



EMN Ad-Hoc Query on Cooperation agreements with third countries regulating recruitment of workers

Requested by Karolina ŁUKASZCZYK on 18th May 2016

Economic Migration

Responses from Austria, Belgium, Bulgaria, Croatia, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom, Norway (24 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:

Poland is considering reviewing of its strategic document for migration entitled: “Migration Policy of Poland – the current state of play and further actions”. In view of the above, the Analysis and Migration Policy Department at the Ministry of the Interior and Administration would like to know the following:

Summary

SUMMARY

EMN Ad-Hoc Query on Cooperation agreements with third countries regulating recruitment of workers

Poland is considering reviewing of its strategic document for migration entitled: “Migration Policy of Poland – the current state of play and further actions”. In view of the above, Poland has launched an EMN ad hoc query in order to learn from other (Member) States what kind of agreements they signed regarding workers from third countries. A total of 23 (Member) States sent in their replies.

1.

Does your country currently have (or had in the past 5 years) any cooperation agreements with third countries regulating recruitment of workers?

15 out of 23 (Member) States reported that they have different types of cooperation agreements signed with third countries. 9 of them concluded treaties strictly regulating recruitment of workers: BE, BG, ES, FR, DE, IT, NL, PT and SI. The second group of (Member) States is comprised of countries which have concluded so-called youth programmes agreements, including: EE, LT, SK, UK, PL, NO (also FR, DE, NL have such agreements). LU has already signed the agreement regulating recruitments of salaried workers with Cape Verde (around 50 persons per year), but it has not been ratified so far.

1.

If yes, could you please provide a list of them (including information on the exact title and the year in which it was concluded)?

| Member State | Type of agreement | Parties of the agreements |
|---------------------|--|--|
| Belgium | Manpower agreements for facilitating the temporary employment in BE | Morocco (1964), Turkey (1964), Tunisia (1969), Algeria (1970) and with the countries of the former Republic of Yugoslavia (1970), Bosnia-Herzegovina, FYROM, Montenegro, Serbia and Kosovo |
| Bulgaria | Agreement for mediation and temporary employment of citizens of both countries | Israel (2011) |
| Estonia | Agreements on youth working holiday visas | Australia (2005), New-Zealand (2007) and Canada (2010) |
| France | Bilateral agreements related to facilitated process for visa and stays for professionals and interns | Angola and South Korea |
| Germany | Agreements on contract workers | Bosnia-Herzegovina, Macedonia, Serbia and Turkey |
| | Guest workers agreements (exchange programs which allow a temporary employment of guest | Russian Federation, Albania (suspended) |

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| | workers to professional and language training in DE) | |
| Italy | Agreements regulating and managing migration flows for work reasons | Mauritius (2012), Moldova (2011), Albania (2011), Sri Lanka (2011), Morocco (2005) and Egypt (2005) |
| Lithuania | Agreements on youth mobility | Canada (2009) and New Zealand (2015) |
| Netherlands | Agreement for facilitating recruitments of Asian hospitality workers | Covenant Asian Hospitality sector (lasted until 2016) |
| | Working Holiday Schemes (WHS) and Programmes (WHP) | Canada, Australia, New Zealand and South Korea |
| | Young Workers Exchange Program | Canada |
| | A pilot for circular migration for secondary schooled labour | Indonesia and South Africa |
| Poland | Working Holiday agreements | New Zealand (2008), Australia (2014), Taiwan (2014) and Japan (2015) |

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| Portugal | Agreement for temporary migration due to work service | Ukraine (2005) |
| | Agreement on migration labour | Cape Verde (2013) |
| Slovenia | Agreement on the Employment of Citizens | Bosnia-Herzegovina (2011) |
| Slovakia | Work Leave Programmes in Slovakia for Participants | Canada (2011), New Zealand (2012), Taiwan (2014), Australia (2015) and Japan (2016) |
| Spain | Agreement on the regulation and management of labour migration flows | Equator (2001), Mauritania (2007), Dominican Republic (2001), Ukraine (2009) |
| | Agreement on workforce | Morocco (2001) |
| United Kingdom | The Youth Mobility Scheme, reciprocal agreements with particular countries to travel, work and live in the UK | Australia, Canada, Hong Kong, Japan, Monaco, New Zealand, Taiwan, and South Korea |
| Norway | Working Holiday Agreements | Australia, Canada, Japan and New Zealand |

1.

If yes, what quotas do/did those agreements envisage and what is the actual number of migrants who arrived to your country under the agreements?

Only few (Member) States provided information regarding quotas. In DE, agreements on contract workers include quantitative limits, which are adapted each year in October. A change of demand at the labour market leads to an increase or reduction of quotas. The number of foreign contract workers fell from about 95,000 in 1992 to almost 7,000 in 2014. Limits of guest workers are hardly reached (in 2014 only 10 persons came).

In ES, the Ministry of Labour and Immigration takes into account the employment situation in the country and, based on it, approves an annual estimate of available occupations. The Ministry, in cooperation with regional authorities, may also fix a number of visas for the purpose of job search. Through this system, 2,420 contracts were signed in 2015. Annual quotas set up by LT are the following: Canada - 200, New Zealand - 100. NL has envisaged quotas only in the pilot circular migration programme (max. 160 foreign workers per year) and in partnership agreement with Asian hospitality sector (900 licences). UK apply annual quotas under the Youth Mobility Scheme. They correspond to number of UK nationals admitted to participating countries under their reciprocal arrangements: Australia (45,500), New Zealand (12,000), Canada (5,000), Japan (1,000), Monaco (1,000), Taiwan (1,000), South Korea (1,000), Hong Kong (1,000).

2.

If yes, what are the incentives (privileges) to encourage migrants to come as stipulated in the agreements?

