines this profile identifying the criteria for being eligible as investor, article 64 explains the accreditation form of the investment. In this regard, investors (with an initial investment with a value equal to or greater than EUR 2 million in Spanish government debt securities, or a value equal to or greater than EUR 1 million in stocks or shares of Spanish companies, or bank deposits in Spanish financial
institutions) must meet the following requirements to obtain a residence visa: the applicant shall prove having made the investment for the minimum required amount, within no more than 60 days prior to filing the application, as following:

- For investments in unquoted shares or holdings, the copy of the investment statement filed with the Registry of Foreign Investments of the Ministry of Economy and Competitiveness must be submitted.

- For investments in quoted shares, a certificate from the financial broker duly registered with the Spanish National Securities Market Commission or with the Bank of Spain will be submitted stating that the interested party has made the investment for the purposes of this legislation.

- For investments in public debt, a certificate from the financial institution or the Bank of Spain will be submitted stating that the applicant is the sole owner of the investment for a period equal to or longer than five years.

- For bank deposit investments, a certificate from the financial institution will be submitted stating that the applicant is the sole holder of the bank deposit.

Applicants with an investment value equal to or greater than EUR 500,000 in Spanish real estate shall provide evidence of having acquired ownership of the real estate through a certificate with ongoing information on the ownership and encumbrances from the relevant Land Register for the property or properties. Finally, applicant willing to develop a business project in Spain a favourable report must be submitted confirming that the business plan is of general interest. The report shall be issued by the Economic and Commercial Office of the geographical area in which the investor files the visa application.

Residence visa and authorization for investors are included in article 65 and 66. Regarding residence visa, it allows residence in Spain for, at least, one year. Foreign investors wishing to reside in Spain for more than one year may obtain a residence authorization for investors, which will be valid throughout the national territory. In order to apply for a residence authorization for investors, the applicant shall meet, in addition to the general
requirements, the following ones: a) be the holder of a valid residence visa for investors or
one which has expired within a period of ninety calendar days after the expiry date; b) have
travelled to Spain at least once during the authorized period; c) depending on the case, the
investor must prove that he or she has maintained the investment of a value equal to or
greater than the minimum required or that he/she owns the property or properties for the
minimum amount required.

The initial residence authorization for investors has a length of validity of two years and after
this time period, foreign investors wishing to reside in Spain for longer periods may apply for
the renewal of their residence authorizations for an additional two-year period (article 67).

- **Entrepreneurs and business activity**: By entrepreneurial and business activity article
  70 understands any innovative activity of special economic interest to Spain that, as
  such, has obtained a favourable report from the competent body of the General
  Administration of the State. The assessment will give special priority and
  consideration to the creation of jobs in Spain and the following aspects will also be
taken into account: a) the professional profile of the applicant; b) the business plan,
  including the product, service or market analysis, and financing; c) the added value
  for the Spanish economy, innovation or investment opportunities.

For the entry and stay in order to start-up businesses (article 68), foreign nationals may
apply for a one-year visa for the sole or primary purpose of making preliminary
arrangements in order to be able to develop an enterprising activity. Moreover, the visa
holders may obtain access to the entrepreneurial residence status without the need to apply
for a visa and without the requirement of having remained in Spain for a minimum time
period when it can be proved that the business activity for which the visa was requested has
effectively been started. Foreign nationals (meeting the general requirements under article
62) seeking entry to Spain or who holding a residence/ stay authorization/ visa intend to
start up, develop or manage a business activity as entrepreneurs, may obtain a business activity residence authorization that is valid throughout the national territory (article 69).

- **Highly skilled professionals:** Companies needing to incorporate into Spanish territory foreign professionals may apply for a residence authorization (valid throughout Spain) for highly qualified professionals (article 71):
  
  o Highly qualified or management staff, when the company meets any of the following characteristics (average workforce: more than 250 workers in Spain; annual net business turnover in Spain of over EUR 50 million; average gross annual investment from abroad of not less than EUR 1 million in the three years immediately prior to the filing of the application; companies with an investment stock value or position in excess of EUR 3 million; for small and medium-sized businesses established in Spain, they must pertain to a strategic sector).
  
  o Highly qualified or management staff part of a business project proved to be of general interest: (a significant increase in the creation of jobs in the business sector or geographical area in which the business activity is to be carried out; an extraordinary investment with relevant socio-economic impact; interest for Spanish trade and investment policy; a relevant contribution to scientific and/or technological innovation; graduates, postgraduates of universities and reputable business schools.

