



## **EMN Ad-Hoc Query on COM AHQ on Existing Legal Migration initiatives in Member States**

Requested by Jolandie CLEMENTE on 3rd May 2017

### **Miscellaneous**

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom, Norway (27 in total)

#### Disclaimer:

*The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.*

## **Background information:**

The European Agenda on Migration called for a renewed and well managed policy on legal migration. Offering the opening of more legal routes to Europe may also create incentives for third countries to cooperate with the EU in the fight against irregular migration and smuggling. At the Valletta Summit of November 2015 migration was recognised as a shared responsibility of countries of origin, transit and destination. The Valletta Joint Action Plan established a comprehensive set of actions in all five identified priority areas of migration. In the legal migration and mobility chapter, the Action Plan contains several concrete projects, including the launching of pilot projects that pool offers for legal migration (e.g. for work, study, research, and vocational training) by some EU Member States or associated countries to selected African countries. This should be done while respecting the existing EU legal migration acquis as well as the right of EU Member States under Article 79(5) TFEU to determine the volumes of admission of third-country nationals coming to their territory for employment purposes.

The third progress report on the Partnership Framework specifies that further action needs to be undertaken to bring legal migration fully into the Partnership Framework with the aim to increase the impact of legal migration instruments and help to reduce the resort to irregular channels in view of possible "EU wide offers" on legal migration which should be established vis-à-vis key third countries, as well as in the area of visa, through close and constructive cooperation between the Commission, the EEAS and the Member States.

As a first step, it is necessary to have an overview of actions already undertaken by the Member States in the area of legal migration vis-à-vis a selected number of third countries and focussing firstly on the five priority countries under the Partnership Framework, namely Niger, Nigeria, Mali, Senegal, Ethiopia but also any other relevant source/transit country for the particular Member State.

In this context, the Commission launches the present Ad Hoc Query to collect relevant data from the Member States. The information collected will be used to feed into further discussions that the Commission and the EEAS would like to organise with Member States on programmes that can provide incentives for cooperation of third countries including in the field of return and readmission. It would therefore be highly welcome to receive feedback from all Member States within the stipulated deadline.

## **Questions**

1. How many long-term visa/residence permits have you issued in 2015 and 2016 – and if available in the first three months of 2017 - to nationals of the above-mentioned third-countries, and on which grounds (i.e. for the purposes of work, studies or research, family reunification, international/humanitarian protection, others?)
2. Do you have any specific initiative/project/programme in place – or being considered - providing opportunities for legal migration/mobility of nationals of the third countries indicated above (for example: job placements, labour migration agreements/quotas, opportunities for traineeship, study or research – including scholarships (under Erasmus + or others), as well as opportunities for vocational training)? If so, please provide details in the table attached.

3. Please indicate if you are planning/already have some preferential schemes with the above countries to facilitate validation of skills and recognition of professional qualifications. Please provide a summary of the scheme and specify to which country is addressed.

**Responses**

	Country	Wider Dissemination	Response
	Austria	No	
	Belgium	Yes	<p>1. See excel file attached</p> <p>2. According to the information obtained, and except for the circular migration project with Senegal described below, there are no specific initiative/project/programme in place providing opportunities for legal migration/mobility of nationals of Niger, Nigeria, Mali, Senegal and Ethiopia. The Belgian Development Cooperation started to financially support a project focused on circular migration with Senegal on 1 June 2016 (EUR 60,300). The objective of this 18 months project is to provide young Senegalese graduates with the opportunity to strengthen their skills through practical training within Belgian companies. Furthermore, a series of other activities will be implemented to provide the young graduates with individual and tailor-made assistance for their return to Senegal, in order to encourage a sharing of the knowledge acquired by these migrants with local actors and entities active in the development of the private sector. Three Senegalese graduates participated in the project in 2016. They carried out an internship in a Belgian firm and returned to their country of origin at the end of 2016.</p> <p>3. Belgium does not have preferential schemes with the above countries to facilitate validation of skills and recognition of professional qualifications.</p>
	Bulgaria	Yes	1. Data for the residence permits issued to citizens of Ethiopia, Nigeria, Mali and Senegal (no cases