In BE agreements covered almost all branches of social security (excluding minimum income benefits) and also provide for a right to family reunification. FR introduced exemptions from labour market testing. LT, NL, UK give access to the labour market combined with studies and travel. PT do not distinguish between Portuguese citizens and Ukrainian or Cape Verdean. As a result, the same salary and employment conditions apply. Also, the same social security benefits are provided by the law. SI granted workers residence permit for a period of 3 years. After a year, Bosnian citizens were granted free access to Slovenian labour market.

3.


Do you plan to conclude this kind of cooperation agreements in the future?


Only 4 (Member) States reported that they are willing to conclude agreements regulating recruitment of workers from third countries i.e. CR (with Bosnia-Herzegovina and Qatar), ES, PL and SK (employment of relatives of the staff of diplomatic missions and consulates with Israel and Brazil).

Questions

1. Does your country currently have (or had in the past 5 years) any cooperation agreements with third countries regulating recruitment of workers?
2. If yes, could you please provide a list of them (including information on the exact title and the year in which it was concluded)?
3. If yes, what quotas do/did those agreements envisage and what is the actual number of migrants who arrived to your country under the agreements?
4. If yes, what are the incentives (privileges) to encourage migrants to come as stipulated in the agreements?
5. Do you plan to conclude this kind of cooperation agreements in the future?

Responses

| | Country | Wider Dissemination | Response |
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|  | Austria | Yes | <p>1. No, at the moment there are no cooperation agreements with third countries regarding the recruitment of employees. Also in the last years there have been no such agreements. Source: Federal Ministry of the Interior.</p> <p>2. N/A.</p> <p>3. N/A.</p> <p>4. N/A.</p> |

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| | | | <p>5. No, such cooperation agreements are not planned for the near future. Source: Federal Ministry of the Interior.</p> |
|  | Belgium | Yes | <p>1. Yes.</p> <p>2. Yes.</p> <p>3. Yes.</p> <p>4. Yes, with Morocco (1964), Turkey (1964), Tunisia (1969), Algeria (1970) and with the countries of the former republic of Yugoslavia (1970): Bosnia-Herzegovina, FYROM, Montenegro, Serbia and Kosovo. These manpower agreements were concluded in the 1960's and 1970 with the aim of facilitating the temporary employment in Belgium of so-called "guest workers". Titles in Dutch: • Overeenkomst tussen België en Marokko betreffende de tewerkstelling van Marokkaanse werknemers in België, en bijlagen, ondertekend te Brussel op 17 februari 1964. • Akkoord tussen België en Turkije betreffende de tewerkstelling van Turkse werknemers in België, protocol en bijlagen, ondertekend te Brussel op 16 juli 1964. • Overeenkomst tussen België en Tunesië betreffende de tewerkstelling en het verblijf in België van Tunesische werknemers, en bijlagen, ondertekend te Tunis op 7 augustus 1969. • Overeenkomst tussen het Koninkrijk België en de Demokratische Volksrepubliek Algerië betreffende de tewerkstelling en het verblijf in België van Algerijnse werknemers en hun families, en bijlagen, ondertekend te Algiers op 8 januari 1970. • Akkoord tussen het Koninkrijk België en de Socialistische Bondsrepubliek Joegoslavië betreffende de tewerkstelling en het verblijf in België van Joegoslavische werknemers, en bijlagen, ondertekend te Belgrado op 23 juli 1970. (Via de uitwisseling van diplomatieke nota's tussen België en de Republiek Slovenië (B.S. 12/12/1997), de Republiek Kroatië (B.S. 12/12/1997), de voormalige Joegoslavische Republiek Macedonië (B.S. 12/12/1997) en Bosnië-Herzegovina werd in de continuïteit van dit verdrag voorzien. Bij de erkenning van de Federale Republiek Joegoslavië en de formalisering van de diplomatieke betrekkingen werd éénzelfde overeenkomst bereikt.) Source and abstracts of the texts: - In French: https://dofi.ibz.be/sites/dvzoe/FR/Documents/13121976_f.pdf - In Dutch: https://dofi.ibz.be/sites/dvzoe/NL/Documents/13121976_n.pdf [Do note that Belgium also concluded bilateral social security agreements with various third countries: USA, Canada, Québec, San Marino, Serbia, Bosnia, Montenegro, Kosovo, Turkey, Algeria, Morocco, Tunisia,</p> |