Foreign nationals seeking entry to Spain or those holding a residence or stay authorization who wish to carry out training, research, development and innovation activities in public or private institutions must hold the relevant residence visa or authorization for training or research, which will be valid throughout Spain, in the following cases (article 72): Research staff; Scientific and technical staff who conduct scientific research, development and technological projects in private institutions or R&D+i centres established in Spain;
Researchers subject to an agreement with public or private research agencies; Teaching staff hired by universities, centres or institutions of higher education and research, or business schools established in Spain:

- **Intra-corporate transfer:** In the case of this profile, residence authorization regulation is specified in article 73. According to this article, those foreigners arriving to Spain in the framework of a company for professional purposes must hold the relevant visa for the duration of the transfer and a residence authorization for intra-corporate transfer, which will be valid throughout the Spanish territory. In order to obtain the authorization, the following requirements must be met: a) the existence of a current business activity; b) higher education qualification or a minimum of 3 years’ professional experience; c) the existence of a prior and continuous professional relationship of 3 months with the company; d) documentation of the company accrediting the transfer. Article 74 also considers the case of collective authorization that entails the planned management of a temporary quota of authorizations submitted by the company.

The Law 14/2013 also regulates long-term residence. Notwithstanding the need, under current legislation, to provide evidence of continuous residence in Spain in order to obtain long-term residence or Spanish nationality, a residence may be renewed even in the event of absences of over six months in a year in the case of residence visas and authorizations for foreign investors or foreign workers of undertakings that conduct business abroad but whose base of operations is in Spain.

### 3.2.3.3 Programs

Spain has gone little beyond the standard initiatives here explained. The single exception is the creation of the Special Unit for Large Companies and Strategic Economic Sectors (Unidad de Grandes Empresas y Colectivos Estratégicos (UGE-EC)) established in 2007 as a result of
an agreement of the Council of Ministers and by Resolution by the Ministry of Labour and Social Affairs of 28 February 2007. The main aim of this special unit is to answer in a faster and efficient way to the needs of companies and organizations willing to bring to Spain highly skilled professionals from third non-EU members. On the other hand, pretends to offer expert advice on existing legal options and procedures. The unit has competence in the management of residence authorizations, temporal and work residence, in the case of employed workers or in the framework of a transnational service exchange and their family members.

The profiles included are the following ones: managerial stuff, highly skilled technicians, scientists, university teachers and renowned international artists whose hiring involves economic, scientific, social, labour and cultural interests. The average processing time of the applications is 15 natural days. Following this procedure were processed 2,650 applications in the first year of operation, corresponding to executives, technicians, researchers and teachers. Between 2007 and 2011 close to 12,000 permits were issued to foreign citizens via this unit.

3.2.3.4 Bilateral agreements

Spain has been diligent in signing agreement with a number of countries of origin. Yet, almost none of them refer to HSM. The only case in which it is explicitly mentioned is the bilateral agreement between Spain and Canada regarding mobility of young people signed in Ottawa on March 10th, 2009.27 The aim of the agreement is to promote the mobility of young people; the cooperation and collaboration between the two countries; the reinforcement of training centres and competitiveness of companies in both countries. In order to achieve the aim, both parts will facilitate the documents required for the entry in the Spanish/Canadian territory (visa referred to this agreement in the case of Spain and

27 Acuerdo entre España y Canadá relativo a los programas de movilidad de jóvenes, hecho en Ottawa el 10 de marzo de 2009.
acceptance letter in the case of Canada). Moreover, the citizens that enter Spain/Canada via this agreement will possess a six months length residence and work permit available in the Spanish/Canadian territory. In the specific case of the work permit, it will be delivered regardless of the national labour market situation of both countries. The target groups of this agreement are:

a) Young graduate people who aim to acquire additional professional training in Spain/Canada via previous work contract that reinforces professional development.

b) Undergraduate students who want to complete the educational training in an educational institution in Spain/Canada using the frame of an institutional agreement.

c) Young citizens who want to acquire additional training in Spain/Canada via previous work contract that reinforces professional development.

d) Undergraduate students who pretend to visit the other country during the academic holidays and, at the same time pretend to occasionally work in order to increase their economic resources.

e) Young citizens who desire to visit the other country and occasionally work in order to increase their economic resources or develop volunteering activities.