			<p>for Niger) in 2015,2016 and the first quarter of 2017 are included in the attached file.</p> <p>2. No.</p> <p>3. No.</p>
	Croatia	Yes	<p>1. Valid residence (temporary and permanent) at the end of the year Granted temporary protection 2015 2016 2015 2016 Niger - - - Senegal 5-family reunification 3-residence and work permit 1-permanent residence 5-family reunification 1-residence and work permit 1-permanent residence 1-asylum - Nigeria 27-family reunification 10-residence and work permit - 5 education 1 other (national humanitarian residence) 7 permanent residence 32-family reunification 12-residence and work permit 2-education 6-permanent residence 5-asylum - Mali - 1-family reunification - - Ethiopia 3-family reunification 2-permanent residence 4-family reunification 3-permanent residence - -</p> <p>2. 2. Since 2016 there is a new activity - International Credit Mobility (KA107) within Erasmus+ programme that allows incoming mobility of HE students from Niger, Nigeria, Mali, Senegal, Ethiopia.</p> <p>3. 3. There are no preferential schemes with the above countries to facilitate validation of skills and recognition of professional qualifications.</p>
	Cyprus	Yes	<p>1. Please see attached document</p> <p>2. Not foreseen in the near future</p> <p>3. Not foreseen in the near future</p>
	Czech Republic	Yes	<p>1. Please see the file attached.</p> <p>2. CZ does not have in place any specific project especially focused on these selected countries.</p>

			3. No preferential schemes in place designed especially for these stated countries.
	Estonia	Yes	<p>1. Please see the file attached.</p> <p>2. No, currently Estonia does not have any specific initiative/project/programme in place for the nationals of the above-mentioned countries.</p> <p>3. No, there are no preferential schemes with the above-mentioned countries.</p>
	Finland	Yes	<p>1. See attached document for statistics on first residence permits issued.</p> <p>2. No</p> <p>3. No</p>
	France	Yes	<p>1. See table attached (Data not available for 2017)</p> <p>2. SENEGAL France has two main agreements that provide a basis for migratory flows management: A bilateral agreement regarding concerted management of migratory flows with Senegal was signed on 23 September 2006. An extension of the agreement was concluded on 25 February 2008. This agreement sets the creation of a General Observatory of Migratory Flows in order to gather and analyze migratory related information between France and Senegal. Concerning the management of legal migration, this agreement: - Facilitates the issuance of circulation visas for Senegalese nationals notably for businessmen, intellectuals, academics, scientists, traders, lawyers, high-level athletes and artists. These persons can apply for a uniform visa allowing residence with a length that does not exceed three months in a 6-month period and valid from 1 up to 5 years. - Facilitates the issuance of transit visa for Senegalese nationals who need to transit through France to go to another third country. - Promotes student mobility through the possibility of having a first professional experience at the end of studies under certain conditions. It also foresees the creation within the observatory above mentioned of a section on higher education dedicated to examine the way of promoting this mobility and facilitate for obtaining housing in a university residence for certain categories of</p>