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| | | | <p>Israel, Chile, Australia, The Philippines, Japan, FYROM , South-Korea, Uruguay, India These agreements guarantee the following important social security related issues: 1) The agreements include an equal treatment clause to ensure that parties' respective citizens enjoy the same social security protection in the host country. For Belgium such clauses are in practice less relevant in view of the fact that social security entitlements linked to work already treat all participants equally, without distinction based on citizenship 2) (Qualifying) periods of employment accrued in both countries will be taken into account to determine eligibility and to calculate benefits such as pensions. 3) Clauses arrange the export of benefits to the home country of the treaty partners' respective citizens. The possibility to export benefits in the regular system is indeed rather the exception than the rule. In general, the agreements are important for situations of invalidity, retirement and survival. 4) The agreements' other strength pertains to the coordination of posting situations. The agreements allow citizens of each party to remain covered by their home social security system while temporarily working on the other party's territory. Source and more information: Belgian Contact Point of the European Migration Network, Migrant Access to Social Security – policy and practice in Belgium. Available on: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/illegally-resident/migrant_access_to_social_security_in_belgium_emn-study_2013.pdf]</p> <p>5. Yes, with Morocco (1964), Turkey (1964), Tunisia (1969), Algeria (1970) and with the countries of the former republic of Yugoslavia (1970): Bosnia-Herzegovina, FYROM, Montenegro, Serbia and Kosovo. These manpower agreements were concluded in the 1960's and 1970 with the aim of facilitating the temporary employment in Belgium of so-called "guest workers". Titles in Dutch: • Overeenkomst tussen België en Marokko betreffende de tewerkstelling van Marokkaanse werknemers in België, en bijlagen, ondertekend te Brussel op 17 februari 1964. • Akkoord tussen België en Turkije betreffende de tewerkstelling van Turkse werknemers in België, protocol en bijlagen, ondertekend te Brussel op 16 juli 1964. • Overeenkomst tussen België en Tunesië betreffende de tewerkstelling en het verblijf in België van Tunesische werknemers, en bijlagen, ondertekend te Tunis op 7 augustus 1969. • Overeenkomst tussen het Koninkrijk België en de Demokratische Volksrepubliek Algerië betreffende de tewerkstelling en het verblijf in België van Algerijnse werknemers en hun families, en bijlagen, ondertekend te Algiers op 8 januari 1970. • Akkoord tussen het Koninkrijk België en de Socialistische Bondsrepubliek Joegoslavië betreffende de tewerkstelling en het verblijf in België van Joegoslavische werknemers, en bijlagen, ondertekend</p> |
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| | | | <p>te Belgrado op 23 juli 1970.(Via de uitwisseling van diplomatieke nota's tussen België en de Republiek Slovenië (B.S. 12/12/1997), de Republiek Kroatië (B.S. 12/12/1997), de voormalige Joegoslavische Republiek Macedonië(B.S. 12/12/1997) en Bosnië-Herzegovina werd in de continuïteit van dit verdrag voorzien. Bij de erkenning van de Federale Republiek Joegoslavië en de formalisering van de diplomatieke betrekkingen werd éénzelfde overeenkomst bereikt.) Source and abstracts of the texts: - In French: https://dofi.ibz.be/sites/dvzoe/FR/Documents/13121976_f.pdf - In Dutch: https://dofi.ibz.be/sites/dvzoe/NL/Documents/13121976_n.pdf [Do note that Belgium also concluded bilateral social security agreements with various third countries: USA, Canada, Québec , San Marino , Serbia, Bosnia, Montenegro , Kosovo, Turkey, Algeria, Morocco, Tunisia, Israel, Chile, Australia, The Philippines, Japan, FYROM , South-Korea, Uruguay, India These agreements guarantee the following important social security related issues: 1) The agreements include an equal treatment clause to ensure that parties' respective citizens enjoy the same social security protection in the host country. For Belgium such clauses are in practice less relevant in view of the fact that social security entitlements linked to work already treat all participants equally, without distinction based on citizenship 2) (Qualifying) periods of employment accrued in both countries will be taken into account to determine eligibility and to calculate benefits such as pensions. 3) Clauses arrange the export of benefits to the home country of the treaty partners' respective citizens. The possibility to export benefits in the regular system is indeed rather the exception than the rule. In general, the agreements are important for situations of invalidity, retirement and survival. 4) The agreements' other strength pertains to the coordination of posting situations. The agreements allow citizens of each party to remain covered by their home social security system while temporarily working on the other party's territory. Source and more information: Belgian Contact Point of the European Migration Network, Migrant Access to Social Security – policy and practice in Belgium. Available on: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/illegally-resident/migrant_access_to_social_security_in_belgium_emn-study_2013.pdf]</p> <p>6. Yes, with Morocco (1964), Turkey (1964), Tunisia (1969), Algeria (1970) and with the countries of the former republic of Yugoslavia (1970): Bosnia-Herzegovina, FYROM, Montenegro, Serbia and Kosovo. These manpower agreements were concluded in the 1960's and 1970 with the aim of facilitating the temporary employment in Belgium of so-called "guest workers". Titles in Dutch: • Overeenkomst tussen België en Marokko betreffende de tewerkstelling van Marokkaanse</p> |
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| | | | <p>werknemers in België, en bijlagen, ondertekend te Brussel op 17 februari 1964. • Akkoord tussen België en Turkije betreffende de tewerkstelling van Turkse werknemers in België, protocol en bijlagen, ondertekend te Brussel op 16 juli 1964. • Overeenkomst tussen België en Tunesië betreffende de tewerkstelling en het verblijf in België van Tunesische werknemers, en bijlagen, ondertekend te Tunis op 7 augustus 1969. • Overeenkomst tussen het Koninkrijk België en de Demokratische Volksrepubliek Algerië betreffende de tewerkstelling en het verblijf in België van Algerijnse werknemers en hun families, en bijlagen, ondertekend te Algiers op 8 januari 1970. • Akkoord tussen het Koninkrijk België en de Socialistische Bondsrepubliek Joegoslavië betreffende de tewerkstelling en het verblijf in België van Joegoslavische werknemers, en bijlagen, ondertekend te Belgrado op 23 juli 1970.(Via de uitwisseling van diplomatieke nota's tussen België en de Republiek Slovenië (B.S. 12/12/1997), de Republiek Kroatië (B.S. 12/12/1997), de voormalige Joegoslavische Republiek Macedonië(B.S. 12/12/1997) en Bosnië-Herzegovina werd in de continuïteit van dit verdrag voorzien. Bij de erkenning van de Federale Republiek Joegoslavië en de formalisering van de diplomatieke betrekkingen werd éénzelfde overeenkomst bereikt.) Source and abstracts of the texts: - In French: https://dofi.ibz.be/sites/dvzoe/FR/Documents/13121976_f.pdf - In Dutch: https://dofi.ibz.be/sites/dvzoe/NL/Documents/13121976_n.pdf [Do note that Belgium also concluded bilateral social security agreements with various third countries: USA, Canada, Québec , San Marino , Serbia, Bosnia, Montenegro , Kosovo, Turkey, Algeria, Morocco, Tunisia, Israel, Chile, Australia, The Philippines, Japan, FYROM , South-Korea, Uruguay, India These agreements guarantee the following important social security related issues: 1) The agreements include an equal treatment clause to ensure that parties' respective citizens enjoy the same social security protection in the host country. For Belgium such clauses are in practice less relevant in view of the fact that social security entitlements linked to work already treat all participants equally, without distinction based on citizenship 2) (Qualifying) periods of employment accrued in both countries will be taken into account to determine eligibility and to calculate benefits such as pensions. 