In terms of requirements, the beneficiaries must own the following features:

- Be between 18 and 35 years old when applying.
- Be a Spanish/Canadian citizen, own a Spanish/Canadian passport and reside in Spain/Canada.
- Have previously purchased a return flight ticket or count on the economic resources to buy one.
- Count on proved economic resources that must cover the expenses at the beginning of the stay.
- Be committed to acquire a medical insurance before arriving to Spain/Canada, a medical insurance that cover hospitalization and repatriation fees.
- Pay the legal fees
- As the case may be to:
  - Own a temporal work contract in Spain/Canada; or
  - Be enrolled in a undergraduate institution in the origin country and prove that previously was accepted in an internship program; or
  - Be enrolled in a undergraduate institution; confirm the intention to travel to the other country during academic holidays and counting on the possibility of occasionally working in order to increase the economic resources; or
  - Confirm the intention to travel to the other country during holidays and counting on the possibility of occasionally working in order to increase the economic resources.

Citizens of both countries can enjoy twice (under two different categories) of the current agreement and the overall length of stay cannot exceed one year. Between one stay and another it must be minimum a three month interruption.

3.2.4. Italy: yet another ill-defined system

The Italian system remains since its very early drafting a demand driven system, with little or no shift towards a supply driven. The Italian legislation acknowledged the need to attract high skilled migration in the so-called Turco-Napolitano law in 1998, which is considered as the cornerstone of the first essay to develop a migration regulation in the country. The Turco-Napolitano (Legge Turco-Napolitano n.40 6 March 1998) law is by all means far from being a law focused on the high skilled migrants but, as opposed to other recent immigration countries, we can clearly say that Italy saw an early awareness of the importance of attracting HSM.
In this law, article 25 mentions the possibility of developing special procedures for work permits, visas and residence permits to a list of foreign workers whose contribution to the Italian society and economy could be significant. This implied the opening up of a parallel system institutionalizing a privileged access for HSM. This list amounted to 18 professional categories who required a special qualification or to be experienced enough including firm directors and university professors. The law did not develop this parallel path for migration and postponed all details and procedures to subsequent regulations.

A few months after the Turco-Napolitano was passed, a new law the “Testo Unico delle Leggi d’Immigrazione” (Testo Unico delle Leggi d’Immigrazione: Legislative Decree 25 de luglio 1998 n.286) merged different pieces of relevant regulations for the management of immigration. The Turco-Napolitano remained the core of this new and more simplified regulation. With respect to HSM, article 27 from the new law was an exact copy of the former article 25 in the Turco Napolitano piece.

The scarce advantages given to HSM compared to the general avenue for immigration to Italy were:

- For immigrants in categories a (directors and workers in charge of the management of firms with a see or sub-see in Italy, a member of the EU or a member of the International Trade Organization), b (University professors during short stays) c (academics) and d, there were no restrictions regarding the numbers (quotas could be ignored) if they intended to work on their own.\(^\text{28}\)

- For certain categories (h [University professors], p [elite sportsmen] and q [journalists and media correspondents]) there was no need to apply for a work permit (Nulla Osta)

\(^{28}\) Above and beyond the entrances of individuals using this channels the Flussi Decrees systematically set a the quotas for all relevant professional categories.
• Workers in the categories a, i (intra-company transfers) and q had no need to register in the social security and were exempted from paying the corresponding taxes as afar as they had a private health insurance.

• After that, in 2007 (Decreto Legge 15 febbraio 2007, n.10), workers in the category i were exempted from the required working permit if they were contracted by a third national from an EU member state.