			<p>Senegalese students, in particular scholarship holders. - Encourages professional mobility by facilitating the issuance of residence permits allowing Senegalese nationals to work without taking into account the labour market situation for the exercise of an activity within the jobs listed in the annex to the agreement and by providing with a regular exchange of information on labour shortages.</p> <p>- Encourages also this professional mobility by agreeing on communication operations involving the agreement regarding young professional exchanges with Senegal signed on 20 June 2001. Under the terms of this agreement, Senegalese young professionals are allowed to work without taking into account the labour market situation in France within the professional sector targeted. The agreement establishes that the number of Senegalese young professionals admitted is limited to 100 in a year. Senegalese young professionals must have a diploma corresponding to the required qualification in the work offer or have a work experience in this activity. Moreover, this agreement provides that Senegalese young professionals have to receive an adequate remuneration from their employers, equal to the remuneration given to French nationals working in the same conditions. They benefit from an equality of treatment with French nationals concerning the application of laws, regulations and practices related to work conditions. Senegal is also part of the « France Campus » programme that aims to facilitate the management of scholarships, traineeships and others international mobility programmes of students and researchers. France Campus also helps foreign students and researchers by providing them support with visas issuance, housing, university administrative procedures etc. This programme, which is under the joint supervision of the Minister of Foreign Affairs and International Development and the Minister in charge of higher education, was created by the law 2010-873 of 27 July 2010 concerning the external action of the state. MALI Mali is also part of the « France Campus » programme</p> <p><b>GENERAL MEASURES TO THE THIRD COUNTRIES</b></p> <p><b>INDICATED</b> Looking overall, the third-countries above mentioned benefit from the new measures created by the Law of 7 March 2016 whose purposes are to promote reception and integration of TCNs with residency status, increase the attractiveness of France by facilitating the mobility of international talent and fight against illegal immigration. This law aims to improve reception and integration conditions for third country nationals and students. (i.e simplifying administrative procedures for legally residing third-country nationals, new residence permit for foreign talents, exemption from medical check-up for students, interns, ...) France also promotes the training of third countries nationals particularly that of young professionals as part of migratory partnership agreements within the EU's global approach to migration. The agreements on young professionals</p>
--	--	--	---

		<p>and on work and holiday visas (with Armenia and Korea regarding bilateral migratory partnership agreements, and with China, Australia, Japan, Mexico, Argentina, Uruguay and Taiwan regarding work and holiday visa and internship visa) illustrate this policy. <b>ACTIONS TO PROMOTE LEGAL MIGRATION IN OTHER RELEVANT SOURCE OR TRANSIT COUNTRIES OF IRREGULAR MIGRATION</b> In addition to the agreement with Senegal, seven other agreements on concerted management of migration flows were signed with Gabon, the Republic of Congo and Benin (in 2007), with Tunisia, Mauritius and Cape Verde (in 2008) and with Burkina Faso( in 2009). All these agreements promote, with some differences depending on the specificity of each bilateral relation, student mobility (interuniversity agreements, scholarships, possibility to have a first professional experience at the end of studies) and a circular professional migration (facilitation of issuance of residence permits sometimes in connection with a quota residence permits without taking into account the labour market situation in order to have a job in the list annexed to the agreement). Then, seven youth and professional mobility agreements were signed with Russia, Montenegro and Serbia (in 2009), Lebanon (in 2010), Georgia (in 2013), Bosnia (in 2014) and Korea (in 2015). They apply for students or interns who want to complete their curriculum with a complementary training or a first professional experience within an internship; and for young professionals who want to improve their skills with an international working experience. These agreements foresee joint actions in order to encourage mobility for beneficiaries (Matching supply and demand, scholarship, ...) and exchanges of skills. <b>ARMENIA</b> France signed in October 2016 a migratory partnership agreement with Armenia, supported by a Protocol on the implementation of the EU readmission agreement that sets the commitments taken in the framework of the Mobility Partnership signed between the EU and Armenia in 2011. This agreement aims at encourage temporary student and professional mobility between the two countries, through the possibility for Armenian students to have a first professional experience in France, under certain conditions, and by the establishment of an exchange program for young professionals (aged between 18 and 35 years old and willing to improve their career with a job in a company for up to two years) or by the promotion of circular migration of qualified workers with the issuance of a residence permit valid for 3 years renewable. <b>MAGHREB</b> Algeria : 1) Young workers agreement The conclusion of an agreement establishing conditions of stay for French international volunteers (volontaire international en entreprise - VIE) in Algeria and for young Algerian workers in France has been decided during the consultations between the French and Algerian General Secretaries of the Ministries in charge of Foreign Affairs, in Algiers on 16 October</p>
--	--	--