3) Clauses arrange the export of benefits to the home country of the treaty partners' respective citizens. The possibility to export benefits in the regular system is indeed rather the exception than the rule. In general, the agreements are important for situations of invalidity, retirement and survival. 4) The agreements' other strength pertains to the coordination of posting situations. The agreements allow citizens of each party to remain covered by their home social security system while temporarily working on the other party's territory. Source and more</p> |
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| | | | <p>information: Belgian Contact Point of the European Migration Network, Migrant Access to Social Security – policy and practice in Belgium. Available on: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/illegally-resident/migrant_access_to_social_security_in_belgium_emn-study_2013.pdf]</p> <p>7. No quotas are being used. These agreements were concluded in the 1960s and in 1970 to recruit foreign workers. In 1974, a formal cap was imposed concerning economic migration. Afterwards, migrants from these countries came mainly through other migration channels like family reunification. We do not know how many migrants came under these agreements. In general (former) citizens from Morocco and Turkey are the biggest non-European communities in the Belgian population. On 1 January 2015 about 7% of the legally staying foreigners in Belgium are from Morocco (82.009) and 3% from Turkey (36.747). (Former) Moroccan and Turkish citizens acquired are also number one and two of the list of nationalities that were born with a foreign nationality but acquired the Belgian nationality; 224.108 in the case of Morocco and 119.011 in case of Turkey. If we look at the stocks of the valid residence permits for remunerated activities in Belgium, 4.420 en 3.214 were delivered to Moroccan and Turkish citizens on a total of 28.565. Source for the data: Myria, Federal Migration Centre, Migratie in cijfers en in rechten 2016, to be published in July 2016. www.myria.be</p> <p>8. No quotas are being used. These agreements were concluded in the 1960s and in 1970 to recruit foreign workers. In 1974, a formal cap was imposed concerning economic migration. Afterwards, migrants from these countries came mainly through other migration channels like family reunification. We do not know how many migrants came under these agreements. In general (former) citizens from Morocco and Turkey are the biggest non-European communities in the Belgian population. On 1 January 2015 about 7% of the legally staying foreigners in Belgium are from Morocco (82.009) and 3% from Turkey (36.747). (Former) Moroccan and Turkish citizens acquired are also number one and two of the list of nationalities that were born with a foreign nationality but acquired the Belgian nationality; 224.108 in the case of Morocco and 119.011 in case of Turkey. If we look at the stocks of the valid residence permits for remunerated activities in Belgium, 4.420 en 3.214 were delivered to Moroccan and Turkish citizens on a total of 28.565.</p> |
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| | | | <p>Source for the data: Myria, Federal Migration Centre, Migratie in cijfers en in rechten 2016, to be published in July 2016. www.myria.be</p> <p>9. No quotas are being used. These agreements were concluded in the 1960s and in 1970 to recruit foreign workers. In 1974, a formal cap was imposed concerning economic migration. Afterwards, migrants from these countries came mainly through other migration channels like family reunification. We do not know how many migrants came under these agreements. In general (former) citizens from Morocco and Turkey are the biggest non-European communities in the Belgian population. On 1 January 2015 about 7% of the legally staying foreigners in Belgium are from Morocco (82.009) and 3% from Turkey (36.747). (Former) Moroccan and Turkish citizens acquired are also number one and two of the list of nationalities that were born with a foreign nationality but acquired the Belgian nationality; 224.108 in the case of Morocco and 119.011 in case of Turkey. If we look at the stocks of the valid residence permits for remunerated activities in Belgium, 4.420 en 3.214 were delivered to Moroccan and Turkish citizens on a total of 28.565. Source for the data: Myria, Federal Migration Centre, Migratie in cijfers en in rechten 2016, to be published in July 2016. www.myria.be</p> <p>10. The (older guest worker) agreements cover about every branch of social security (not including minimum income resources) and also concern a right to family reunification. According to Belgian legislation, in principle, one of the conditions to receive a work permit (B-type, for economic migrants) is that a manpower agreement must have been concluded between Belgium and the country of the nationality of the worker. However, in practice, a lot of exceptions exist to this general rule. In practice, many work permits B are granted via a simplified process (such as work permits for the highly qualified TCN's).</p> <p>11. The (older guest worker) agreements cover about every branch of social security (not including minimum income resources) and also concern a right to family reunification. According to Belgian legislation, in principle, one of the conditions to receive a work permit (B-type, for economic migrants) is that a manpower agreement must have been concluded between Belgium and the country of the nationality of the worker. However, in practice, a lot of exceptions exist to this</p> |
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| | | | <p>general rule. In practice, many work permits B are granted via a simplified process (such as work permits for the highly qualified TCN's).</p> <p>12. The (older guest worker) agreements cover about every branch of social security (not including minimum income resources) and also concern a right to family reunification. According to Belgian legislation, in principle, one of the conditions to receive a work permit (B-type, for economic migrants) is that a manpower agreement must have been concluded between Belgium and the country of the nationality of the worker. However, in practice, a lot of exceptions exist to this general rule. In practice, many work permits B are granted via a simplified process (such as work permits for the highly qualified TCN's).</p> <p>13. Not to our knowledge.</p> <p>14. Not to our knowledge.</p> <p>15. Not to our knowledge.</p> |
|  | Bulgaria | Yes | <p>1. Yes</p> <p>2. Agreement between the Government of the Republic of Bulgaria and the Government of the State of Israel for mediation and temporary employment of citizens of both countries (approved with Government Decree № 852 of November 24, 2011, effective since 20 December 2011)</p> <p>3. N/I</p> <p>4. N/I</p> <p>5. N/I</p> |
|  | Croatia | Yes | <p>1. 1. No.</p> |