• Finally, in 2009 (legge n.94,15 luglio), migrants fitting the description of categories a c and g (short stays in the frame of intra-company transfers) were also exempted from the working permit requirement.

The law, also foresees the establishment of special office for the management of migration of artist. Most of these cases refer to contracts for periods of no more than 3 months. For the rest of HSM, the process is standardized as follows:

The employer has to apply for Nulla Osta (working permit) to the appropriate provincial office (Sportello Unico per l’Immigrazione). The office sends the permit to the country of origin. The candidates, once in Italy have to apply for a residence of permit upon 8 days of his/her arrival.

The description of this rather simple and conventional system for HSM was mostly maintained until 2007 when the Decreto Legislativo 6 Nov 2007, n.206 introduced the system homologating the professional categories in the EU. Until them, nationals from third EU countries had to transfer their educational credentials or to prove their professional experience (depending on the occupation under discussion: in some cases only speaking Italian and having worked for a period of at least 2 our of 10 years in the relevant occupation). This of course, opened up a supply driven scheme for HSM from the EU. Other than that, the Italian system remained pretty demand-driven.
In 2009, the *legge 94 15th luglio*, proposed a scheme for stay to those foreigners who got a postgraduate degree (masters or doctorates) Italy, including the case of those without a job offer for a period of 12 months to search for an appropriate position.

The EU Blue Card scheme was transposed in Italy in 2012 (*Decreto Legislativo n.108 28 giugno*) easing the access to workers having tertiary education or a professional qualification corresponding to legislators, entrepreneurs, scientists and directors as well as other highly specialized professionals. As in other countries, professionals having resided for a period of at least 18 months in another EU member can enter in Italy for job searching.

### 3.3 Other benefits associated to HSM

Countries efficiently competing in the global race for talent also gave preference to HSM to settle in an explicit attempt to make them more attractive. In the three countries under scrutiny, the most relevant dimension is the easing of family reunification.

#### 3.3.1. Family reunification

In the UK the reunification was a direct right for candidates since the adoption of the Highly Skilled Migrants Programme in the early 2000s. Tier-1 replicates this logic. The same goes for Tier-2 and work permit scheme before the PBS as long as the main applicant can demonstrate their maintenance support.

In France HS workers coming to France have always been able to do so with their family members (spouse and children), but the accompanying family procedure ("famille accompagnante") has increasingly been separated from the general family reunification regime in the last decade. This possibility exists from moment the “researcher” residence permit is created (1998). It is mentioned in the circulars of 2004 and 2006 for other categories of HS workers. The main advantage of this procedure is that family members are
not separated and are able to enter at the same time. However there are differences between the statuses of the family members depending on the admission category of the worker. For example, spouses of researchers received directly a residence permit allowing them to work ("Vie privée et familiale"), spouses of other HS workers initially received a permit with which they had to ask for an authorisation to work ("Visiteur"), even if the employment situation was not applicable to them. There were equally differences in the treatment of children of these groups: for example, children of HS workers could not directly receive family benefits and had to first be admitted through the family reunification procedure (the residence criteria did not apply to them). This condition has been dropped at present and these children only have to show their long stay visa to be able to benefit from them.

Spain has also provided a scheme for the reunification of families in this context. The Organic Law 4/2000 allows long-term residents, holders of EU blue card, and beneficiaries of special scheme of researchers to apply and receive the residence permit at the time of the main application. In case of those who already have recognized this condition in a third EU member state, the application may be submitted in Spain or from the third EU member state if the family is already reunified in this country. The Resolution of February 28, 2007 of Secretary of State for Immigration and Emigration makes a further specific reference to the entrance and residence conditions in the Spanish territory of family members noting that both work and residence permits will be accepted only if the application is submitted jointly with the application of the foreigner. In this framework, family members are considered to be the following ones:

- The current spouse of the worker.
- The children of the worker (including the adopted ones) under the age of 18 years old. In case of the divorced workers, in order to reunify children belonging to previous marriages, they must own the parental authority or the custody and have the children under their care.
- The children under the age of 18 years old or disabled when the foreigner worker is his/her legal representative.
- The ascendants of the worker or the spouse when they have them under their care and there are justified reasons to authorize their residence in Spain.