			<p>2014. This agreement was signed during the Franco-Algerian economic joint committee on 26 October 2015 by the French Minister in charge of Foreign Affairs and the Minister for Foreign Affairs and International Cooperation of Algeria. This agreement aims at: - young people between the age of 18 and 35 temporarily hired and paid by a company established on the territory of the host state. In partnership with an employer of their State of origin; - young people between the age of 18 and 28, performing a mission or seconded at local offices of companies of their State established in the host state or companies established in the host State And linked to enterprises of their State of origin through a partnership agreement. The authorized duration of employment in the host State is between six and twelve months and may be subject to one or more extensions, but the total length of stay may not exceed 24 months. The parties shall separately or jointly adopt any measures to ensure effectiveness of the return of the young worker to his/her State of origin. It is in the process of being ratified. 2) Franco-Algerian program PROFAS This Franco-Algerian cooperation program concerning higher education, launched in 1987, allowed 10,000 Algerians scholarship holders (students, teachers, senior managers) to come to France and stay between 10 months and 5 years. Interrupted in 2012, this program was revived in 2014 in the form of "PROFAS B +". Its primary objective is to contribute to the development of university partnerships between the two countries co-financed by the Algerian Ministries of Foreign Affairs, Higher Education And scientific research and the French Embassy in Algeria. The Campus France agency is responsible for coordinating the PROFAS B + program for selected scholars. Tunisia and Morocco Young professionals plan: The Franco-Moroccan agreement on young professionals was signed on 24 May 2001. It entered into force the same day. The Franco-Tunisian agreement on young professionals was signed on 4 December 2003 and entered into force on 10 May 2004. These agreements concern young nationals of both parties between the ages of 18 and 35 who seek to improve their knowledge within their professional field in the other country for a period of stay of up to 18 months and make the commitment to return to their country of origin at the end of their professional experience. The quotas agreed for each of the agreements are 100 young nationals of each party per year.</p> <p>3. N/A</p>
	Germany	Yes	<p>1. Please see the attached table (in German). In addition to the listed countries – Niger, Nigeria, Mali, Senegal and Ethiopia – we have included Afghanistan, Bangladesh and Pakistan as relevant countries</p>

			<p>of origin. Two additional remarks on the statistics: The figures show the visas issued at German diplomatic missions in the aforementioned countries. Our statistics do not cover the applicants' nationality, i.e. the figures also include third-country nationals but not nationals of these countries who live in other countries. Moreover, missions abroad do not always clearly distinguish the purposes of residence so that "Other" may also cover residence for the purpose of "work, studies or research, family reunification, international/humanitarian protection".</p> <p><b>2.</b> No, Germany does not have any specific initiative/project/programme in place with the above mentioned countries.</p> <p><b>3.</b> Germany does not have any preferential schemes with the above countries to facilitate validation of skills and recognition of professional qualifications. The German recognition procedures for third country nationals and third country diplomas have been adapted to a wide extent to the European recognition procedures of directive 2005/36/EC. Therefore every person qualified in a third country has the possibility to his/her qualifications recognized accordingly.</p>
	Greece	Yes	<p><b>1.</b> SEE ATTACHED DOCUMENT</p> <p><b>2.</b> Greece has signed and implements a bilateral agreement on seasonal and labour migration with the Arab Republic of Egypt (1984) promoting bilateral cooperation on labour issues. The main sector in which this agreement is implemented is fishing. It should be highlighted that persons who are subject to the arrangements of the agreement concluded between the Hellenic Republic and the Arab Republic of Egypt, as ratified by virtue of Article 1 of Law 1245/1982 (GG A 45), shall not be required to pay fees.</p> <p><b>3.</b> NOTHING TO REPORT</p>
	Hungary	Yes	<p><b>1.</b> Please see the table attached.</p> <p><b>2.</b> We are not planning any specific initiatives at the moment concerning opportunities for legal migration/mobility of nationals of the third countries indicated above.</p>

