



EMN Ad-Hoc Query on Ad hoc query on talent mobility

Requested by ELENA DE LA ORDEN RODRIGUEZ on 11th October 2017

Economic Migration

Responses from Austria, Belgium, Croatia, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Slovak Republic, Sweden, United Kingdom, Norway (22 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:

In the framework of the following Directives:

- (i) Directive 2014/66/EU of the European Parliament and of the Council, of 15 May 2014, on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer.
- (ii) Directive (EU) 2016/801 of the European Parliament and of the Council, of 11 May 2016, on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing.
- (iii) Directive 2009/50/EC — Conditions of entry and residence of non-EU nationals for the purposes of highly-qualified employment.

Article 4 allows to apply "more favourable provisions" on the grounds of bilateral and multilateral agreements.

Currently, Spain has not subscribed any multilateral agreements on this regard, but it has two kinds of bilateral agreements:

- "Youth Professional Mobility Programs", these agreements facilitate the administrative procedures applicable to the entry and stay in the territory for citizens from the other country who wish to gain work experience related to their area of expertise; to complement their post-secondary training with an internship; or to improve their knowledge of the languages, culture and society of that country.

Spain has signed these kind of agreement with Canada, New Zealand, Australia and Japan.

- "Attracting talent Programs", these agreements facilitate the administrative procedures applicable to the entry and stay in the territory to four categories of professionals and their families, namely, investors, entrepreneurs, highly qualified professionals, researchers and intra-corporate transfer workers.





Spain has signed these kind of agreement with Mexico and Paraguay.


Due to the importance of these programs in the migration policies and in order to elaborate a coherent “more favourable provision” framework, the ES NCP would be interested in the following questions:

Questions

1. 1. Has your country signed any bilateral or multilateral agreement on the grounds of the referred “more favourable provisions”.
2. 2. If Yes:a) With which countries?b) Which kind of agreements?c) What are the “more favourable provisions” applied?



Responses




	Country	Wider Dissemination	Response
	Austria	Yes	<p>1. No. Source: Federal Ministry of the Interior.</p> <p>2. N/A.</p>
	Belgium	Yes	<p>1. No, such bilateral or multilateral agreements have not been concluded on the grounds of the “more favourable provisions” article. Please note that Belgium has concluded bilateral agreements on “working holiday visas” programmes with Australia, Canada, New Zealand, Taiwan and South Korea. Source: Flemish Region, Walloon Region, Brussels-Capital Region and German speaking Community.</p> <p>2. N/A</p>
	Croatia	Yes	<p>1. No</p> <p>2. N/A</p>
	Czech Republic	Yes	<p>1. The Czech Republic has not signed any bilateral or multilateral agreements based on the above mention directives. Nevertheless, the Czech Republic has implemented migration projects for all of these categories of third-country nationals. Migration projects serve to accelerate the migration process of selected groups of third-country nationals whose entry into the Czech Republic is to be of some interest. Projects are based only on preferential treatment of foreigners' applications for residence permits or work permits. They do not require an increase in public budgets or personnel capacities of state administration bodies. The projects are as follows: 1. Fast Track: accelerated procedure for internally-transferred and localized employees and statutory bodies of foreign investors. The aim of the project is to accelerate the process of labor migration of</p>




			<p>qualified managers, specialists and statutory bodies from third country nationals who are sent to their branches already established in the Czech Republic within multinational companies. The sending of foreigners can take the form of transfer within the company and the conclusion of temporary labor relations on the territory of the Czech Republic (localization). As a part of the project, foreigners' applications for employment cards, work permits and visas for staying over 90 days for business purposes are preferentially handled. 2. Special procedures for highly qualified staff from Ukraine The project was launched in 2015. The project manager is the Ministry of Foreign Affairs. Highly qualified workers or specialists from Ukraine can apply for employment or blue cards (2 types of long-term residence permits for employment) within the project. Its aim is to simplify the entry procedure. 3. Student Mode In May 2017 the Government of the Czech Republic approved the implementation of the Student Scheme: the concept for facilitating the visa procedure for selected students. The project is implemented from June 2017. The main objective of the Student Scheme is to facilitate the visa procedure for selected foreigners admitted to study in the Czech Republic in accredited study programs at universities enrolled in the Student Mode. Student mode means faster and more efficient visa application for selected foreign students at selected Czech embassies, enabling students to start their studies early. Students can be expected to improve the student selection, maintain the reputation of Czech universities and improve their competitiveness. 4. Accelerated procedure for granting residence permits for foreigners - foreign students from third countries The project was launched on 1 June 2013. The project manager is the Ministry of Education, Youth and Sports and the MFA. The aim of the project is to facilitate the entry and residence of third-country nationals who have been admitted to study in the Czech Republic on the basis of valid international treaties or resolutions of the Government of the Czech Republic. Within the project, priority will be given to their requests and in the expedited procedure they will issue visas for over 90 days of residence or long-term residence permits for study purposes. The project can be attended only by students enrolled in selected scholarship programs.</p> <p>2. N/A</p>
	Estonia	Yes	<p>1. Estonia has not signed any multilateral agreements on the referred grounds, but Estonia has signed bi-lateral agreements with Canada, New Zealand and Australia that allow the youth to</p>