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| | | | <p>2. 2. N/A.</p> <p>3. 3. N/A.</p> <p>4. 4. N/A.</p> <p>5. 5. Yes, with Bosnia and Herzegovina and Qatar.</p> |
|  | Czech Republic | Yes | <p>1. NO. In connection with the accession of the Czech Republic to the European Union all legal regulations in the area of employment of foreigners have been harmonized with the European regulations. Thus, there is a standard legal framework for the employment of third country nationals in the Czech Republic. Since then, the Czech Republic has not concluded any bilateral agreement.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. The Czech Republic does not intend to conclude such an agreement.</p> |
|  | Estonia | Yes | <p>1. Estonia has only concluded agreements with Australia (2005), New-Zealand (2007) and Canada (2010) on youth working holiday visas. We do not have other agreements with third-countries regulating recruitment of workers.</p> <p>2. -</p> <p>3. -</p> <p>4. -</p> |



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| | | | 5. Not to our knowledge. |
|  | Finland | Yes | <p>1. In Finland we don't have such cooperation agreements at the governmental level. The recruitment of third country workers is regulated in the Aline's Act and the residence permit is granted on the grounds of employment. For example health care companies at the private sector have recruited nurses from the Philippines.</p> <p>2. -</p> <p>3. -</p> <p>4. -</p> <p>5. No.</p> |
|  | France | Yes | <p>1. In continuation of the Framework law on development and international solidarity (LOPSI) of 7 July 2014, which recalls the need for connections and consistency between development policy and migration policy, France continues to work in three directions: - supporting the solidarity and investment potential of migrants; - strengthening the capacity of countries in the South, as partners to integrating mobility and migration into their development strategies; - contributing to international discussions and the production of knowledge in terms of mobility, migration and development.</p> <p>2. In this context, several bilateral agreements related to facilitated process for visa and stays for professionals and interns have been signed since 2013 (Angola, South Korea). Moreover, several mobility partnerships (MP) have been signed since 2008. They determine political objectives aimed at improving the circulation of persons, combating irregular migration and trafficking in human beings, strengthening cooperation related to migration and development and supporting the protection for asylum seekers and refugees in the concerned countries. More recently, France has implemented Global Approach to Migration and Mobility (agenda commun pour les migrations et la</p> |

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| | | | <p>mobilité - ACMM), which is a simplified MP which does not include the negotiation of visas / readmission. Please see FR NCP APR 2015 on ECAS website for more information</p> <p>3. France does not apply any quota.</p> <p>4. For those agreements, most often, the labour market test does not apply.</p> <p>5. NO</p> |
|  | Germany | Yes | <p>1. There are some special agreements, partnerships and contracts between limited other countries and Germany, which are listed below: 1. Contract employees and guest workers. Contract workers are employed by a company domiciled off country, who are allowed to work on the basis of a contract for work in Germany. Basis for this form intergovernmental agreements (so-called. contract workers agreement). The approval of contracts for work is done in close collaboration between quota-procurement providers in the partner States and German authorities, in particular the labor administration. Labor contract agreements are applied on a temporary employment of workers. Once before 1 May 2004, the contract worker agreements for the new EU member states still often found application, they just were then under the transitional arrangements mainly for the construction sector. Bilateral intergovernmental agreements on contract workers still exist with Bosnia and Herzegovina, Macedonia, Serbia and Turkey. The intergovernmental agreements include quantitative limits, called quotas, which are adapted in October of each year to the development of the labor market in the Federal Republic of Germany. A change in the labor market leads to an increase or reduction in the quotas. The number of foreign contract workers fell from about 95,000 in 1992 to almost 7,000 in 2014. Guest worker agreements are exchange programs who allow a temporary employment of guest workers to professional and language training in Germany. There are intergovernmental agreements with Croatia and the Russian Federation. However, the agreement with Croatia is irrelevant since the introduction of the full free movement of workers from July 1, 2015. An agreement with Albania is currently suspended. The existing quotas are hardly exploited (in 2014 came only 10 persons). 2. Seasonal workers Seasonal workers can be issued the approval of a residence permit for employment in agriculture and forestry, in the hotel and catering industry, in the fruit and vegetable processing and in sawmills up to six months in the calendar year (§ 15a Beschäftigungsverordnung(Employment Regulation)). The Base form</p> |



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| | | | <p>arrangements of the Federal Employment Agency with the employment services of the countries of origin. At present there are no such agreements. 3. Mobility Partnerships Mobility Partnerships represent a new and important element of the EU migration policy. They should connect migration and development policy objectives together and enable a fair balance of interests with partner countries. Meanwhile first pilot partnership with Cape Verde, Moldova, Georgia and Armenia were established. More partnerships are planned. 4. Association Agreement EU-Turkey The provisions of the Association Agreement ("Ankara Agreement") concluded 1963 and in1970 amended with an additional protocol apply in so far directly for Turkish employees, as they refer to their legal sphere as workforce duly integrated in the labor market of the relevant EU Member State. Based on the Association Agreement and the relevant decisions of the EEC-Turkey Association Council Turkish workers who have a job, after one year's legal employment have the right for a work permit for the continuation of employment with the previous employer, regardless of the situation and the development of the labor market. After three years of regular employment emerges an entitlement to a work permit for the practised professional activity which, although regionally and company unlimited, however subject to the principle of supremacy.</p> <p>2. See question 1</p> <p>3. See question 1</p> <p>4. See question 1</p> <p>5. See question 1</p> |
|  | Greece | Yes | <p>1. NO</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> |