3.3.2. Other benefits

Only France has gone beyond the basic initiative of privileging the access of reunified family members. High skilled workers also receive tax incentives. The law of 4 August 2008 relative to the modernisation of the economy established a new “inpatriates” taxation category (article 155B of the General Tax Code23). It concerns employees and directors who are fiscally assimilated to employees and directors who take up a post for a limited period in a company established in France are not subject to income tax on the elements of their remuneration directly linked to their status, or, employees having taken up their posts as of 1 January 2008: Their bonuses directly related to their assignment in France are exempt from 5 years tax. The condition is that the remuneration subject to the income tax is at least equal to that of a similar employee in the same company, or, failing that, in similar companies in France (EMN, 2013). There are also tax deductions for social security payments made by the expatriates in their home countries.

High skilled workers are also release from the medical exam at the OFII, which accelerates the administrative procedure for the entry in France, and represents another incentive.

Another type of incentive would be the advantages offered by large groups in the framework of international mobility. These are developed in the section 6 of the report.

In France, the creation of one-stop administrative offices (section 4) was a noticeable improvement to ease the administrative process for HSM. The project was set up only in 8 departments, and there is a lack of national and standardised management for the service. Information tools such as the website “promoting labour migration” have also been implemented, but difficulties remain, such as the identification of the organism to contact to
obtain information on the recruitment or the choice of the most appropriate work migration procedure.

Obtaining the complete list of required documents for the issuance of the permits is a serious practical difficulty for recruiters, considering that it may vary across department. These obstacles are mainly experienced by the small and medium enterprises (up to 250 employees) that lack time and specific personal devoted to international recruitment. Large companies often have a dedicated service for the international mobility, in particular for employees on assignment.

In addition to the diversity of residence permits, the administrative procedures for the issuance of each of them remain complex, and the involved public stakeholders are too numerous. Bureaucracy is a major obstacle to the attraction of high skilled foreign nationals but also a reason to choose another destination country for these migrant workers in a context of international competition (interview of the EMN (2013) with L’Oreal representatives).

4. Conclusions

The objective of this report was to identify policies in TEMPER destination countries that could inform further empirical developments in our research. Specifically, our intention was to produce an inventory of the existing policies to further disentangle in the contextual analysis and experimental survey to be conducted, the effect of market conditions and policies for HSM.

Our description of the existing policies and dynamics in France, Spain and the UK has been inspired by a literature both on the benefits of HSM and the policy options existing internationally. From this literature review we formulated four hypotheses. The first one suggested that policy advancements for the attraction of HSM were to be a-cyclical. The
second suggested that further benefits to those given for the admittance of HSM were expected (notably family reunification). The third foresaw a more heterogeneous definition of skills allowing for other criteria than the pure specification of education requirements. Finally the fourth expect policy innovation in line with the adoption of supply driven schemes. The following table summarizes the findings of our analysis.

*Table 1. Findings of the analysis in TEMPER countries*

<table>
<thead>
<tr>
<th>TEMPER DESTINATION</th>
<th>H1</th>
<th>H2</th>
</tr>
</thead>
<tbody>
<tr>
<td>United Kingdom</td>
<td>Rejected. Sophisticated policies showing an early awareness of the importance of HSM exist. Yet, the impulse for policy innovation is not a-cyclical. The closing down of T1 (the very supply driven UK scheme) and the restrictive re-definition of T2 contradict H1</td>
<td>Confirmed. Family reunification granted to T1 and T2. No changes in the status quo as a consequence of the crisis.</td>
</tr>
<tr>
<td>France</td>
<td>Confirmed. Early awareness regarding the importance of HSM although the country shows a slower reaction (compared to the British case) regarding the adoption of innovative approaches to attract high skilled migration. Policies are so far stable and, thus, not restricted as a consequence of the economic downturn. Note, however, that a new law is under Confirmed. Eases family reunification and designed a specific administrative path for HSM to apply and manage their status. Selected fiscal incentives also exist. No changes with the crisis.</td>
<td></td>
</tr>
<tr>
<td>Country</td>
<td>Discussion</td>
<td>Action</td>
</tr>
<tr>
<td>-------------</td>
<td>------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Spain</td>
<td>Rejected</td>
<td>Confirmed</td>
</tr>
<tr>
<td>Italy</td>
<td>Rejected</td>
<td>Confirmed</td>
</tr>
<tr>
<td>TEMPER DESTINATION</td>
<td>H3/H4</td>
<td>Confirmed</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Confirmed</td>
<td>Confirmed</td>
</tr>
<tr>
<td>France</td>
<td>Confirmed</td>
<td>Confirmed</td>
</tr>
</tbody>
</table>