			<p><b>3.</b> We do not have any preferential schemes planned at the moment with the above countries to facilitate validation of skills and recognition of professional qualifications.</p>
	Ireland	No	
	Italy	Yes	<p><b>1.</b> see uploaded document</p> <p><b>2.</b> see uploaded document</p> <p><b>3.</b> At the moment, there is no preferential scheme in place for nationals of the five countries cited above. There is, however, a general scheme for the recognition of formal qualifications acquired in third countries.</p>
	Latvia	Yes	<p><b>1.</b> Statistical data on citizens of Ethiopia, Mali, Niger, Nigeria and Senegal have been included into attachment.</p> <p><b>2.</b> Latvia has not implemented and is not planning to implement any initiatives/projects/programmes regarding the citizens of above-mentioned countries.</p> <p><b>3.</b> Latvia does not have and is not planning to introduce any preferential schemes to facilitate validation of skills and recognition of professional qualifications for citizens of above-mentioned countries.</p>
	Lithuania	Yes	<p><b>1.</b> Find statistics in the attachment.</p> <p><b>2.</b> There are no specific initiative/project/programme in place – or being considered - providing opportunities for legal migration/mobility of nationals of the third countries indicated above.</p> <p><b>3.</b> N/a.</p>

	Luxembourg	Yes	<p><b>1.</b> See tables in document attached.</p> <p><b>2.</b> No. Niger, Mali and Senegal are privileged partner countries of Luxembourg and they are benefiting from multi-annual development programs and humanitarian aid financed by Luxembourg but they are not related to legal migration and mobility programs.</p> <p><b>3.</b> No. At the moment there are no plans to facilitate validation of skills and recognition of professional qualifications with the countries mentioned above.</p>
	Malta	Yes	<p><b>1.</b> Attachment</p> <p><b>2.</b> No</p> <p><b>3.</b> No</p>
	Netherlands	No	
	Poland	Yes	<p><b>1.</b> Statistical data for Niger, Nigeria, Mali, Senegal, Ethiopia in attachment.</p> <p><b>2.</b> Poland has not implemented any specific initiatives for legal employment of citizens of Niger, Nigeria, Mali, Senegal or Ethiopia. Scholarships for citizens of those TCN are available within the scope of the BUWIWM [<a href="http://www.buwiwm.edu.pl">www.buwiwm.edu.pl</a>] or Study in Poland [<a href="http://www.studyinpoland.pl">www.studyinpoland.pl</a>]. PL has no bilateral agreement on scholarships with those five countries.</p> <p><b>3.</b> Poland is not planning to introduce any additional tool in that regards.</p>
	Portugal	Yes	<p><b>1.</b> PT has issued 439 long-term visa/residence permits in 2015 (177) and 2016 (262), as detailed below. The 2017 data is not available yet. 2015: Níger 2, Nigeria 59, Mali 3, Senegal 105, Ethiopia 8 2016: Níger 0, Nigeria 121, Mali 10, Senegal 113, Ethiopia 18 These nationalities are not very representative within the migration frame in Portugal. Nevertheless, the main purposes are: • Family</p>

			<p>reunification with TCN and with EU nationals; • Professional activity • Study</p> <p>2. No</p> <p>3. No</p>
	Slovak Republic	Yes	<p>1. See the tables attached.</p> <p>2. The Ministry of Labour, Social Affairs and Family of the Slovak Republic does not have information on any specific initiative/project/programme (in place, or being considered) providing opportunities for legal migration/mobility of nationals of the above third countries regarding job placements, labour migration agreements/quotas. The Slovak Republic does not provide government scholarships for study in the SR for nationals of the above countries. However, the programme Erasmus + provides and supports mobility co-operation within higher education with partner (third) countries from 2015, as a part of an activity called International Credit Mobility. The partner countries are divided into various financial envelopes, and the above countries (Niger, Nigeria, Mali, Senegal, Ethiopia) belong to the EDF envelope of the African, Caribbean and Pacific countries (the EDF envelope covers dozens of countries from these areas, not only these African countries). Slovak Higher Education Institutions have the possibility to obtain funding for posting of students and teachers to these partner countries or for their recruitment from these countries. However, no Slovak Higher Education Institution has ever made use of this option for the countries listed above and no such project has been submitted yet.</p> <p>3. The Slovak Republic does not have or is not planning to establish preferential schemes with the above countries (Niger, Nigeria, Senegal, Ethiopia, Mali) for recognition of professional qualifications. No information available for validation of skills.</p>
	Slovenia	Yes	<p>1. Visa – Purpose of stay 2015 2016 2017 Diplomatic – accreditation 77 77 24 Economic interest 3 1 1 Humanitarian activity 6 16 0 Study of educational training 469 682 233 Cultural interest 0 1 0 Journalis –accreditation 7 1 0 Sport activities 63 35 13 Religion activities 23 10 3 Family reunification with EU citizen 102 88 22 Science – national interest 8 1 0 Long-Term residence 2015 2016 2017 0 2</p>