work with working holiday visas or benefit from working holiday schemes. These agreements facilitate the administrative procedures applicable to the entry and stay for third country nationals who are eligible under these agreements.




2. 1. a) New-Zealand b) Arrangement on a Working Holiday Scheme between the Government of the Republic of Estonia and the Government of New Zealand c) According to the agreement a work visa (and in case of New Zealand also a work permit) for 12 months can be issued if the applicant complies with the stipulated requirements. The principal purpose of visits under the agreement is a holiday with work being incidental to the holiday. The Agreement applies to youth aged between 18 and 30 years inclusive at the time of application for the visa. 2. a) Canada b) Agreement between the Government of the Republic of Estonia and the Government of Canada concerning youth exchanges c) The Parties agree to simplify and facilitate the administrative procedures applicable to young citizens of one country who intend to enter and stay in the territory of the other country to complement their post-secondary education, to obtain employment or practical workplace experience, or to improve their knowledge of the other country's languages, culture and society. The Agreement applies to youth aged between 18 and 35 inclusively on the date the application is received by the mission or consular post. 3. a) Australia b)Memorandum of understanding between the Government of the Republic of Estonia and the Government of Australia relating to working holiday visas (multiple entry visas valid for working holidays for a period of twelve (12) months for youth aged between 18 and 30 years inclusive at the time of application for the visa) c) For both Estonia and Australia, the principal purpose of visits under the Working Holiday Program is a holiday with work being incidental to the holiday. It is policy that the holder of Working Holiday visa does not work for the full twelve (12) months of the visit; In both Estonia and Australia, a Working Holiday visa will automatically allow the visa holder to work and reside temporarily in Estonia or Australia. In both Estonia and Australia, Working Holiday Makers will be permitted to engage in any studies or training for up to three (3) months. In either Estonia or Australia, there will be no restrictions on the type of employment Working Holiday Makers may undertake. Employment in a profession in both Estonia and Australia, however, is dependent upon recognition of qualifications and any rules of registration for practice in that profession.



	Finland	Yes	<p>1. Yes.</p> <p>2. a) Finland has an agreement with Australia and New Zealand on mutual working holiday arrangements. b) The purpose of the agreement is to give young people from Australia and New Zealand an opportunity to learn to know the Finnish culture and society. c) To augment their holiday funds, they have the right to do temporary work without a residence permit for an employed person.</p>
	France	Yes	<p>1. France has signed a variety of bilateral agreements on the grounds of more favourable provisions. Many of these agreements are targeted to the young professionals' mobility. Fewer are dedicated to talent mobility.</p> <p>2. a) Different countries have signed agreements with France. First, France signed agreements for youth mobility with Bosnia-Herzegovina, Canada, Lebanon, Macedonia, Montenegro and Serbia. Then, France signed agreements for labour migration with Angola, Korea, Georgia, Mauritius and Russia. There are also agreements on joint management of migration flows, covering different labour migrations, with countries such as Senegal, Gabon, Democratic Republic of Congo, Benin, Tunisia, Cape Verde, Burkina-Faso, Cameroun, Russia, Georgia, and the same countries as for the youth mobility agreements except Canada. b) The agreements fostering youth mobility enable students to have a first professional experience in France. Besides, agreements for youth exchange between France and other countries enable young people to acquire a professional experience from 3 to 18 months. These agreements grant 100 to 1500 visas per year. Then, "skills and talents" agreements, limited between 100 and 1500 per year, give a 3-year permit to the people contributing directly to the French economy and indirectly to their country of origin. Finally, some bilateral agreements enable foreign nationals to receive a residence permit authorizing to work without taking into consideration the situation of employment in different sectors. c) Most of the agreements were signed between 2005 and 2015. Their provisions were more favourable because they enabled the granting of longer residence permits or of work authorizations. However, the French Code on Entry and Residence of Foreign Nationals and Right of Asylum (CESEDA) was modified since the signature of these agreements, with, for instance, the Law of 7 March 2016 that implemented the "talent passport" residence</p>