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| | | | 5. Based on our Knowledge, No |
|  | Hungary | Yes | <p>1. Hungary has and had no such cooperation agreement that regulates the requirement of third country national workers.</p> <p>2. n.a.</p> <p>3. n.a.</p> <p>4. n.a.</p> <p>5. Hungary does not currently envisage concluding this kind of cooperation agreements.</p> |
|  | Italy | Yes | <p>1. Yes. In Italy, the Ministry of Labour and Social Policies and the Ministry of Foreign Affairs and International Cooperation negotiate bilateral agreements, regulating and managing migration flows for work reasons. These agreements, signed with non-EU States, aim at strengthening legal entry channels for seasonal and non-seasonal foreign workers as well as mechanisms for matching job offers and job seekers. These are framework agreements, which are then followed by executive protocols, outlining actual implementation terms. From a regulatory perspective, Italy can enter into such agreements pursuant to Article 21 of the Consolidated Act on Immigration. These agreements are taken into account when planning the yearly quota of TCNs allowed entry in the country for work reasons.</p> <p>2. A list of these agreements is available on the web site of the Ministry of Labour and Social Policies: http://sitiarcheologici.lavoro.gov.it/AreaSociale/Immigrazione/flussi_migratori/Pages/default.aspx <input type="checkbox"/> MAURITIUS - Bilateral agreement (20 September 2012); <input type="checkbox"/> MOLDAVIA - Bilateral agreement (5 July 2011), Executive protocol (5 July 2011); <input type="checkbox"/> ALBANIA, Memorandum of understanding (19 July 2011) <input type="checkbox"/> SRI LANKA, Bilateral agreement (18 October 2011) <input type="checkbox"/> MOROCCO- Bilateral agreement (21 November 2005), Executive protocol (09 July 2007); <input type="checkbox"/> EGYPT, Bilateral agreement (28 November 2005), Memorandum of understanding (17 May 2011).</p> |


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| | | | <p>3. These agreements do not envisage any quotas. In general, it is established that Italy should favour the assignment of an entry quota (in the immigration quota decree) reserved for the nationals of the State with which the agreement has been entered into, according to labour market conditions and in accordance with national legislation.</p> <p>4. In general, the agreements made by Italy stipulate: the participation in free vocational training and language courses in third countries; the promotion of circular migration pathways; and the involvement of the most representative migrant associations of the communities concerned for integration purposes.</p> <p>5. N/A.</p> |
|  | Latvia | Yes | <p>1. Latvia has not concluded any cooperation agreements with third countries regulating recruitment of workers and does not plan to conclude such kind of agreements in the future.</p> <p>2. -</p> <p>3. -</p> <p>4. -</p> <p>5. See above.</p> |
|  | Lithuania | Yes | <p>1. Yes. Recently, Lithuania signed two agreement on youth mobility with Canada and New Zealand which in part cover also access to employment in the relevant countries.</p> <p>2. 1. On 19 November 2009, the Agreement between the Government of the Republic of Lithuania and the Government of Canada concerning Youth Exchange was signed in Vilnius. The Agreement came into force on 1 October 2010. 2. On 1 October 2015 a bilateral working holiday agreement was signed between Lithuania and New Zealand.</p> |



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| | | | <p>3. 1. With Canada: 200 people. 1. With New Zealand: 100 people.</p> <p>4. Access to the labour marker combined with studies and travel.</p> <p>5. No information.</p> |
|  | Luxembourg | Yes | <p>1. No. There are not bilateral agreements with third-countries which exclusively regulates the recruitment of salaried workers. However, on 13 October 2015, Luxembourg and Cape Verde signed a bilateral agreement on migration. This agreement has not been yet approved by Parliament. This agreement falls in the scope of the partnership on mobility between the European Union and Cape Verde created in 2008 and focus on the concerted management of migration flows and the sustainable and solidarity development. There are some dispositions in this agreement which deal with the exchange of young professionals or implementation of a fast track procedure for granting authorisation of stay for salaried workers in certain trades and professions.</p> <p>2. See answer to question 1.</p> <p>3. The number of authorisation of stay which can be granted in accordance with the fast-track procedure established in the bilateral agreement mentioned above is estimated in 50 per year.</p> <p>4. The implementation of this fast-track procedure can facilitate the recruitment of workers in certain trades and professions.</p> <p>5. At the moment there are not any plan to conclude this kind of cooperation agreements.</p> |
|  | Netherlands | Yes | <p>1. Yes</p> <p>2. A) Covenant Asian hospitality sector (CAH); B) Working Holiday Schemes (WHS) and programmes (WHP) with Canada, Australia, New Zealand and South Korea. C) Young Workers Exchange Program with Canada; D) A pilot for circular migration with Indonesia and South Africa</p> |