			<p>0</p> <p>2. NTR</p> <p>3. NTR</p>
	Spain	Yes	<p>1. See the attached file "Questions 1 and 2". pdf"</p> <p>2. See the attached file "Questions 1 and 2. pdf"</p> <p>3. There are not any preferential scheme with the above countries to facilitate validation of skills and recognition of professional qualifications. General rules of validation of skills apply. Having said that, the following sets out a brief overview of the Spanish scheme for validation of skills and recognition of professional qualifications. The Spanish scheme for recognition of professional qualifications can vary depending whether or not the person can demonstrate a formal accreditation. In the first case, a formal system of recognition of official diplomas is necessary. In the second, in the case of skills related professional education, it's possible to take part in a qualification assessment. In the case of university official diplomas, there is a distinction between those giving access to a regulated profession in Spain and the other ones. In any case, university degree or master, needs a recognition by Educative authorities (Ministry of Education, Culture and Sport). These procedures are regulated by Royal Decree 967/2014 dated 21 November. In the case of non-university professional competences, the recognition, assessment and accreditation of qualifications are regulated by Royal Decree 1224/2009, dated 17 July. This procedure involves three phases: advice, competence assessment and accreditation with register. Examinations are made by the competent authorities both in Labour and Education fields by Public Administrations at State and Autonomous Community levels, through official announcements. In the case of third country nationals, they must be holders of a residence authorization or a residence and work authorization, aged 18 or older, and having a work experience or training related to the professional competences to be assessed. For a positive evaluation, 3 years of experience with a minimum of 2000 total hours worked are required. In the case of training, 300 hours for the last 10 years are required. Work experience can be supported through inscription in Social Security. If the person is aged 25 or older and cannot submit the supporting documents, with a positive report from the advisor, can be admitted in the procedure. The</p>

			<p>system has no specific provisions regarding the country of origin of the candidates. Skills assessment consists on the observation of the candidate in the work place, simulations, standardized tests or professional interviews, depending on the features of each professional activity. This assessment and accreditation of professional competences will be developed following principles that guarantee the assessments reliability, objectiveness and technical rigour. The National Catalogue of Professional Qualifications serves as an objective reference in this procedure. When the professional competences of an employee are assessed and they are not sufficient to complete the qualifications included in a diploma of vocational education and training or an Occupational Aptitude Certificate, a partial cumulative accreditation is awarded. Thus, if the employee wishes to do so, he/she will be able to complete the training in order to obtain the relevant diploma or certificate.</p>
	Sweden	Yes	<ol style="list-style-type: none"> <li>1. Please see the attached Excell file</li> <li>2. Not to the best of our knowledge</li> <li>3. Not to the best of our knowledge</li> </ol>
	United Kingdom	Yes	<ol style="list-style-type: none"> <li>1. Please see attached document</li> <li>2. Please see attached document</li> <li>3. Please see attached document</li> </ol>
	Norway	Yes	<ol style="list-style-type: none"> <li>1. This ad hoc query concerns initiatives that do not apply to Morway, this no reply will be submitted by NO EMN NCP.</li> <li>2. Se above reply</li> <li>3. See above reply</li> </ol>