			<p>permit. Because of these legal evolutions, the agreements no longer apply more favourable provisions.</p>
	Germany	Yes	<p>1. No. We do not have such agreements as Spain has with Mexico and Paraguay.</p> <p>2. In principle every person applying for a long - term stay needs a visa. According to § 41 Aufenthaltsverordnung (Ordinance on Residence) only nationals from Australia, Israel, Japan, Canada, the Republic of Korea, New Zealand and the United States of America may enter Germany for a long-term stay without a visa.</p>
	Greece	Yes	<p>1. Greece has signed with Canada a bilateral agreement.</p> <p>2. The agreement concerns youth mobility, intending to facilitate access to cultural exchanges that enable youth to gain a better understanding of the other Party's language, culture and society through travel, life and work experience abroad and to encourage youth mobility for the purposes of enhancing the personal and professional development of participating youth. The agreement was officially ratified by the law 4091/2012 (Official Gazette 219 A'). This agreement facilitates the admission of three categories of young people (age 18-35) of the two parties of the agreement: (a) Graduates, from post-secondary or higher education institutions according to the applicable legislation of each country, who intend to obtain work experience in the host country under a pre-arranged contract of employment in support of their career development; (b) Registered students of post-secondary or higher education institutions according to the applicable legislation of each country, who intend to fulfill part of their academic curriculum in the host country by completing a pre-arranged practical training related to their field of studies; (c) Citizens who intend to travel and holiday in the host country and obtain temporary employment in order to supplement their financial resources.</p>
	Hungary	Yes	<p>1. No such agreements have been concluded on the grounds mentioned above. Hungary has Working Holiday Schemes with New Zealand, South Korea, Taiwan, Australia, Japan and Chile but these agreements are not for talent mobility per se.</p>

			2. N/A.
	Ireland	Yes	<p>1. Ireland does not participate in any of the Directives referenced by the query - 2014/66/EU; 2016/801/EU and 2009/50/EC. Ireland does not have any bilateral or multilateral agreements of this type in place.</p> <p>2. N/A.</p>
	Italy	Yes	<p>1. NO: Italy has not pledged bilateral or multilateral agreements with third countries in order to facilitate the entry and transfer of highly qualified workers. However, in order to not only facilitate the above-mentioned entry and transfer of skilled workers, but also to respond rapidly and effectively to the demand and to increase the competitiveness and vitality of the national economy, the Ministry of the Interior and the Ministry of Labor and Social Policies have adopted the Circular of the 14 July 2016, n. 35/0002777, providing more favorable provisions for entry and stay of qualified workers by means of companies and enterprises.</p> <p>2. The above-mentioned Circular specifically aims to reduce administrative burdens for companies in recruiting highly qualified foreign staff. In this context, several Memoranda of Understanding have been signed by Companies with the Ministry of the Interior concerning the entry and residence of highly qualified workers and the release of the Blue Card. In 2016, these Memoranda of Understanding concerned: Cofindustria; AGV SPA; Pharma Quality Europe SRL; ENEL; Fendi SRL; Politecnico di Bari; Rome International School.</p>
	Latvia	Yes	<p>1. Latvia has not signed any bilateral or multilateral agreements on the grounds of the “more favourable provisions”. There are only two agreements, signed with Canada (in 2007) and with New Zealand (2008) on the exchange of youth in the framework of the working holiday program. While the agreement with New Zealand does not specify any purpose for participation in the program (just holidays and occasional employment), the agreement with Canada foresees the possibility of training for post-graduate students. In comparison with the conditions stipulated in the Directive 2016/801/EU, the agreement simplifies the procedure of obtaining the residence permit (there is no request to submit the training agreement, there are no requirements that have</p>

			<p>to be fulfilled by the host entity, there is no requirement that education obtained has to match the training program).</p> <p>2. N/A</p>
	Lithuania	Yes	<p>1. Lithuania has signed the bi-lateral agreement with Canada in the framework of the "Youth Professional Mobility Programs" and the bi-lateral agreement with New Zealand on working holiday scheme. These agreements facilitate the administrative procedures applicable to the entry and stay for third country nationals who are eligible under these programmes (youth, 18-30 years old).</p> <p>2. 1. Canada a) Agreement between the Government of the Republic of Lithuania and the Government of Canada concerning Youth Exchange; b) Agreement on youth exchange; c) Labor market test is not applied for persons admitted under this agreement. 2. New Zealand a) Agreement on a Working Holiday Scheme between the Government of the Republic of Lithuania and the Government of New Zealand b) Agreement on working holiday scheme c) Labour permit is not required. However, a person admitted under this agreement can work no longer than 6 months during the 12 months period.</p>
	Luxembourg	Yes	<p>1. Yes.</p> <p>2. 2, a) Countries:Cape Verde, Australia and New Zealand b) and c) Cape Verde: Law of 20th July 2017 on the approval of the Agreement between the Grand Duchy of Luxembourg and the Republic of Cape Verde on the concerted management of migration flows and solidarity development published in Memorandum A-672 of 27th July 2017. The purpose of the agreement is to facilitate the movement of persons, and to encourage temporary circular work-related migration between Luxembourg and Cape Verde. The two countries will facilitate the issuing of short-term visas for nationals of the other country. The agreement also foresees leveraging migrants skills and resources for solidarity-based development and the implementation of incentives to facilitate the reintegration of migrants in their countries of origin. Up to 50 authorisations of stay for salaried worker will be granted through a simplified procedure for some</p>