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| | | | <p>3. A) Het CAH is op 1 oktober 2014 door vertegenwoordigers van de Aziatische horecasector, het UWV en de IND ondertekend en in werking getreden. Op grond van het convenant wordt gedurende een periode van 2 jaar voor een gemaximeerd aantal gecombineerde vergunningen voor verblijf en arbeid (GVVA)) door het UWV afgezien van de wettelijke toets op prioriteitgenietend aanbod voor een aantal functies binnen de Aziatische horeca. Werkgevers kunnen dus tijdelijk GVVA's verkrijgen voor gekwalificeerde koks uit Azië. Dit als reactie op het probleem dat er in de horecasector een groot tekort is aan gekwalificeerde koks. Op grond van het convenant is in het eerste halfjaar voor maximaal 900 vergunningen niet getoetst op prioriteitgenietend aanbod, in het tweede, derde en vierde halfjaar voor maximaal 750. Samen met de sector zijn duidelijke afspraken gemaakt over het aantal opleidingen en duurzame dienstverbanden voor werknemers uit Nederland en Europa dat zij halfjaarlijks moet realiseren: elk half jaar realiseert de sector 375 opleidingstrajecten 187 duurzame dienstverbanden. Het eerste halfjaar zin 900 vergunningen verleend, het tweede halfjaar 659 en het derde halfjaar 750. B) Following the arrangement with Canada, Australia, New Zealand and South Korea, people between the age of 18 and 31 can apply for a residence permit for the duration of 1 year maximum for exchange purposes. This way they can learn about the Dutch society and culture. During their stay in the Netherlands they are free for the labor market. C) With the agreement with Canada, people between the age of 18 and 31 can apply for a residence permit for the period of 1 year maximum for the purpose of learning while working when they study or when the application is issued within 12 months after graduation. D) The pilot circular migration, from the period 1/12/2009 to 1/12/2012, was implemented following the migration and development policy. A small group secondary schooled labor migrants from Indonesia and south Africa (maximum of 160 persons) could come to the Netherlands for a period of maximum 2 years to work and learn in jobs that have shortages in the Netherlands.</p> <p>4. See above.</p> <p>5. A) The CAH lasts to 1 October 2016. The minister of Social Affairs and Employment announced to inform the Dutch Parliament before summer on the policy after 1 October 2016.; B) WHP areWHS are current policies; C) YWEP is current policy; D) The pilot circular migration did not have the results that were hoped for. The pilot was stopped on 1 September 2011.</p> |
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|  | Poland | Yes | <p>1. No, Poland does not have any agreements with third countries regulating recruitment of workers. Poland has only concluded Working Holiday agreements with New Zealand (2008), Australia (2014), Taiwan (2014) and Japan (2015).</p> <p>2. n/a</p> <p>3. n/a</p> <p>4. n/a</p> <p>5. Yes.</p> |
|  | Portugal | Yes | <p>1. Yes.</p> <p>2. 2005 – Agreement between the Portuguese Republic and Ukraine on Temporary Migration of Ukrainian Citizens for Work Services in the Portuguese Republic, signed in Kiev on February 12, 2003. 2013 – Cooperation Agreement between the Portuguese Republic and the Republic of Cape Verde on Labour Migration (signed in Lisbon on June 9, 2010).</p> <p>3. Information not available.</p> <p>4. According to the first agreement, Ukrainian citizens not only enjoy the same conditions of pay and employment than Portuguese workers but also the same benefits of social security established by Portuguese law. The same rights and the same protection are guaranteed regarding the application of the laws on health and safety at work. The employer is responsible for taking the stay of Ukrainians and their return if, for reasons attributable to that entity, they don't take the job they were hired for. According to the second cooperation agreement, Cape-Verdean citizens enjoy the same conditions of pay and employment than Portuguese workers and the same benefits of social security established by Portuguese law as well.</p> <p>5. Information not available.</p> |

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| | Slovak Republic | Yes | <p>1. No. Slovak Republic has only concluded Work Leave Programmes in Slovakia for Participants from Canada (2011), New Zealand (2012), Taiwan (2014), Australia (2015) and Japan (2016). During this holiday the participants from third countries in the age between 18 to 30 or 35 are able to study and work in the territory of the Slovak Republic for a limited period of time upon fulfilling the required conditions.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. Currently, two agreements on employment of relatives of the staff of diplomatic missions and consulates between the Slovak Republic and the government of Israel and Brazil are being prepared.</p> |
|  | Slovenia | Yes | <p>1. Yes.</p> <p>2. Slovenia concluded Agreement between the Government of the Republic of Slovenia and the Council of Ministers of Bosnia and Herzegovina on the Employment of Citizens of Bosnia and Herzegovina in the Republic of Slovenia and the Protocol on the Implementation of the Agreement between the Government of the Republic of Slovenia and the Council of Ministers of Bosnia and Herzegovina on the Employment of Citizens of Bosnia and Herzegovina in 2011.</p> <p>3. There is no quota foreseen in the agreement. Approximately 30.000 Bosnian citizens have been employed under the agreement since 2011.</p> <p>4. The main incentives for migrant workers are as follows: - Migrant workers authorization is granted for a period of three years. - Employers has to conclude an employment contract for at least one year. - After the first year of employment migrant workers are no longer tied to an employer and obtain the right of free access to the Slovenian labour market. They can find a better job (better conditions, better pay) with another employer or set up their own company.</p> |

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| | | | 5. There are no plans to conclude any new agreements in the near future. |
|  | Spain | Yes | <p>1. Yes, it does.</p> <p>2. Colombia. Agreement between Spain and Colombia on the regulation and management of labour migration flows in Madrid on May 21, 2001, published on the Official Gazette on July 4 2001. Equator. Agreement between the Kingdom of Spain and the Republic of Equator, on the regulation and management of labour migration flows in Madrid, on May 29, published on the Official Gazette on July 10. 2001. Morocco. -Agreement on workforce between the Kingdom of Spain and the Kingdom of Morocco signed in Madrid on July 25th and published on the Official Gazette on September 20th, 2001. Mauritania. -Agreement between the Kingdom of Spain and the Republic of Mauritania, on the regulation and management of labour migration flows, made in Nuakchott on July 25, 2007. Published on the Official Gazette Dominican Republic. -Agreement between the Kingdom of Spain and the Dominican Republic on the regulation and management of labour migration flows, made in Madrid on December 17, 2001 and published on the Official Gazette on February 5, 2002. Ukraine -Agreement between Spain and Ukraine on the regulation and management of labour migration flows, signed in Madrid on May 12, 2009, and published on the Official Gazette, on August 10, 2011.</p> <p>3. Article 39 of Constitutional Act 4/2000, of January 11, on rights and liberties of foreigners in Spain and their social integration, laid down: 1. The Ministry of Labour and Immigration taking into account the national employment situation, may approve an annual estimate of occupations and, where appropriate the number of jobs provided that can be covered through collective management of hiring in origin in a given period, which have access only those not staying or residing in Spain. Also a number of visas for job search may be established under conditions to be determined, aimed at children or grandchildren of Spanish origin or certain occupations. The above-mentioned provision will take into account the proposals after consultation with the social partners in the relevant field are carried out by the Autonomous regions and will be adopted after consultation of the Tripartite Labour Commission on Immigration. 2. The procedure for granting initial authorization of residence and work through collective processing of contracts in origin, will be based on the simultaneous management of a plurality of authorizations submitted by one or more</p> |