Discussion with uncertain impact on our finding.
understanding of skills and added value characteristics of HSM.

innovation. According to our expectations the current reform being discussion will not close this possibility.

<table>
<thead>
<tr>
<th>Country</th>
<th>Details</th>
<th>Verdict</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Spain</strong></td>
<td>Although the professional experience was already mentioned as a qualifying factor for HSM before, the legal reform passed in 2013 opens up paths for admission of a more diverse list of value-added migrants above and beyond their educational credentials. This is most importantly the case of investors.</td>
<td>Reject. The Spanish commitment with this policy innovation is dramatically law.</td>
</tr>
<tr>
<td><strong>Italy</strong></td>
<td>The Turco Napolitano Law already allowed for migrants to be qualified as HS on the basis of their professional experience.</td>
<td>Reject. The Italian commitment with this policy innovation is dramatically law.</td>
</tr>
</tbody>
</table>

*Source: Own elaboration*

We will now explore the impact of these dimensions in attracting HSM. We have conducted preliminary analyses to evaluate the uneven potential for the attraction of HSM across countries. Note that there are already visible differences in terms of the education composition of stocks of migrants in the three analysed countries with the UK long ahead the rest. Data from Eurostat proves that while 49.3% of foreigners in the UK have university education the figure is much lower for Spain and France (Italy and the average EU level is also provided in the graph).
Alternative measures have also been explored. Data from the OECD Programme for the International Assessment of Adult Competencies (PIAAC) in 2011 allows comparing the cognitive competences of the stock of migrants in the selected countries. To do so, a sophisticated series of hierarchical linear models were estimated. The results are shown in the Figures below, which show that the UK has systematically attracted the most abled immigrants out of our pool of TEMPER destination countries.
Figure 4. Differences in the numerical competences and in the literacy of migrants in selected OCDE countries

Differences in the numerical competences of migrants in selected OCDE countries

<table>
<thead>
<tr>
<th>Country</th>
<th>Random terms Cognitive test scores in Maths</th>
<th>Random terms Cognitive test scores reading</th>
</tr>
</thead>
<tbody>
<tr>
<td>France</td>
<td>-30</td>
<td>-20</td>
</tr>
<tr>
<td>Italy</td>
<td>-20</td>
<td>20</td>
</tr>
<tr>
<td>Spain</td>
<td>-10</td>
<td>10</td>
</tr>
<tr>
<td>UK</td>
<td>0</td>
<td>20</td>
</tr>
</tbody>
</table>

Source: our estimation from PIAAC data. Legend: Markers represent unconditional ML country level deviations from the OECD average (marked by the red line y=0)

Whether this advantage of the UK is due to is increasing levels of policy sophistication regarding HSM or its specific market attractiveness is the objective of forthcoming reports. The relative importance of policies versus market conditions in attracting HSM is a much-debated field of scientific and policy oriented debates. In the expert survey conducted by IZA (Kahanec and Zimmermann, 2010) that was mentioned in the introductory sections of this report, 65.2 per cent of the respondents thought that policies hinder or strongly hinder general inflows, while only 39.6 per cent thought the same for HSM. Interestingly, the experts also thought that the most important determinant of HSM is the perceived attractiveness of the national and European economy. In ranking European destinations, the UK was by far the single country that was considered more attractive than other global alternatives such as Canada, the US and Australia. Meanwhile, France and Spain were mentioned among the most attractive destinations for mid and low skilled migrants.
References


Simone Bertoli, Herbert Brücker, Giovanni Facchini, Anna Maria Mayda and Giovanni Peri “The Battle for Brains: How to Attract Talent” preliminary draft