			<p>trades and occupations such as directors of administrative services, intellectual and scientific professionals. Up to 10 young professionals per partner state aged between 18 and 35 may be allowed to gain a work experience in a firm that exercises one of the following activities: health sector, social, agricultural, craft, industrial, commercial, liberal activity. The duration of the exchange can range from 3 to 18 months. An authorisation of stay for non-remunerated internships may be granted to individuals of the partner state for a duration up to 12 months. Cape Verdean students who have completed their studies and wish to gain initial post-qualification experience now have the possibility to access a salaried worker's residence permit in Luxembourg for a maximum duration of two years. The duration of two years fixed in this agreement is without prejudice to the application of article 59 of the amended law of 29 August 2008 on free movement of persons and immigration - Immigration Law. Australia: On 1st January 2017, an agreement between Luxembourg and Australia concerning the 'working holiday visa' entered into force. It enables 100 individuals per partner state - aged between 18 and 30 - to travel and work or study for the duration of a year in the other partner country. New Zealand: Luxembourg also reached a 'Working Holiday' Visa Agreement with New Zealand, allowing 50 individuals from each partner country - between 18 and 30 years of age - to obtain a 12-month visa for the partner country, for the duration of which they can work or study. The agreement entered into force on 9th May 2017.</p>
	Malta	Yes	<p>1. No bilateral and/or multilateral agreements have been signed on the grounds of "more favourable provisions."</p> <p>2. Please refer to question No 1.</p>
	Netherlands	Yes	<p>1. No</p> <p>2. N/A</p>
	Portugal	Yes	<p>1. No</p>

			2. N/a
	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. One more Work Leave Programmes in Slovakia for participants from Argentina is currently being prepared.</p> <p>2. See 1.</p>
	Sweden	Yes	<p>1. Yes, Sweden has bilateral agreements on working holiday visa with Canada, Chile, Australia, New Zealand and South Korea.</p> <p>2. a. Canada, Chile, Australia, New Zealand and South Korea. b. bilateral agreements on working holiday visas for persons aged 18-30. c. that the person, aged 18-30, is allowed to come to Sweden to work or spend their holiday, up to one year, without having an employment upon arrival. Employment can be temporary and the person does not need a job offer when applying for a permit. He/she can look for a job after coming to Sweden.</p>
	United Kingdom	Yes	<p>1. The UK has not signed any agreements offering “more favourable provisions” for the purposes described. Our routes for intra-company transfers, entrepreneurs, investors, study, research and training operate in broadly the same way for all non-EEA nationals. There are some small differences, for example different documentary requirements for students from certain countries. We operate 60 research, training and work experience schemes, some of which are designed for specific nationalities. Our UK Ancestry route is available for nationals of Commonwealth countries only. However, none of these are the result of bilateral or multilateral agreements between the UK and other countries. We do, however, operate a Youth Mobility Scheme on a bilateral basis with certain countries and territories which offer similar schemes to UK nationals. The scheme allows young people (aged 18-30) from participating countries and territories to experience life and work in the UK for up to two years. Applicants are free to take any job, with</p>

			<p>only minimal restrictions on the type of work they can do. Current participating countries and territories are Australia, New Zealand, Canada, Japan, Monaco, Taiwan, South Korea and Hong Kong. We also operate specific routes for Turkish workers and businesspersons in line with our obligations under the Turkish - European Community Association Agreement (ECAA)</p> <p>2. Please see the answer to Q1.</p>
	Norway	Yes	<p>1. The directives 2014/66/EU, (EU) 2016/801 and 2009/50/EC do not have EEA relevance. Therefore they are not binding for Norway. Norway has provisions for residence permits in our national legislation for most of the groups mentioned in the directives. We do not have bilateral or multilateral agreements with more favourable conditions than what follows from our general provisions on residence permits.</p> <p>2. N/A</p>