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| | | | <p>employers, to selected workers in their countries, with the participation, if any, of the competent authorities. In its management it will act in coordination with the competent Regional Authorities for granting the initial work authorization. 3. Job offers made through this process will be preferably directed towards the countries with which Spain has signed agreements on regulation of migratory flows. Through this system, 2.420 contracts were made during the year 2015. As for the nationalities of workers, 310 from Colombia, 55 from Ecuador, 2.030 from Morocco, 6 from Panama and 19 from Peru.</p> <p>4. -</p> <p>5. Yes.</p> |
|  | Sweden | Yes | <p>1. No. Since 2008, Sweden has been using a liberal, demand-driven system for labour immigration from non-EU countries. The state leaves it to employers to decide whether they want to recruit workers from third-countries, and from which ones.</p> <p>2. NA</p> <p>3. NA</p> <p>4. NA</p> <p>5. Not to the best of our knowledge.</p> |
|  | United Kingdom | Yes | <p>1. The UK's arrangements for the admission of non-EEA workers, whether on a short- or long-term basis, are not generally based on direct cooperation agreements with third countries. The UK's rules concerning the admission of workers, and in particular skilled workers admitted to fill gaps in the labour market, apply equally irrespective of nationality. Decisions about where non-EEA workers are sourced from will be made by employers sponsoring their entry. However, the UK does operate two schemes under Tier 5 of the points-based system, both of which allow citizens of certain countries to work in the UK. Tier 5 focuses on youth mobility and temporary work, allowing people to work in the UK for a limited period of time to satisfy primarily non-economic objectives. The</p> |

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| | | | <p>Youth Mobility Scheme under Tier 5 implements reciprocal agreements with particular countries so that individuals (applicants aged 18-30) from said countries are able to travel, work and live in the UK for a temporary period of up to two years. Countries included as part of the scheme are Australia, Canada, Hong Kong (special administrative region), Japan, Monaco, New Zealand, Taiwan, and South Korea. Citizens of Taiwan, Hong Kong, or South Korea will need sponsorship from a UK employer before applying. Further information on the criteria of the scheme can be found at https://www.gov.uk/tier-5-youth-mobility. In addition, the UK operates a number of Government Authorised Exchange Schemes under Tier 5 of the Points Based System, under which non-EEA nationals can be admitted for training and work experience. Some of these schemes are by their nature nationality-specific, for example the ‘Commonwealth Scholarships and Fellowships Plan’ which offers academic, medical or professional research fellowships to citizens of developing Commonwealth countries. Such Tier 5 schemes, however, exist primarily for cultural reasons or to promote relations between the UK and other countries, rather than to fill skills gaps in the UK. Depending on the specific scheme, individuals can stay for a period of up to either 12 or 24 months. All applicants will require sponsorship from a UK employer. Further information about this scheme can be found at https://www.gov.uk/tier-5-government-authorised-exchange. Additionally, the UK has a specific Code of Practice stating that it will not actively recruit health care professionals from specific developing countries. This country list was developed by the Department of Health and the Department for International Development, and was based upon the Organisation for Economic Cooperation and Development (OECD) and Development Assistance Committee list of aid recipients. This could be viewed as a means of regulating the recruitment of third country nationals. The UK also implements nationality-specific commitments pursuant to the Mode 4 content of bilateral trade agreements concluded by the EU, but these are not concerned with the direct recruitment of non-EEA workers by UK employers.</p> <p>2. See Appendix G and Appendix N of the Immigration Rules. See answer to q 3 or the link below at Appendix G for the list of Youth mobility schemes https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-g-youth-mobility-scheme Appendix N of the immigration rules lays out the different government authorised exchange schemes https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-n-authorised-exchange-schemes</p> |
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| | | | <p>3. Each country included under the Tier 5 – Youth Mobility Scheme has an annual quota as set out in Appendix G of the Immigration Rules. These quotas are based on the number of UK nationals admitted to participating countries under their reciprocal arrangements. They are as follows: Places available for use by Countries and Territories with Deemed Sponsorship Status: • Australia – 45,500 places • New Zealand – 12,000 places • Canada – 5,000 places • Japan – 1,000 places • Monaco – 1,000 places Places available for use by Countries and Territories without Deemed Sponsorship Status • Taiwan – 1,000 places • South Korea – 1,000 places • Hong Kong – 1,000 places Schemes operating under the Tier 5 – Government Authorised Exchange Scheme are not subject to annual quotas. Please see attached tables for the number of migrants who arrived under the schemes.</p> <p>4. There are no specific ‘incentives’ or ‘privileges’ stated in the agreements. However, the incentive for migrants could be viewed as the chance to work or receive training in the UK under a number of schemes, which could be valuable in furthering an individual’s career prospects.</p> <p>5. There are no plans to conclude these schemes.</p> |
|  | Norway | Yes | <p>1. • No, Norway does not have any agreements with third countries regulating recruitment of workers. • Norway does have Working Holiday Agreements with a particular number of third countries; Australia, Canada, Japan and New Zealand. The reciprocal agreements are intended to promote cultural exchange experience in the countries involved, for young people (18-30). The arrangements for the working holidays are intended to make it possible for nationals of Norway and the countries we have agreements with, to enter and stay for a holiday for an extended period and also engage in employment as an incidental aspect of their holiday in order to supplement their travel funds. The foreign nationals cannot stay and work on a permanent basis.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> |

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